

Public participation is invited on each agenda item prior to the Board's deliberation. **When called upon, please approach the microphone and state your name and the address where you live. Kindly limit your remarks to three (3) minutes.**

**VILLAGE OF VILLA PARK**  
**Village Hall, Board Room Chambers**  
**20 S. Ardmore Avenue**  
**Villa Park, IL 60181**

**Planning and Zoning Commission**

**October 13, 2022**

**7:30 PM**

Chairman Jason Jarrett

Commissioners: Larry Calvert, Edward Hofstra, Kenneth Jackson, Eric Luedtke, Michael Orlowski, Dominick Romano, Justin Shlensky and Louis LeMieux

**1. Call to Order - Roll Call**

**2. Approval of Minutes**

2.a Minutes

[Minutes PZ-22-0006 7-14-22.pdf](#)

[Minutes PZ-22-0006 8-11-22.pdf](#)

[Minutes PZ-22-0007 7-14-22.pdf](#)

[Minutes PZ-22-0011 7-14-22.pdf](#)

**3. Public Hearing - New Business:**

**Petition PZ-22-0012 / 530 E. Park Blvd / Variation Rear Yard Setback / Deborah Brown, Petitioner.**

Please note that no further testimony on a matter can be considered after the close of the public hearing.

- a. Staff Input
- b. Presentation of Petitioner
- c. Public Participation and Questions
- d. Questions from the Commission
- e. Closing Comments of Petitioner
- f. Close Public Hearing
- g. Discussion by Commission Members
- h. Motion

**4. Other Business (Public Comments on Non-Agenda Items)**

**5. Adjournment**

The Villa Park Village Hall is subject to the requirements of the Americans with Disabilities Act of 1990. An elevator is operational at the north side entrance to the Village Hall during normal work hours and also during evenings. Individuals with special needs are requested to contact the Village's Compliance Officer at (630) 834-8500 so that reasonable accommodations can be made for those persons.

## Planning and Zoning Commission Agenda Item Report

**Meeting Date:** October 13, 2022

**Submitted by:** Pat Boksha

**Submitting Department:** Planning and Zoning Commission

**Item Type:** Business (Commission Only)

**Agenda Section:** Approval of Minutes

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**Subject:**

Minutes

**Suggested Action:**

**Attachments:**

[Minutes PZ-22-0006 7-14-22.pdf](#)

[Minutes PZ-22-0006 8-11-22.pdf](#)

[Minutes PZ-22-0007 7-14-22.pdf](#)

[Minutes PZ-22-0011 7-14-22.pdf](#)

VILLAGE OF VILLA PARK, ILLINOIS  
PLANNING AND ZONING COMMISSION

IN RE THE MATTER OF: )  
VILLAGE OF VILLA PARK ) PZ-22-0006  
Amendments to Zoning Ordinance )

PUBLIC HEARING

JULY 14, 2022

7:30 P.M.

REPORT OF PROCEEDINGS had before the  
VILLAGE OF VILLA PARK PLANNING & ZONING  
COMMISSION, held at the Villa Park Village Hall,  
20 South Ardmore Avenue, Villa Park, Illinois,  
commencing at 8:30 o'clock p.m. on Thursday, the  
14th day of July, 2022.

APPEARANCES: MR. JASON JARRETT, Chairman  
MR. DON KASE, Commissioner  
MR. ERIC LUEDTKE, Commissioner  
MR. LARRY CALVERT, Commissioner  
MR. JUSTIN SHLENSKY, Commissioner  
MR. EDWARD HOFSTRA, Commissioner  
MR. MICHAEL ORLOWSKI, Commissioner  
MR. KEN JACKSON, Commissioner

ALSO PRESENT: MS. ELLEN WEBER, Interim  
Dir of Community Development

REPORTED BY LYN DOERING, CSR.

1                   CHAIRMAN JARRETT: All right. So  
2 we have Petition PZ-22-0006, Village Code  
3 Amendments to the Zoning Ordinance. Village of  
4 Villa Park is the Petitioner.

5                   MS. WEBER: The 2022 project  
6 continues. I have continued to work on it as time  
7 has permitted. I have made some progress but not  
8 complete recommendation for you yet.

9                   So I will walk through with what I do  
10 have recommendations for, get some feedback on  
11 some, and then the remainder hopefully we won't  
12 continue at the next meeting is my intent.

13                  So just to cover all the bases, the case  
14 was properly noticed on April 27 in the newspaper  
15 for consideration of Article 2, Residential Uses;  
16 Article 3, Office Commercial and Industrial  
17 Districts; Article 6, Uses; and Article 14,  
18 Measurements and Definitions with the intent of  
19 adding regulations, definitions and clarification,  
20 including the permitted location height, size and  
21 number of permitted accessory structures per lot.

22                  So what we were doing there is capturing  
23 all of the elements related to accessory  
24 structures for each type of use.

1           We also published for Article 4, MX  
2     Districts for consideration of -- excuse me --  
3     Article 4 MX Districts, Article 7 Parking and  
4     Article 9 and Article 14 for the purpose of adding  
5     regulations, definitions and clarification on the  
6     width of driveways and driveway approaches,  
7     landscaping requirements, visibility triangle  
8     requirements and width for service walks.

9           And then the last thing we published for  
10    was to correct Scrivener's errors in Article 4 MX  
11    District of the code.

12           So on the last meeting on June 6 we did  
13    have consensus on these changes but there was  
14    consensus already on a section of what we have  
15    been considering.

16           Article 7, Parking, Section 7.8.4,  
17    amending driveway widths.

18           Article 7, Parking, Section 7.8.5,  
19    amending the width of circular driveways and  
20    addressing the evergreen shrubs that would be  
21    planted.

22           Article 7, Parking, 7.8.7, driveway  
23    design with the purpose of cross-referencing lot  
24    coverage requirements with Table 2-3.

1 Article 7 Surfacing, 7.9.4, parking area  
2 design amending the minimum specifications for  
3 driveway construction.

4 Section 9.3.1, Intersections, amending  
5 requirements for visibility triangles.

6 Section 9.1.5.C, Landscaping and  
7 Screening, providing that when a conflict exists  
8 the determination will be by the zoning  
9 administrator and determined by -- the review will  
10 be by the zoning administrator and determined by  
11 the community development director.

12 And there was also consensus on  
13 definitions, Article 14, regarding several  
14 definitions.

15 So tonight I would like to consider that  
16 one chunk, Attachment 1, is the Article 4 MX  
17 Districts.

18 I don't think there is really much  
19 discussion regarding the Scrivener's errors,  
20 unless you found additional, from what I found.  
21 If you did can you bring those up.

22 But there were just typos, mislabeling  
23 of figures. Some of the figures, the figure name  
24 was not carried into the Code. I found it on the

1 original document.

2 So you would be reading the code in and  
3 it would reference Figure blah, blah, blah and you  
4 couldn't find the figure because the caption had  
5 been left off.

6 Similarly, it references MX-2A and 2B  
7 but only speaks of MX-2 so I just deleted that.  
8 Those are just small Scrivener's errors.

9 The substantive recommendation for  
10 consideration we talked about at the main meeting  
11 and that would be defining ground floor use in a  
12 general building.

13 And then also tonight I would like to  
14 continue discussion of the accessory structures;  
15 the amount and size of each type and consideration  
16 of potentially allowing second garages. But I  
17 would come back with a redline on those in a  
18 future meeting.

19 So in the strikeout here you can see  
20 this is how first floor use of the general  
21 building is currently -- how it currently reads in  
22 the Code:

23 All permitted uses except commercial  
24 service, eating and drinking

1 establishments, and retail sales are  
2 limited to no more than 50 percent of  
3 gross floor area of the story.

4 And we discussed it a couple times and  
5 the question gets into a general building.

6 These are allowed in several MX  
7 Districts and we have to keep in mind that the  
8 consideration is not the district, it's the  
9 building, because it's a form based code.

10 And the general building is allowed in  
11 the MX-T, MX-R1 and MX-R2. And as you can see it  
12 says All Permitted Uses.

13 When you look at the uses in the MX-R1  
14 and R2, it's almost all residential. There is  
15 maybe 3 or 4 other small uses. That was why I put  
16 the use table as an attachment in the document.

17 And my first consideration when we spoke  
18 was to rewrite it, if we truly wanted mixed use as  
19 a transition from the commercial notes to the  
20 residential.

21 When we talked last time I suggested  
22 moving the clauses around so it would clearly be  
23 horizontally a mixed use. It couldn't be all  
24 residential, if that was what the Commission

1 wanted.

2 And the more I thought about it, I think  
3 we might want to break it out by the residential  
4 districts and by the MX-T, but I am going to leave  
5 this for consideration.

6 The first question is:

7 Do you want to allow first floor  
8 residential in only in an MX-T?

9 And this does not take into  
10 consideration any cases that have been before you  
11 already. This is moving forward.

12 Do we want to see more of a mix on those  
13 types of buildings?

14 And the differentiation between the MX-T  
15 the MX-R1 and 2 is the setback of the building.

16 So if you are going to have residential  
17 on the first floor do you want the building set  
18 back greater or not is another element.

19 CHAIRMAN JARRETT: Okay.

20 I have a question, Mr. Ross, are you  
21 just hear to listen this evening or do you have  
22 input to offer at some point?

23 MR. ROSS: I would like to speak.

24 CHAIRMAN JARRETT: This is the one

1       you have interest in?

2                   MR. ROSS:   Correct.

3                   CHAIRMAN JARRETT:   I think the way  
4       we would do this is, you have pretty much said  
5       what you want to say on this particular portion;  
6       right?

7                   MS. WEBER:   Right.

8                   CHAIRMAN JARRETT:   Do you want to  
9       come up and state your name and address for the  
10      record and then feel free to take about three  
11      minutes or so.

12                   MR. ROSS:   Craig Ross, 27 West Park  
13      Boulevard.

14                   Good evening, Commissioners.   I would  
15      like to speak against the proposed tax amendment  
16      to Zoning Ordinance 4.4.3.C.14 in regard to the  
17      ground store uses of general buildings in the MX-T  
18      District.

19                   I believe the current interpretation of  
20      this code is correct and shouldn't be changed.

21                   The MX-T zoning was not meant to create  
22      a district with predominantly retail space.  
23      4.1.2.E says:

24                   The MX-T district is intended to

1 accommodate low to mid scale office  
2 and/or residential buildings.

3 Furthermore, general buildings which are  
4 allowed in the MX-T District per 4.3.2.2 states:

5 A general building is limited in terms  
6 of uses by the district within which it  
7 is located. Generally housing office  
8 and/or residential uses.

9 Neither of these sections of the Code  
10 mention retail and both mention residential uses.

11 Also Table 6.1 states that three or more  
12 households per lot are allowed in MX-T.

13 And per 6.9.4 the definition of a  
14 multiunit building is a residential building on a  
15 single lot as occupied by three or more dwelling  
16 units that share common walls and/or common floors  
17 and ceilings.

18 This is another clue in the zoning  
19 ordinance that dwelling units were intended on the  
20 ground floor of a general building in MX-T.

21 Leslie Oberholtzer of CodeMetrics,  
22 consultant who helped write up the MX-T District  
23 ordinance, confirmed via email that general  
24 buildings were:

1                    Meant to accommodate mainly residential  
2                    and office uses with limited retail  
3                    service and eating and drinking in the  
4                    ground story.

5                    Consuelo, the former community  
6                    development director, confirmed with me via email  
7                    o November 4 of last year that an apartment  
8                    building is considered a general building.

9                    Requiring 50 percent or more retail on  
10                    the ground story could set future development in  
11                    this district.

12                    Commissioner Luedtke brought up a great  
13                    point at a previous meeting that most likely very  
14                    large lots exist in MX-T District, some of which  
15                    may be narrow, and requiring to have 50 percent  
16                    retail of restaurants on the first floor would not  
17                    be viable.

18                    For example, 51 East Park Boulevard on  
19                    the very east end of the Ardmore Business District  
20                    is approximately a 40,000 square foot parcel with  
21                    70 percent impervious allowed. This would allow  
22                    28,000 square foot footprint of which 14,000  
23                    square feet would need to be retail or restaurant  
24                    if this code is amended.

1           Try and lease out this much space in  
2       this area would prove very difficult to the point  
3       that I believe it would prohibit any development  
4       of this parcel.

5           Furthermore, if it did get developed in  
6       its capacity, it would create a lot of retail  
7       traffic and parking issues, as it would be like  
8       having a large Trader Joe's in the area or three  
9       McDonald's.

10          Retail and restaurants require a lot of  
11       street parking and bring a lot of traffic which is  
12       not in the best interest of nearby residential  
13       neighbors. Yet, MX-T zoning districts in many  
14       cases are districts abutting residential areas.

15          MX-2 is the zoning district interior in  
16       the MX zoning areas, which require first floor  
17       commercial, and with this type of space it's  
18       appropriate.

19          MX-Ts are meant to be a transition or a  
20       buffer between MX-2 and the surrounding  
21       residences.

22          Another example is my property at 27  
23       West Park Boulevard. 50 percent commercial on my  
24       first floor would prohibit the parking garage,

1 since according to village staff the parking  
2 garage is an accessory to the residential  
3 component of the building and therefore cannot be  
4 used towards the 50 percent retail requirement.

5 This would eliminate the parking garage  
6 completely, since it couldn't be done in the space  
7 left over after the 50 percent retail or  
8 restaurant and therefore render the project  
9 impossible.

10 The action that needs to be taken is to  
11 correct the zoning of MX-T on St. Charles Road by  
12 changing it to MX-2 or more appropriate zoning so  
13 that residential on the first floor is not allowed  
14 via a general building or a row building.

15 Again, even with a text amendment to the  
16 general buildings in MX-T row houses would still  
17 be allowed in this district and you can imagine  
18 how out of place row houses would look on St.  
19 Charles Road.

20 If the Planning and Zoning Commission  
21 still thinks retail should be on the first floor  
22 in the MX-T District I would ask you consider  
23 lowering the required percentage to something like  
24 20 percent or just requiring the primary street

1 facing first floor for the first 20 feet or so to  
2 be required to be commercial.

3 Thanks for your time.

4 I do have -- I will give you what I said  
5 and also I have the two emails, one from Consuelo  
6 and one from Melissa you can look at too.

7 CHAIRMAN JARRETT: Thank you.

8 Is there anyone else wishing to speak on  
9 this from the public?

10 Seeing none.

11 MS. WEBER: Mr. Chairman, if I may?

12 CHAIRMAN JARRETT: Yes.

13 MS. WEBER: I want to be clear, I  
14 am not recommending that it become all commercial.

15 If you notice it says: Except  
16 commercial service eating and drinking  
17 establishments and retail.

18 So that does differentiate between  
19 office and higher intensity commercial uses which  
20 would be restaurants.

21 I did run this by the Village Attorney,  
22 who frankly agreed with my interpretation, as I  
23 have modified it here. That's how she read the  
24 intent of the original statement.

1                   So I think it just gets down to, how  
2                   does the Commission want to interpret it and what  
3                   do we do going forward.

4                   And the question becomes, what do you  
5                   want the first floor to look like in the MX-T  
6                   District.

7                   And no disrespect to Mr. Ross, he has  
8                   thought about this thoroughly and brings up good  
9                   points.

10                  It gets down to these transitional -- At  
11                  one point I was thinking:

12                  Do we need MX-T?

13                  Does MX-3 solve what we want to do?  
14                  That's the depth which I have been thinking about  
15                  this.

16                  CHAIRMAN JARRETT: Yeah. So I  
17                  understand with the original text, you asked me  
18                  early on, we were considering some MX projects,  
19                  how do you interpret this sentence.

20                  And when I read it, I interpreted it the  
21                  same way you did, because I am a fan of the comma,  
22                  and when you read it, in that way, I think your  
23                  interpretation was technically correct.

24                  Whether or not that's the intent is

1 another question and that's something that one way  
2 or the other we should clarify.

3 MR. ROSS: Let me just jump in real  
4 quick.

5 That's why I think you can't just look  
6 at the sentence. You have to look at the context  
7 and all the other clues we are getting.

8 And again, the person who basically  
9 wrote the Code telling us what it really means.

10 CHAIRMAN JARRETT: Right.

11 MR. ROSS: Comma or no comma.

12 CHAIRMAN JARRETT: I guess, if you  
13 have a question -- There's a lot of questions  
14 here. You have one tiny little sentence. Some of  
15 them are related to this. Some of them are  
16 related to the MX-T.

17 And I know Mr. Ross said -- and I am  
18 wondering the same thing -- the only places where  
19 the MX-T isn't appropriate, the MX-T is obviously  
20 intended to be transitional, so in locations like  
21 towards the end of Park -- both ends of Park where  
22 we do have MX-T -- I can understand why some or  
23 all of that being residential is a type of  
24 transition, where you have a building type that's

1 less intense uses on the ground floor that's  
2 potentially less burdensome on single-family  
3 residences or even small multifamily residence  
4 neighbors that are across the street, adjacent to  
5 or behind.

6 On the other hand, transition should  
7 probably also give some sort of nod to the  
8 districts that it's transitioning away from, not  
9 just what it's transitioning to. So that's where  
10 I am on the fence on that one.

11 I don't think the ground floor needs to  
12 be 100 percent not residential necessarily.

13 MS. WEBER: And I was not saying  
14 that.

15 CHAIRMAN JARRETT: No, right.

16 I certainly understand Mr. Ross'  
17 concerns, not just relating to his property but as  
18 it relates generally, and all the points he raised  
19 are completely valid.

20 And that's what makes transitions tricky  
21 because try as you may you are not always  
22 transitioning between the same uses or the same  
23 intensity of uses.

24 In the case of 47 West Park you are

1       transitioning from relatively low intensity  
2       commercial retail use to basically our lowest  
3       intensity of single family uses.

4               On St. Charles that's a completely  
5       different thing.

6               MS. WEBER: If I may, I think the  
7       introduction of the MX-T on St. Charles envisioned  
8       a total transformation of the street, so it would  
9       be brand new buildings with residential above and  
10      commercial on the first floor.

11              CHAIRMAN JARRETT: Right.

12              I am trying to remember that  
13      specifically because there were not -- I am sure  
14      there are minutes somewhere of those -- they were  
15      technically public hearings but nobody ever came  
16      out for them.

17              I know Director Grill at the time did  
18      take some notes. And one of the things I remember  
19      specifically -- though I don't know why we landed  
20      on MX-T -- was that we looked at that stretch of  
21      St. Charles and I know that it was all pretty  
22      homogeneously zone.

23              And through discussion in comparing the  
24      Comprehensive Plan there was this desire to create

1       these NODs; that would be to have the aspects of  
2       corner buildings and things like that and maybe --  
3       Leslie crafted most of that, the MX-T and their  
4       application.

5               And it may be that there is a better  
6       designation for that along St. Charles with the  
7       MX-T but I think that's why they are where they  
8       are.

9               MS. WEBER: And the Commission may  
10      choose that the MX-T and mixed use component is  
11      vertical. You know, that you just want to know  
12      that there is some separation between first floor  
13      and upper floors.

14              Or do you want to consider the  
15      horizontal, because I can see on St. Charles, if  
16      you are creating those NODs, the purpose may be to  
17      not have commercial along the entire length and to  
18      have just residential building. In which case why  
19      don't we just do MX-R?

20              That's why I was get into:

21              Do we even need MX-T?

22              I really thought about that.

23              Should I look for the minutes before we  
24      continue this discussion? Will that help us at

1 all?

2 CHAIRMAN JARRETT: I don't know how  
3 much it would help. I am going to guess they are  
4 general minutes because there were no transcripts.

5 MS. WEBER: Okay.

6 CHAIRMAN JARRETT: And I know  
7 Director Grill took minutes.

8 MS. WEBER: The other thing to  
9 think about is the storefront building is clearly  
10 first floor retail only and that's why in your  
11 memo on the top of Page 3 I did put where each  
12 building is permitted. I thought that might help  
13 you think it through as well.

14 And the MX-T clearly does not allow a  
15 storefront building. It is not to have first  
16 floor only.

17 And the MX-R1, to differentiate, is  
18 along the train station only.

19 MX-R2 is other residential in the MX  
20 districts.

21 This is good conversation. We are  
22 getting into what it really means to have this  
23 Code, which again, is looking more at how the  
24 building itself relates to the streets than the

1 uses relating to its neighboring uses.

2 CHAIRMAN JARRETT: Yeah. And  
3 that's why I appreciate the project Mr. Ross  
4 brought before us.

5 Even though it's ultimately a planned  
6 development, the project -- the Union and in the  
7 project on St. Charles -- because they forced us  
8 to look at these MX districts in a way that we  
9 have never been asked to look at them before.  
10 They have just existed in the code. And so the  
11 good and the not so clear are becoming obvious.

12 Yes, so I really think this MX-T we need  
13 to really kind of look in-depth at like where we  
14 have it. I know it's fairly limited but it's in  
15 high-visibility areas.

16 MS. WEBER: Why don't we table this  
17 to the next one and I will bring back a map.

18 CHAIRMAN JARRETT: This could be a  
19 separate workshop.

20 COMMISSIONER LUEDTKE: I wanted to  
21 comment.

22 After listening to all of this and  
23 reading, going down a rabbit hole like we are  
24 doing here, in thinking about what we want built,

1       that MX-T first floor spaces zones to look like,  
2       in understanding the context of looking at the  
3       zoning map where these things occur, it seems to  
4       me that you could --

5               You could easily adjust the language for  
6       what happens at the ground story and just say all  
7       permitted uses -- because you go to the use table,  
8       it tells what are the permitted uses. So we have  
9       already established what those are.

10              Say that all of them could be limited to  
11      no more than 50 percent.

12              Like, if we want to have a mix, go ahead  
13      and have a mix; right?

14              If you have a couple apartments or a  
15      couple residential units and you happen to have a  
16      retail slot or a food establishment of some sort,  
17      great.

18              Along St. Charles Road it's possible,  
19      especially if you try to wrap these, as you turn  
20      corners on these side streets, you might not want  
21      those retail components. You might want them to  
22      be a residential unit of some sort.

23                      MS. WEBER: Along those lines --

24                      COMMISSIONER LUEDTKE: The ideas of

1 making these exceptions to me seems where we are  
2 getting sort of hung up. The language regarding  
3 exceptions seems to be our problem.

4 MS. WEBER: From that viewpoint you  
5 would stop the sentence:

6 All permitted uses are limited to no  
7 more than 50 percent of gross floor area  
8 of the story.

9 So I took what was here was that we were  
10 differentiating certain could be more than  
11 50 percent, if we wanted.

12 COMMISSIONER LUEDTKE: I agree with  
13 what the reading is, but now thinking about it  
14 across our districts that we have, these MX-T  
15 districts that we have, maybe we are not really  
16 crossing that issue by making the exception.

17 By eliminating the exception we are  
18 guaranteeing sort of a mix.

19 MS. WEBER: Before I answer that, I  
20 want to bring back to you a list of all the -- the  
21 MX-R1 and MX-R2, I want to look at what those  
22 other uses other than residential are. There is  
23 only like four of them.

24 COMMISSIONER LUEDTKE: No, there's

1 a lot more than that. Surprisingly there's a lot  
2 more that are sort of listed in there.

3 MS. WEBER: This was one of your  
4 attachments with your memo.

5 COMMISSIONER LUEDTKE: Because if  
6 you go down the Use Table into the MX-T or the  
7 MX-Rs, you've got MX-T could have a library, a  
8 museum or cultural facility, a natural resource  
9 preservation, a religious assembly, you could have  
10 a minor utility or public service facility -- this  
11 is MX-T.

12 Veterinary care you could have in MX-T.  
13 You could have a personal improvement commercial  
14 service, a research service, a daycare home or  
15 center.

16 Then you get into restaurant, bar,  
17 microbrewery, wine making facility. You have a  
18 financial services, funeral, mortuary service,  
19 lodging, medical service, an office.

20 Says retail sales, commercial,  
21 convenience goods or consumer shopping goods, even  
22 a trade school is a permitted use in MX-T. So the  
23 list is very extensive.

24 MS. WEBER: My comment is in the R

1 District.

2 COMMISSIONER LUEDTKE: Yeah, the R  
3 District is a different thing. I am sorry, my  
4 apologies.

5 We are talking about a general building  
6 too; right?

7 So you jump over to into a row building,  
8 if you are in an MX-T, then there is different  
9 stipulations about what happens on that ground  
10 floor.

11 So now we are talking about a general  
12 building that's going to have -- almost by default  
13 is going to probably have some parking in that  
14 structure because it's recommended as part of --  
15 you know, to pull parking under the building;  
16 right?

17 Isn't that sort of what the suggestion  
18 within 4.3 is; right?

19 Parking prefers to be -- Parking within  
20 the building permitted fully in any basement and  
21 in rear of upper floors.

22 So you are already chewing up space of  
23 that floor plan inherently in a general building,  
24 which I think then speaks to your other comment

1 about how parking is viewed.

2 Accessory, is it part of the use or  
3 accessory, that gets interpreted when it becomes  
4 the ...

5 CHAIRMAN JARRETT: One  
6 interpretation I know Chicago started using was  
7 that when ground floor commercial uses are present  
8 they don't consider the ground floor residential  
9 parking to be a residential use.

10 But when there is no commercial -- When  
11 there is no commercial on the ground floor it is  
12 considered a residential use.

13 Essentially, the reason that they do it  
14 is because most districts require a special use  
15 for residential on the ground floor, and  
16 therefore, if you have a -- but a residential  
17 lobby is not considered a residential use because  
18 it has to be on the ground floor.

19 So if you built a building with a lobby  
20 and ground floor parking for that building that's  
21 a residential use on the ground floor.

22 But if you have commercial with  
23 residential parking as part of that ground floor  
24 they don't consider that; you don't have to get a

1 Special Use for that essentially.

2 But I don't know if there is a way to...

3 MS. WEBER: So they have a Special  
4 Use for residential because they want the first  
5 floor to be commercial?

6 CHAIRMAN JARRETT: Yeah, in most  
7 districts, yes, or some portion of it.

8 Basically generally speaking they don't  
9 want residential units on the ground floor in most  
10 nonresidential districts. That's why they are  
11 special uses.

12 I don't know that that's necessarily the  
13 way we want to go but that's basically --  
14 especially in MX-T.

15 I think we already do in the other  
16 districts; right?

17 Let me look at the code.

18 Yeah.

19 MS. WEBER: If you look at the  
20 Table 4.2, the storefront building which is first  
21 floor commercial only is in the MX-1, 2 and 3  
22 districts only.

23 CHAIRMAN JARRETT: Right.

24 COMMISSIONER SHLENSKY: That's

1 Table 4.2?

2 MS. WEBER: Page 3 of the memo.

3 COMMISSIONER SHLENSKY: 4.4.2.

4 MS. WEBER: Sorry.

5 COMMISSIONER SHLENSKY: I am on the  
6 Code, so it's 4.4.2.

7 MS. WEBER: The tables don't track  
8 with the section numbers.

9 CHAIRMAN JARRETT: That's fine.

10 COMMISSIONER SHLENSKY: I have a  
11 potential clarifying question for Mr. Ross, if he  
12 is available.

13 So based upon your comments and then the  
14 reiterations of the emails that you have provided  
15 to us, your concern isn't necessarily allowing  
16 commercial service, eating or drinking  
17 establishments or retail sales to take up more  
18 than 50 percent of a ground floor, if the owner of  
19 the building wished to.

20 Your concern is that residential is not  
21 included in those exceptions; is that fair?

22 MR. ROSS: If I am understanding  
23 you correctly, yes.

24 I don't think you should require 50

1 percent or more to be retail or restaurant, and  
2 again, maybe I am confused by what's being  
3 proposed or changed, but that's what I thought was  
4 being proposed.

5 Is that -- Right now for proposed would  
6 be you have to have at least half of the ground  
7 floor commercial services, eating, drinking,  
8 established and retail sales; is that correct?

9 COMMISSIONER LUEDTKE: That's not  
10 how I am reading it.

11 MR. ROSS: Okay.

12 COMMISSIONER LUEDTKE: To answer  
13 the question --

14 COMMISSIONER SHLENSKY: Let me  
15 break this down.

16 So the new language in quotes that Ellen  
17 has up on the screen.

18 MR. ROSS: Yep.

19 COMMISSIONER SHLENSKY: So all  
20 permitted uses are limited to no more than  
21 50 percent, except the following.

22 The way that I am understanding,  
23 except -- And then it goes on for four different  
24 types; commercial, eating and drinking and retail

1 sales.

2 My interpretation of that language is  
3 that commercial, eating and drinking and retail  
4 sales could occupy more than 50 percent, if the  
5 owner wishes.

6 You have no concern with that, if the  
7 owner wishes; correct, for the ground floor?

8 MR. ROSS: Correct.

9 COMMISSIONER SHLENSKY: Your  
10 concern is that residential is not included within  
11 those exceptions.

12 CHAIRMAN JARRETT: Yes.

13 And beyond that it's limited to just  
14 50 percent.

15 The residential could not be more than  
16 50 percent. That's what you are saying by, it's  
17 not included in the exceptions --

18 COMMISSIONER SHLENSKY: It's not  
19 included in exceptions.

20 CHAIRMAN JARRETT: It's limited to  
21 50 percent.

22 COMMISSIONER SHLENSKY: Because it  
23 is not included in the exceptions it is currently  
24 limited to 50 percent.

1 MR. ROSS: Yeah, that would be my  
2 concern; residential would have to be less than  
3 50 percent of the ground floor.

4 And again, let's use mine as an example.

5 My parking garage would be considered,  
6 according to staff, a residential accessory use  
7 and it takes up over 50 percent and so my project  
8 would be out the door so would many others.

9 COMMISSIONER SHLENSKY: I am  
10 following you.

11 So would your concern be alleviated if  
12 the term residential was included in commercial  
13 service, eating and drinking establishments and  
14 retail sales?

15 MR. ROSS: Then I would be fine  
16 with it; sure.

17 CHAIRMAN JARRETT: What are we  
18 limiting in that case?

19 COMMISSIONER SHLENSKY: The other  
20 permitted use that Eric just listed off in the  
21 permitted uses section.

22 CHAIRMAN JARRETT: I think the  
23 question is here, the reason this is being brought  
24 up is, do you want a building with 100 percent

1 residential on the ground floor of MX-T.

2 COMMISSIONER SHLENSKY: I  
3 understand that is the nature of the concern.

4 I am saying there is a potential, if we  
5 go that route, the language change is very simple  
6 to alleviate Mr. Ross' concern, if the Commission  
7 agrees with that, if that's what we want MX-T to  
8 look like.

9 I am not saying it is. I am saying in  
10 my head the quick language change would be very  
11 easy to make.

12 CHAIRMAN JARRETT: What is that  
13 language change?

14 COMMISSIONER SHLENSKY: We simply  
15 include residential in the second half.

16 CHAIRMAN JARRETT: That doesn't  
17 alleviate the concern. That allows 100 percent  
18 residential on the ground floor.

19 COMMISSIONER SHLENSKY: That  
20 alleviates Mr. Ross' concern.

21 CHAIRMAN JARRETT: Right.

22 COMMISSIONER SHLENSKY: I am saying  
23 that may not be what we want MX-T to look like.

24 CHAIRMAN JARRETT: Right. That's

1 true.

2 MS. WEBER: Can I suggest too, if  
3 you look at the Marquette Project in Barrington,  
4 on Route 59, it's a general building type in  
5 between commercial areas.

6 The interesting thing about that is,  
7 let's not just limit ourself to the prototype  
8 Mr. Ross has presented to us. It's a big L-shaped  
9 building. The parking is underneath.

10 But the residential units on three sides  
11 of the building that you can enter. You know, the  
12 apartments open up to three sides.

13 So it's not just a strip with a front  
14 and the parking necessarily. That's not  
15 necessarily the type of building that you will  
16 get. I wanted to remind you of that.

17 CHAIRMAN JARRETT: Yeah, there is  
18 obviously a number of different buildings.

19 But using all the same interpretations,  
20 assuming they were not planned developments, that  
21 would mean the ground floor at the Union, the  
22 ground floor at -- I guess they are not MX-T.

23 Never mind. Scratch everything I  
24 just -- Keep it but --

1 MS. WEBER: Let's bring back the  
2 map and think about this one. I think we are  
3 getting closer.

4 I feel better that the discussion we are  
5 having about it this time is focusing more on the  
6 building type and not just the uses for a specific  
7 district but it's getting late. I would like to  
8 get into a few more things.

9 CHAIRMAN JARRETT: So do we need to  
10 nail this down to move these along; correct?

11 MS. WEBER: I will bring it back in  
12 a redline version next time because we are going  
13 to have to bring a few other things back.

14 CHAIRMAN JARRETT: Okay.

15 MS. WEBER: I want you to consider  
16 something in redline before you make a  
17 recommendation for approval to the Board because a  
18 picture is worth 1,000 words. You have to see how  
19 it really reads. But I don't know we are ready on  
20 this one yet.

21 CHAIRMAN JARRETT: No.

22 MS. WEBER: I think we are  
23 understanding the problem better now.

24 CHAIRMAN JARRETT: I don't want to

1       rush anything. The stuff that we talked about two  
2       meetings ago is still waiting because we need to  
3       get through all of this.

4                   MS. WEBER: We have to go to at  
5       least one more hearing to get into the accessory  
6       uses.

7                   CHAIRMAN JARRETT: Yeah.

8                   MS. WEBER: Any last thoughts?

9                   We also have what Eric suggested; that  
10       we just end with no more than 50 percent. That is  
11       another option out there.

12                  COMMISSIONER SHLENSKY: But by  
13       ending at no more than 50 percent we are  
14       disallowing commercial eating and drinking, retail  
15       sales to take over more than 50 percent, which an  
16       owner may want to put a full ground floor  
17       restaurant in the MX district.

18                  CHAIRMAN JARRETT: Right,  
19       particularly on a smaller site.

20                  MS. WEBER: That would be a store  
21       front building. There's certain building types  
22       the Code calls out; general buildings, storefront  
23       buildings, row buildings and civic buildings.

24                  COMMISSIONER JACKSON: What if we

1 just throw the word:

2 All Permitted Commercial Uses are  
3 limited to no more than 50 percent of gross floor  
4 area, yada yada, and we are talking about  
5 commercial uses. Residential could be  
6 100 percent.

7 Problem solved; right?

8 MS. WEBER: That does give you your  
9 horizontal mix.

10 COMMISSIONER JACKSON: And then  
11 let's move on.

12 MS. WEBER: I will put it in the  
13 packet that way for next time.

14 COMMISSIONER JACKSON: All  
15 permitted commercial uses are limited to no more  
16 than 50 percent of gross floor area of the story  
17 except for commercial --

18 COMMISSIONER LUEDTKE: No, no.  
19 Stop at story.

20 COMMISSIONER JACKSON: Stop at  
21 story.

22 MS. WEBER: All permitted  
23 commercial uses are limited to no more than 50  
24 percent of the gross floor area of the story,

1 first story.

2 CHAIRMAN JARRETT: I see what you  
3 are doing, yeah.

4 So that would in theory limit  
5 residential for not being the entire ground floor,  
6 and if you are using a percentage, is 50 percent  
7 the number you want to use?

8 So that's something to think about  
9 between now and the next meeting. I know Ellen  
10 has other things she want to cover.

11 MS. WEBER: All right. That would  
12 allow the first floor to be all residential.

13 COMMISSIONER JACKSON: Correct.

14 MS. WEBER: One more clarification:  
15 Do it for all three districts or break  
16 it out this way with a differential for the two  
17 residential districts?

18 COMMISSIONER ORLOWSKI: I think  
19 some of it we would need to see a map where some  
20 of it is located.

21 MS. WEBER: Okay. I will work on  
22 that.

23 COMMISSIONER ORLOWSKI: Does that  
24 make sense?

1 COMMISSIONER LUEDTKE: It does.

2 As Ellen was alluding to earlier, I  
3 think those other uses outside of residential are  
4 significantly limited when you get to the MX-R,  
5 and you are at a natural resource preservation,  
6 you are at a minor public service or utility  
7 service, you are a daycare home or a community  
8 garden.

9 COMMISSIONER SHLENSKY: An artisan  
10 industrial.

11 COMMISSIONER LUEDTKE: In MX-R?

12 COMMISSIONER SHLENSKY: MX-R and  
13 MX-T.

14 CHAIRMAN JARRETT: I believe that's  
15 home business.

16 MS. WEBER: Cottage Industries.  
17 There is a definition in 6 on that.

18 COMMISSIONER LUEDTKE: Justin,  
19 where are you seeing the artisan one?

20 COMMISSIONER SHLENSKY: Under  
21 Public Civic Institutional, under Commercial,  
22 scroll down past Wholesale Distribution Storage,  
23 it's that first row under the general tag of  
24 Industrial.

1 COMMISSIONER LUEDTKE: Right.

2 But the MX-R is the last purple shaded  
3 which it would be listed as a prohibited use in  
4 MX-R.

5 CHAIRMAN JARRETT: It's in MX-T but  
6 not MX-R.

7 MS. WEBER: I will put it in the  
8 packet both ways and you can decide next month;  
9 okay?

10 CHAIRMAN JARRETT: Okay.

11 MS. WEBER: So this has been an  
12 intense project. There is all these sections that  
13 deal with accessory uses.

14 And these are all the sections I have  
15 been looking into. I have been pecking away at  
16 this project as time has permitted with all the  
17 other duties.

18 We have talked about some of this  
19 before, what accessory structures do and what we  
20 should consider when we are thinking about them.

21 So here I am getting into the accessory  
22 structures on residential lots. And there are  
23 some limitations and regulations under the  
24 residential accessory structures.

1           We have already had some consensus that  
2       we thought C should be up from 140 to 200 square  
3       feet and the height -- I have a proposal further  
4       down. I just put this in here as a reminder to  
5       help us talk. I don't need to talk through it  
6       right now, this slide.

7           Another section related to garages. And  
8       this is where it gets confusing. It's all over  
9       the board in the Code.

10          So last month I had given you a table.  
11       This is the new improved version and I did give  
12       you a printout on your desk.

13          But what this proposes in a nutshell  
14       that I am looking for a consensus on this evening  
15       is that we would consider all accessory structures  
16       and structures -- the Code is ambiguous on  
17       building and structure. We will clarify they are  
18       all structures.

19          I did talk about whether garages and  
20       sheds should be buildings but we think it works  
21       calling them a structure.

22          I am going to go down column by column.  
23          We have upped the size of the shed, the  
24       gazebo to 200 from the 140 in here.

1                   And the size is not pertinent to the  
2                   other elements because they all going to be  
3                   subject to lot bulk regulations and maximum lot  
4                   coverage.

5                   And then whether it will count towards  
6                   coverage, the third column, is on the pergola and  
7                   deck, what the surface is underneath them.

8                   If it's impervious then it will count  
9                   but if you have a deck that's raised and water can  
10                  percolate under, we won't count it towards lot  
11                  coverage.

12                  If you have an open air pergola and it's  
13                  just grass underneath, not going to count towards  
14                  lot coverage.

15                  The whole question for lot coverage is  
16                  whether or not the water is absorbing, what's the  
17                  perviousity of the site.

18                  The number allowed we are saying one  
19                  each for a garage, shed, and gazebo.

20                  You will see too we clarified and  
21                  differentiated on the gazebo. If it's totally  
22                  enclosed, so it is a little house all on its own,  
23                  or if it's just a roof.

24                  Because it can have a roof on it and

1 have no perviousity underneath, you know, because  
2 it's grass. It can have total perviousity  
3 underneath. So there is a differentiation there.

4 I know previously you had talked about  
5 how tall the wall would be and we thought whether  
6 it's enclosed or open walls this is sufficient.

7 And everything would be subject to  
8 setbacks. There is a special setback for swimming  
9 pools in the Code.

10 Right now it's a footnote that the 5  
11 foot setback includes the decking and paved area,  
12 which makes sense because if you have a pool you  
13 don't want it right up against a fence because the  
14 water will go into the neighbor's yard, kids could  
15 jump the fence, you need space to get out of a  
16 pool. So that's why that was written that way, I  
17 believe.

18 And the distance to the principal  
19 structure and the distance to the garage is purely  
20 out of the Building Code.

21 So what we are really asking you to have  
22 consensus on is this concept that you can have as  
23 many structures as you want, as long as you meet  
24 the lot coverage.

1           And then I want to talk about the height  
2           of these structures.

3           Some codes do limit accessory structures  
4           to a certain percentage of the lot itself, so it  
5           doesn't become a little Disneyland and everything  
6           is cluttered in this and that corner. We weren't  
7           recommending we get into it that deeply.

8           I do note currently 6.10.2.F, the  
9           cumulative total coverage of all accessory  
10          structures including garages shall be added to the  
11          building area, the footprint of the principal  
12          structure, for purposes of determining the maximum  
13          lot coverage which shall not exceed 30 percent.

14          Now, is that 30 percent a holdover  
15          remnant from before, when you increased maximum  
16          lot coverage to 50 and 60 or were we referring  
17          here that the accessory structures themselves can  
18          only cover 30 percent of the lot? I don't know.

19          I think it's a holdover from a prior to  
20          a recent code change and I think you meant this  
21          should be increased to match the district.

22          This is the current district regulation  
23          right now. You can see 50 percent lot coverage in  
24          the RS-10, 60 percent in RS-7.5, 60 percent in the

1 RD, 7.5 and 50 in the RM-9.

2 I think that was just missed. That  
3 should have been upped from the 30 or did you mean  
4 that you wanted to limit accessory structures to  
5 30 percent?

6 COMMISSIONER LUEDTKE: I think it's  
7 speaking to the -- as it says -- the cumulative  
8 total of all accessory structures which goes to  
9 your little Disneyland analogy.

10 MS. WEBER: Eric, you think it's --

11 COMMISSIONER LUEDTKE: Yes, I see  
12 it as the aggregate combined of those accessory  
13 structures, not wanting to be too big of a number,  
14 like a subset of the 60 or 50 at the RS-10 which  
15 still seems a very generous.

16 Thinking of it in those terms,  
17 30 percent, the principal structure would be --  
18 could be 30 percent.

19 If you sort of -- nobody is limiting the  
20 principal structure to 30 percent, I am just  
21 saying ...

22 COMMISSIONER SHLENSKY: That's the  
23 issue because if you look at the text that's there  
24 is cumulative.

1           Then it goes on to "shall be added to  
2     the building," which is the building area of the  
3     principal structure which shall not exceed  
4     30 percent of the area of the lot.

5           So we do have to clarify though that  
6     it's 30 percent on top -- it's a maximum of  
7     30 percent on top of the footprint of the  
8     principal structural.

9           MS. WEBER: That's why I took it as  
10    a remnant because it was added to the house.

11          CHAIRMAN JARRETT: I am agreeing  
12    with Ellen's interpretation.

13          MS. WEBER: But we could choose to  
14    limit the accessory structures, if you would like.

15          CHAIRMAN JARRETT: I think that's a  
16    remnant from when maximum building lot coverage  
17    was 30 percent but I understand what you are  
18    saying.

19          COMMISSIONER LUEDTKE: Yeah.

20          MS. WEBER: So I gave you Lombard,  
21    because many of our homes are similar to the  
22    Lombard built environment, and if you look on  
23    Page 2 they limit 50 percent:

24                 All single family residential lots must

1 maintain a minimum of 50 percent open  
2 space which is lawn, garden or  
3 landscape.

4 CHAIRMAN JARRETT: But they also  
5 limit no single accessory building to more than  
6 10 percent of the lot area.

7 MS. WEBER: Right. They do the  
8 structure too.

9 I did start a table I can bring back to  
10 you, where I have a few communities I am putting  
11 some of these questions in there.

12 What I am hearing is you might wish to  
13 limit the accessory structures. We just have to  
14 determine to what amount or do you want to leave  
15 it open, like this table, as long as they meet lot  
16 coverage?

17 Again, for me the nexus is -- to the  
18 health, safety, welfare which is the purpose of  
19 zoning -- is that the lot coverage is to protect  
20 storm water so it retains on the lot and doesn't  
21 flow over.

22 CHAIRMAN JARRETT: Right. But here  
23 is where it gets tricky.

24 If we say that swimming pools don't

1 count towards lot coverage, we say pervious decks  
2 don't count towards lot coverage, pervious gazebos  
3 don't count towards lot coverage, and you can have  
4 up to 50 percent lot coverage --

5 COMMISSIONER LUEDTKE: You could  
6 cut your grass with scissors.

7 CHAIRMAN JARRETT: Yeah.

8 MS. WEBER: In reality we have  
9 quite a few homes in the Village that way already.

10 CHAIRMAN JARRETT: Well, yeah.  
11 That doesn't mean it's right though.

12 COMMISSIONER LUEDTKE: I would like  
13 to back off my -- sort of the cumulative. By the  
14 fact we are establishing maximum areas for our  
15 sheds, garages and these additional structures we  
16 are already limiting -- a 700 house that has a  
17 1500 square foot garage in the back, that's not  
18 going to happen.

19 CHAIRMAN JARRETT: But we are not  
20 limiting the numbers of structures.

21 COMMISSIONER LUEDTKE: No.

22 CHAIRMAN JARRETT: Except for  
23 garages.

24 COMMISSIONER LUEDTKE: Correct.

1 MS. WEBER: When you look at the  
2 structures, the only ones with bricks and walls  
3 are the garage, the shed and gazebos.

4 COMMISSIONER LUEDTKE: Correct.

5 MS. WEBER: I guess the question on  
6 the table is:

7 Do we want to just leave it open-ended,  
8 as long as you meet lot coverage?

9 Or do we want to try and come to a  
10 consensus on a maximum structure coverage on the  
11 property?

12 COMMISSIONER LUEDTKE: I don't see  
13 the latter.

14 I think it goes to 6.10.2.F to be  
15 adjusted to -- to really to be aligned with the  
16 lot coverage established for the district,  
17 whatever district it's in, because it changes per  
18 district.

19 It's 50 and 60, I believe?

20 MS. WEBER: Correct.

21 COMMISSIONER KASE: How much does  
22 square footage go up on the sheds? Did it go up?

23 MS. WEBER: From 140 to 200.

24 CHAIRMAN JARRETT: Actually from

1       100.

2                   COMMISSIONER KASE: Yeah, it used  
3       to be 10 by. So it went up 100 square feet.

4                   MS. WEBER: Okay.

5                   CHAIRMAN JARRETT: Yeah, because  
6       the 140, that may have been -- I don't know if  
7       that was codified or not but the 140 was a recent  
8       change, if it changed in the code.

9                   COMMISSIONER KASE: When did it  
10      change?

11                  CHAIRMAN JARRETT: I am not sure.

12                  MS. WEBER: I copied this straight  
13      out of the code here, 6.10.2 and it has 140.

14                  CHAIRMAN JARRETT: That's one of  
15      the changes we just made.

16                  MS. WEBER: It went form 100 to 140  
17      here.

18                  CHAIRMAN JARRETT: Yeah.

19                  COMMISSIONER LUEDTKE: Now, we are  
20      proposing to go to 200?

21                  MS. WEBER: I can back it down to  
22      140, if you want.

23                  I think we need to think of our  
24      residents and what's readily available for them to

1 purchase. Most people are purchasing prefabbed  
2 sheds. Very rare you get a stick built shed any  
3 more. But I am open to your input on this.

4 COMMISSIONER KASE: I would like to  
5 know when it was changed.

6 MS. WEBER: I will have to look it  
7 up.

8 CHAIRMAN JARRETT: The 140 change  
9 was in the last -- since Consuelo was here -- so  
10 in the last year and a half.

11 That could have been changed in the last  
12 six months. We spent so much time on those text  
13 amendments. I don't know which ones got passed  
14 when but that was one of the ones that --

15 MS. WEBER: When you did the 50,  
16 60 percent?

17 CHAIRMAN JARRETT: Yeah.

18 COMMISSIONER SHLENSKY: Yeah, 140  
19 is currently on the line.

20 COMMISSIONER KASE: But when?

21 That's what I want to know is when  
22 because I was told the wrong information then  
23 which really would aggravate me.

24 CHAIRMAN JARRETT: Less than 18

1 months ago.

2 MS. WEBER: When you look at the  
3 Code you can see this section has more than just  
4 the 2018 Code. It has two amending ordinances.  
5 So I will look at those and we will be able to see  
6 when it happened; okay.

7 COMMISSIONER SHLENSKY: Don, from  
8 your professional standpoint are you seeing a lot  
9 of uses or requests for 200 square foot sheds?

10 COMMISSIONER KASE: Yeah, ours was  
11 kind of ridiculous at 100 honestly because what  
12 can you put in. Some people have riding  
13 lawnmowers, whatever, and like to keep their  
14 garage empty. But I was told 100 and that was it.

15 COMMISSIONER ORLOWSKI: Now, we are  
16 at 140.

17 COMMISSIONER KASE: That's what  
18 this town is. Everybody just picks a number and  
19 goes. I mean, we don't have nothing standard  
20 around here.

21 MS. WEBER: Don, do you think it  
22 should be 200 per shed?

23 COMMISSIONER KASE: It doesn't  
24 matter. You guys are going to change it as you go

1        anyway. I mean, that's the way it works around  
2        here.

3                I am sorry. I am aggravated with  
4        permitting and everything that's been -- it's got  
5        to change. It's getting better. You have to  
6        understand the codes around here. Being a  
7        contractor, you never know.

8                COMMISSIONER CALVERT: We had that  
9        conversation about 200 square feet and I remember  
10       it was that that's not a shed any more. That's a  
11       garage.

12               MS. WEBER: At 200?

13               COMMISSIONER CALVERT: Yeah, that's  
14       the size of a two car garage.

15               MS. WEBER: That's true because 10  
16       by 20 is a parking space.

17               COMMISSIONER CALVERT: I remember  
18       we had that conversation.

19               MS. WEBER: So I am looking for  
20       direction from the Commission.

21               Keep it at 140 or go up to 200?

22               COMMISSIONER SHLENSKY: Hang on.  
23       There might be an error here.

24               MS. WEBER: He is reading the

1 actual ordinance.

2 COMMISSIONER SHLENSKY: So the  
3 ordinance that is referenced, to get this on the  
4 record.

5 The ordinance that is referenced as the  
6 one being the most updated is Ordinance No. 4275.  
7 That one is just regarding permitted uses,  
8 temporary uses, it goes to outdoor seating and  
9 then storage containers, which we talked about.

10 So that went into effect as of  
11 February 28, 2022.

12 The one prior to that, that is also  
13 referenced.

14 COMMISSIONER LUEDTKE: Yeah, you  
15 are in 6.11, Justin.

16 COMMISSIONER SHLENSKY: Right. I  
17 am trying to find the one that references the  
18 6.10.

19 COMMISSIONER LUEDTKE: That's  
20 Ordinance 4134 which has nothing of importance.

21 Then the other is the 2018 update, the  
22 big monster, when we changed it all, and that had  
23 the 140 square footage language.

24 COMMISSIONER SHLENSKY: Right. But

1 does 4134 include the 140 language?

2 COMMISSIONER LUEDTKE: No.

3 It was a minimal one that had adjusted  
4 reducing the distances between a detached garage  
5 and principal structure from 10 to 5 feet.

6 COMMISSIONER SHLENSKY: That's the  
7 one referencing February 10, 2020?

8 COMMISSIONER LUEDTKE: Yeah, for  
9 that particular Section 610.2.

10 COMMISSIONER SHLENSKY: I believe  
11 that you referred to the other 140.36.

12 COMMISSIONER LUEDTKE: Correct.

13 COMMISSIONER SHLENSKY: Effective  
14 June 11, 2018.

15 COMMISSIONER LUEDTKE: That is the  
16 big rewrite of the zoning code.

17 COMMISSIONER SHLENSKY: What we are  
18 indicating is that although online it currently  
19 reads:

20 An allowance of 140 square feet for a  
21 shed, there is actually no reference past  
22 ordinance that would provide the authority to  
23 increase it to 140 square foot.

24 COMMISSIONER LUEDTKE: No.

1 I am saying Ordinance 4036 has the  
2 language which shows the 610.2 language shows it  
3 to be 140 square foot on the limit. So at 2018  
4 they -- it was increased.

5 COMMISSIONER ORLOWSKI: It took  
6 effect on 2018.

7 MS. WEBER: The brand new ordinance  
8 included the increase.

9 COMMISSIONER ORLOWSKI: So there is  
10 your answer, Don.

11 COMMISSIONER KASE: Pardon?

12 COMMISSIONER LUEDTKE: June 11,  
13 2018 is when it adjusted to 140.

14 COMMISSIONER KASE: Oh, my God. It  
15 gets better and better.

16 MS. WEBER: So do you want to keep  
17 it at 140 or increase it?

18 It's your pleasure.

19 COMMISSIONER LUEDTKE: I guess the  
20 question comes to:

21 This is what was referenced before, when  
22 you start to get permits coming through that  
23 homeowners are looking to put up a shed and are  
24 getting a prefabricated assembly. 140 sounds like

1       it's a little thin, and it's a little under,  
2       compared to what people are finding out in the  
3       market? Is that the narrative we are trying to...

4               MS. WEBER: I would like to do some  
5       research or refer to the expertise of our  
6       Commission.

7               COMMISSIONER LUEDTKE: I thought I  
8       remember Bassili alluding to it.

9               MS. WEBER: He did reference  
10      prefab, yeah. I know we looked at that  
11      specifically for the pergolas and gazebos. I  
12      can't remember what we found for sheds.

13              What do you think, Don, based on your  
14      experience?

15              COMMISSIONER KASE: So I will go  
16      back and do my homework.

17              MS. WEBER: Okay. We will come  
18      back to that.

19              I think I am hearing consensus about  
20      sticking with the 50 and 60 percent maximum lot  
21      coverage and then any amount that brings the house  
22      and accessory structures within that; is there  
23      consensus on that?

24              CHAIRMAN JARRETT: Consensus on

1       that?

2                   COMMISSIONER SHLENSKY: To remain  
3       within the applicable under 50 or 60 percent?

4                   MS. WEBER: Right.

5                   COMMISSIONER SHLENSKY: Yeah.

6                   MS. WEBER: As noted in this table.  
7       There is consensus on the gazebos. We  
8       should look at also the 200 again.

9                   COMMISSIONER JACKSON: Just the  
10      sheds.

11                  MS. WEBER: You are good with  
12      gazebos being under?

13                  If you want to put tables and chairs in  
14      there you want it a little bigger.

15                  So Commissioner Jackson clarified that  
16      we will consider the sheds should be 140 or 200  
17      square feet but gazebos at 200 square feet is  
18      acceptable; correct?

19                  COMMISSIONER JACKSON: Fine, yes.  
20      I say we -- I am getting tired.

21                  We need to look at what the prefabbed  
22      sheds come at and we need to be at a square  
23      footage that is acceptable to get a prefabbed  
24      shed.

1                   Gazebos and decks are all custom built.  
2                   We can work with whatever we need to work with  
3                   there.

4                   What are the current maximum areas for  
5                   gazebos and decks? You said N/A, not applicable,  
6                   for decks and gazebos are 200 and currently we are  
7                   at 140 something?

8                   MS. WEBER: 140.

9                   COMMISSIONER JACKSON: 140/140.

10                  I am game for 200.

11                  Anybody else have an issue with that?

12                  COMMISSIONER LUEDTKE: I don't.

13                  And I did a quick search through big box  
14                  retailer. You can get a 16 by 12 which is 192  
15                  square feet for modular size for both a shed and a  
16                  gazebo. That seems to be topping out sort of size  
17                  of some sort of a kit structure.

18                  CHAIRMAN JARRETT: Point of  
19                  clarification, the 140 foot was before us in March  
20                  of last year. Increased from 100 to 140.

21                  So if there is not an ordinance  
22                  referenced in the code, that's when it changed.  
23                  It didn't necessarily change in March but that's  
24                  when it was before us.

1                   COMMISSIONER SHLENSKY: So I am  
2 fine with increasing the maximum areas, what we  
3 just talked about, 200; whether it be a shed, open  
4 gazebo, closed gazebo and/or pergola.

5                   I am fine with increasing to 200, if  
6 there is a demand and the owner of the property  
7 wants it, that's fine, although they will be  
8 counted against the total lot coverage of whether  
9 it be 50 or 60 percent.

10                  Jason brought this up and I may likewise  
11 share this concern of why swimming pools are not  
12 counted against the total lot coverage.

13                  MS. WEBER: I have seen it both  
14 ways. And it gets to, does it hold water, is the  
15 displacement of water across or not.

16                  Some people do it just because of the  
17 bulk on the lot. Other communities include it for  
18 the bulk.

19                  And others don't include it because they  
20 figure the purpose is storm water and it's helping  
21 the storm water because it's retaining the water  
22 on the site.

23                  It's considered total pervious. It  
24 holds all the water. It doesn't make it run off

1 site. Similar to water percolating through the  
2 ground and not going off-site, a pool holds all  
3 water in the pool, so it doesn't run off site.

4 COMMISSIONER SHLENSKY: What  
5 happens when that pool is covered?

6 MS. WEBER: That's the reason to  
7 include it towards lot coverage. It's whatever we  
8 want to do.

9 CHAIRMAN JARRETT: Most pool covers  
10 allow some water infiltration; otherwise they fill  
11 up and sink.

12 COMMISSIONER KASE: Ellen, since  
13 you are doing your homework, you guys changed what  
14 you are coming off your property lines too?

15 MS. WEBER: The setbacks, Danita  
16 gave me those from the building code. You think I  
17 need to confirm these?

18 COMMISSIONER KASE: Yeah, just for  
19 instance you had a shed at 5.5.

20 COMMISSIONER LUEDTKE: No, that's a  
21 footnote of 5.

22 MS. WEBER: The superscript and the  
23 shed should be 5 with a superscript of 6, meaning  
24 Code does not allow attached -- doesn't allow the

1 sheds to be attached to the garage.

2 The code does allow a shed to be  
3 attached to a garage at a maximum size with  
4 architectural compatibility to the garage. That's  
5 supposed to be a superscript. It's 5 foot  
6 footnote 6 in the table.

7 COMMISSIONER KASE: That changed  
8 from 3 feet. We used to be able to keep it  
9 3 feet. I just want to make sure everybody is on  
10 the same page.

11 MS. WEBER: Garages and sheds used  
12 to be 3 feet. That went to 5 feet awhile back  
13 when Melissa was here.

14 CHAIRMAN JARRETT: Our Code move  
15 recently did allow them to have no setback, if it  
16 was attached. You could attach a shed to a  
17 garage.

18 That was permitted prior to this  
19 discussion. I don't know when we changed that.

20 MS. WEBER: Some garages there was  
21 a discussion of garages. They were allowed to be  
22 3 foot, with the eaves 2 foot, so you were still  
23 off the property line.

24 And in 2007 I found the ordinance it

1 moved from the 3 to the 5.

2 Is that what you are referring to, the  
3 setbacks of garages and sheds for the lot lines?

4 COMMISSIONER KASE: Yeah. I don't  
5 know what the purpose is coming off 5 foot instead  
6 of 3.

7 CHAIRMAN JARRETT: Fire code.

8 COMMISSIONER KASE: For a shed?

9 MS. WEBER: You are 5 on one side  
10 of the property and 5 on the other. You have a 10  
11 foot separation.

12 This is how the Code reads right now, if  
13 you look on the screen.

14 The interior side yard setback is  
15 actually 6 and then that's for buildings.

16 And then the accessory structures are  
17 sprinkled throughout the Code.

18 CHAIRMAN JARRETT: You have a  
19 combination of eaves that are going to be closer,  
20 plus 3 feet. You start getting into maintenance  
21 issues.

22 MS. WEBER: I have a few more  
23 questions for you. Then I think we can wrap this  
24 up for tonight.

1 CHAIRMAN JARRETT: Yeah.

2 MS. WEBER: We had talked last time  
3 about height and I was recommending we keep sheds  
4 at 10.

5 And gazebos, 17 is what Lombard has, or  
6 the height of the principal structure, whichever  
7 is lower, is how it reads.

8 I don't know if you have any thought as  
9 an architect, Eric, on the heights of the  
10 accessory structures, but this seemed reasonable  
11 from what I have seen.

12 COMMISSIONER LUEDTKE: Yeah, those  
13 seem reasonable.

14 COMMISSIONER KASE: Yeah.

15 COMMISSIONER JACKSON: Let's talk  
16 about the principal structure though.

17 How tall is a two story house?

18 COMMISSIONER LUEDTKE: 28.

19 COMMISSIONER JACKSON: 36.

20 MS. WEBER: The lower of --

21 COMMISSIONER LUEDTKE: It's the  
22 lower of the numbers.

23 MS. WEBER: That's in case you had  
24 a house that was lower than 17 feet, then the

1 shed -- the gazebo can't be 17 with the house  
2 lower.

3 COMMISSIONER JACKSON: Okay.

4 MS. WEBER: This is what we had  
5 talked about last time, 17 percent or 75 percent  
6 of the height permitted in that district.

7 I think we are better off just saying 10  
8 or 17 or the height of the building, whichever is  
9 lower.

10 So as I thought about that I changed my  
11 recommendation to you.

12 But at the top of this slide here, I  
13 approached to you, would you be open to a second  
14 garage structure on a lot that has an attached  
15 garage, if it met lot coverage?

16 CHAIRMAN JARRETT: I am not.

17 MS. WEBER: Can we do a roundtable  
18 just up or down?

19 Does anybody have any interest in second  
20 garage?

21 COMMISSIONER JACKSON: Is there  
22 enough acreage to accommodate that?

23 MS. WEBER: That's if it met the  
24 lot coverage.

1 COMMISSIONER JACKSON: That would  
2 also require another driveway; correct?

3 MS. WEBER: It would need a paved  
4 driveway and it would need to meet lot coverage.  
5 It's possible on some of the RS-10 lots.

6 COMMISSIONER JACKSON: The majority  
7 of the lots, it's not even feasible, Jason. Some  
8 of the bigger estate lots it might be and there  
9 might be a need for that.

10 MS. WEBER: It's possible to have  
11 your house, have your garage and then build an  
12 attached garage onto the house with a side load  
13 also.

14 CHAIRMAN JARRETT: Yeah. If you  
15 have a big enough lot, you can figure out a way to  
16 attach more garage.

17 MS. WEBER: That's the question, do  
18 we even want to go down that road?

19 CHAIRMAN JARRETT: Personally I  
20 don't but...

21 MS. WEBER: Can everybody show a  
22 hand? Anyone?

23 COMMISSIONER ORLOWSKI: I don't  
24 think we would have enough lots.

1 MS. WEBER: The reason I put it in  
2 here is we had a request for it. That didn't come  
3 out of the blue.

4 COMMISSIONER SHLENSKY: For the  
5 few, because I do see this as a few people that  
6 probably want to have two garages, they would be  
7 able to come to us by a variance request and show  
8 the hardship.

9 CHAIRMAN JARRETT: We have had that  
10 happen.

11 COMMISSIONER SHLENSKY: Right.

12 Didn't we have one where it was unpaved  
13 driveway and it was like the second garage was  
14 kind of smack dab in the middle of the property  
15 lot and they wanted to know if they would have to  
16 put a full garage in the middle of their lot,  
17 around the principal structure?

18 Didn't that come to us within the last  
19 year or so?

20 CHAIRMAN JARRETT: Something like  
21 that.

22 COMMISSIONER SHLENSKY: If it  
23 didn't come as an actual petition, it came as --

24 COMMISSIONER JACKSON: Variance.

1                   COMMISSIONER SHLENSKY:  -- just a  
2                   request to review feedback.

3                   MS. WEBER:  So I am hearing, no,  
4                   leave it as a variance.

5                   CHAIRMAN JARRETT:  So a second  
6                   garage?

7                   COMMISSIONER LUEDTKE:  I am not  
8                   interested in a second garage.

9                   CHAIRMAN JARRETT:  I would like to  
10                  get everybody.

11                  MS. WEBER:  I think we are moving  
12                  on from a second garage.

13                  COMMISSIONER HOFSTRA:  I am not in  
14                  favor.

15                  CHAIRMAN JARRETT:  Ed said he is  
16                  not favor of it.

17                  COMMISSIONER LUEDTKE:  I am not.

18                  MS. WEBER:  The majority are not in  
19                  favor, is what I am seeing.

20                  CHAIRMAN JARRETT:  Yeah.  Because I  
21                  understand that you we have a demand as a  
22                  society -- and I have way too much stuff of my  
23                  own -- but we have a demand as a society for more  
24                  places to keep more stuff.

1                   That's why we keep building -- Lombard  
2                   keeps building giant self-storage facilities right  
3                   on the edge of Villa Park. But I don't know that  
4                   backyards need to turn into self-storage.

5                   COMMISSIONER JACKSON: They can  
6                   build a shed now, 200 square feet. Let's move on.

7                   CHAIRMAN JARRETT: A 200 square  
8                   foot shed, 200 foot gazebo, two garages, and those  
9                   garages come with cars or come or stuff, and a lot  
10                  of times people are building second garages  
11                  because they don't have room in their first garage  
12                  because it's full of stuff.

13                 People come over to my house and say,  
14                 You can park cars in your garage.

15                 MS. WEBER: So the only reason I  
16                 put this in here was to show you I am going to  
17                 fill this table out with the notes on the side.

18                 Nothing to discuss here. But these are  
19                 the actual footnotes that go with those items in  
20                 the current Code.

21                 I would therefore ask for a motion to  
22                 table discussion until the August 14 meeting.

23                 COMMISSIONER LUEDTKE: Ellen, can  
24                 you go back to the Gazebo.

1 17 just seems --

2 MS. WEBER: High.

3 COMMISSIONER HOFSTRA: Yeah.

4 COMMISSIONER LUEDTKE: Yes, again,  
5 going back to a quick search through an online or  
6 big box retailer.

7 To find the maximum size of let's say a  
8 16 by 12 which gets us right under that 200 these  
9 structures are showing a 10 foot sort of  
10 dimension.

11 MS. WEBER: I think it depends if  
12 you have a fan in there. Sometimes they are a  
13 little more --

14 COMMISSIONER LUEDTKE: The ones I  
15 am finding, I am not seeing ones that are 17 feet  
16 tall. So maybe we could come to a happy medium,  
17 maybe 12.

18 CHAIRMAN JARRETT: 17 seems like  
19 that maybe the gazebo on the prairie path.

20 COMMISSIONER LUEDTKE: Completely,  
21 yes.

22 MS. WEBER: A commercial gazebo,  
23 that might be where I picked that up. I think the  
24 Lombard one is where I picked that up.

1                   CHAIRMAN JARRETT: Maybe just do a  
2                   little research, see what's typical.

3                   MS. WEBER: The Lombard one was 17  
4                   so that's where I picked that up and I saw prefabs  
5                   at 16.

6                   But you are right, the commercial ones  
7                   are going to be higher.

8                   So do we want to take it down to 12? I  
9                   am comfortable either way.

10                  COMMISSIONER JACKSON: Leave it at  
11                  17. If people are going to buy a prefab 16 is  
12                  where it's at.

13                  CHAIRMAN JARRETT: That's not what  
14                  she means by commercial.

15                  COMMISSIONER JACKSON: The gazebo  
16                  on the prairie path is way bigger than; 17 isn't  
17                  it?

18                  COMMISSIONER KASE: You have to  
19                  split up commercial from residential. There  
20                  should be something from commercial. Something  
21                  for residential.

22                  CHAIRMAN JARRETT: This is all  
23                  residential. This is all residential.

24                  COMMISSIONER KASE: I thought she

1 mentioned commercial too.

2 COMMISSIONER JACKSON: No, it's  
3 just been brought up.

4 CHAIRMAN JARRETT: That's where the  
5 number came from, a commercial gazebo. This is  
6 all related to residential accessory uses.

7 MS. WEBER: Instead of commercial,  
8 I should say, civic space gazebo would be taller.

9 We have very few regulations for  
10 accessory structures in industrial. I am going to  
11 introduce some of that into the tables, like we  
12 saw in the Tinley Park.

13 So if you are ready to move on we could  
14 entertain a motion to table the discussion until a  
15 date certain August 11, 2022.

16 CHAIRMAN JARRETT: Is there a  
17 motion to continue the PZ-22-0006 to a date  
18 certain of August 11, 2022?

19 COMMISSIONER ORLOWSKI: So moved.

20 CHAIRMAN JARRETT: Motion.

21 COMMISSIONER HOFSTRA: Second.

22 CHAIRMAN JARRETT: Second by  
23 Hofstra.

24 All in favor?

1 ALL PRESENT: Aye.

2 CHAIRMAN JARRETT: Any opposed?

3 (No response).

4 CHAIRMAN JARRETT: That's

5 continued.

6 MS. WEBER: Thank you. We are

7 making progress.

8 CHAIRMAN JARRETT: All right. So I  
9 don't see anyone here wishing to speak on  
10 non-agenda items.

11 Any updates or anything, Ellen?

12 MS. WEBER: No.

13 COMMISSIONER ORLOWSKI: Where are  
14 we at with gas station?

15 MS. WEBER: Casey's has a new  
16 project manager. We have received a few more of  
17 the items of their submittal and it's still  
18 remains, the best we know, that it is out to bid.

19 CHAIRMAN JARRETT: All right. Any  
20 Commissioners have comments?

21 Motion to adjourn?

22 COMMISSIONER LUEDTKE: So moved.

23 CHAIRMAN JARRETT: Second?

24 COMMISSIONER HOFSTRA: Second.

1 CHAIRMAN JARRETT: All in favor?

2 ALL PRESENT: Aye.

3 CHAIRMAN JARRETT: We are

4 adjourned.

5 (Proceedings concluded.)

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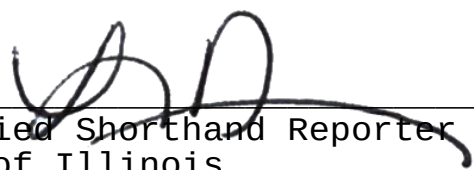
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1 I, LYN DOERING, Certified Shorthand  
2 Reporter and Notary Public in and for the State of  
3 Illinois do hereby certify that the foregoing  
4 proceedings were reported stenographically by me,  
5 was thereafter reduced to a printed transcript by  
6 me, and constitutes a true record of the testimony  
7 given and the proceedings had;

8 That I am not a relative or employee or  
9 attorney or counsel, nor a relative or employee of  
10 such attorney or counsel for any of the parties  
11 hereto, nor interested directly or indirectly in  
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my  
14 verified digital signature at Chicago, Illinois,  
15 this 12th day of August, 2022.

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IN RE THE MATTER OF: )  
 )  
VILLAGE OF VILLA PARK ) PZ-22-0006

7:30 P.M.

APPEARANCES: MR. JASON JARRETT, Chairman  
MR. DOMINICK ROMANO, Commissioner  
MR. KENNETH JACKSON, Commissioner  
MR. LARRY CALVERT, Commissioner  
MR. EDWARD HOFSTRA, Commissioner  
MR. MICHAEL ORLOWSKI, Commissioner

REPORTED BY LYN DOERING, CSR.

1                   CHAIRMAN JARRETT: The only item of  
2 public hearing this evening is Text Amendments,  
3 the Village of Villa Park, the Applicant.

4                   Whenever you are ready.

5                   MS. WEBER: Good evening,  
6 gentlemen, Pat, and President Cuzzone.

7                   This wraps up what's been a lengthy  
8 discussion. I think it's been good. We have  
9 talked about most items being presented for  
10 recommendation for approval to the Village Board  
11 on several evenings.

12                  We opened up the hearing on May 12 and  
13 continued to June 9 and then to July 14. I will  
14 repeat a few things just for the record for  
15 continuity but we will mainly get to the memo  
16 itself.

17                  We have consensus on just about  
18 everything but there is a few things to confirm  
19 now that you can see it in writing in a redline.

20                  Your memo was briefer this month with  
21 everything in the appendix and I broke it out  
22 article by article by article which I hope helped.  
23 I will go through it.

24                  So this was the legal notice for this

1 case. It was published on April 27. And it  
2 included three main considerations:

3 The first relating to Accessory  
4 Structures and all sorts of elements of accessory  
5 structures; definitions, clarification on  
6 location, type, size and other small items that we  
7 will go through this evening.

8 The second bullet point here was  
9 Article 7, Parking Visibility Triangle and some  
10 measurements and definitions. We have gone  
11 through these in previous meetings and had  
12 consensus. The redlines are in the appendix.

13 And the third was large enough that I  
14 just reprinted the whole chapter, Article 4, MX  
15 districts. There were various Scrivener's errors,  
16 a lot of misspellings and figures and tables that  
17 weren't labeled correctly.

18 So it was easier for this one to just do  
19 a replace in entirety. So I redlined the whole  
20 article. And then when the ordinance is written  
21 it will be replaced in entirety, rather than just  
22 one chunk at a time, which would be onerous.

23 A little bit of backup.

24 Accessory structures have to have a

1       nexus to the lot coverage.

2               The storm water, staff has determined  
3       that that should be the overriding concern, as we  
4       looked at these and discussed.

5               Aesthetics and appearance are also a  
6       very big consideration, as are the ability to  
7       create a negative externality for your neighbor.

8               With zoning you have a right to enjoy  
9       your property and an obligation to not impact your  
10      neighbor's right to enjoy theirs. Accessory  
11      structures have potential for negative  
12      externality.

13              And we also have to meet building and  
14      fire codes in these regulations.

15              We talked about the Code uses structure  
16      and building interchangeably and we have chosen to  
17      just refer to principal buildings and accessory  
18      structures.

19              So a good amount of the changes --  
20      especially in the handout I find a few more of  
21      those I had missed when I sent the memo out for  
22      the packet -- are just cleaning up accessory  
23      building and changing that reference, revising it  
24      to accessory structure.

1           So this is the main things we have to  
2     talk about this evening. We are going to continue  
3     discussion of accessory structures, we are going  
4     to confirm Table 6-2 meets the vision that the  
5     Commission holds for the committee.

6           There's two main changes, in that I  
7     modified the gazebo. I had -- The last version  
8     you had open -- had both roofed, one with open  
9     walls and one with closed walls.

10          I realized that was a remnant from the  
11     discussion in 2021. So I revised the table for  
12     just gazebos.

13          And then the second, I had to modify the  
14     footnotes for that as well.

15          Then the encroachment table we have  
16     talked about several times. That's been flushed  
17     out. We will go through that.

18          Here is that Table 6-2, Accessory  
19     Structure Regulations. We did modify the height.  
20     That wasn't on the bullet point.

21          But last month we had talked about  
22     gazebos at 16 feet. And in speaking with Danita  
23     Anderson, our Code official, this is the height  
24     she is most seeing. So we took it down to 14 for

1 gazebos.

2 This is, as we talked about last time,  
3 every property would be entitled to one garage,  
4 either attached or detached. There is one shed  
5 and one gazebo, assuming you can meet lot  
6 coverage.

7 And the remainder items of accessory  
8 structures we are proposing can be put on the  
9 property, if it still met lot coverage.

10 We talked about swimming pools counting  
11 towards lot coverage, not counting towards it.

12 And we do have a written statement from  
13 Commissioner Shlensky and I think he is suggesting  
14 we should count it. So we will have to talk about  
15 that when we get to his element.

16 I spoke with him at length today. He  
17 called knowing that he wouldn't be here this  
18 evening.

19 Here is the footnotes. You can see  
20 Footnote 2 relates to the gazebo.

21 So if a gazebo was put on an impervious  
22 surface it would count towards lot coverage  
23 because of course nothing could percolate down  
24 into the ground.

1           If it was on a deck, you wouldn't double  
2 count. You would just include the square footage  
3 of the deck.

4           If you had a roofed gazebo with open  
5 walls on a pervious surface there is potential the  
6 storm water is going to percolate just fine. And.

7           I have seen gazebos where they are just  
8 a shelter and so that modified that footnote.

9           So before I go further do we have  
10 confirmation on this table?

11           Any discussion on it?

12           In this packet you have with the  
13 handouts it's the first page.

14           CHAIRMAN JARRETT: No, I don't.

15           COMMISSIONER HOFSTRA: I don't.

16           CHAIRMAN JARRETT: I have a feeling  
17 that your presentation we are probably all going  
18 to blend into discussion and questions all at  
19 once.

20           So just for the record I am going to ask  
21 if anybody from the public is wishing to speak and  
22 then I can also read Justin's comments into the  
23 record and we can just plow through this combining  
24 questions, comments, your input.

1                   So is there anyone from the public  
2 wishing to speak?

3                   I see no one.

4                   But I will read Justin's -- Commissioner  
5 Schlensky's letter into the record:

6                   Ellen and Pat, in light of my absence  
7 from tonight's scheduled meeting due to  
8 health reasons I hope that my following  
9 comments can be read into the record  
10 regarding staff's herculean overhaul of  
11 various sections of the zoning code and  
12 diligent cleanup of various scrivener's  
13 errors.

14                  First with regards to 4.4.3(c)  
15 referenced in both the staff memo and  
16 attachment I prefer the redlines in the  
17 first section because I believe that it  
18 aligns with the intent/spirit of the  
19 MX-T district, in that residential use  
20 cannot account for more than 50 percent  
21 of first floor occupancy.

22                  Instead, I believe that the spirit of  
23 the MX-T districts allows for commercial  
24 and/or nonresidential to make up the

1 majority of the first floor.  
2 Personally I would like to see a full  
3 restaurant or other  
4 commercial/nonresidential use of the  
5 first floor but if any residential is  
6 permitted on the first floor then such  
7 should be regulated to the rear of the  
8 first floor, meaning non-primary street  
9 facing, as we should promote/advertise  
10 the nonresidential use at primary street  
11 viewing.  
12 MX-T in my view is a transition of uses  
13 and the viewable use from the primary  
14 street should be the nonresidential use.  
15 Of course this would create a horizontal  
16 buffer between the uses and I believe  
17 that accomplishes the spirit of the MX-T  
18 district itself.  
19 The other two alternatives were added to  
20 respond to a developer's comments in  
21 which he wanted 100 percent residential  
22 allowance on first floor in MX-T  
23 district which I disagree with.  
24 Second, in Section 6.10 I found several

1 references to the term Accessory  
2 Building. I believe that this is in  
3 error, as we intended to remove the term  
4 Accessory Building from the code  
5 entirely and simplify such by solely  
6 using the term Accessory Structure.  
7 This is merely a comment to clean up the  
8 text to remove any/all references of the  
9 term Accessory Buildings.  
10 Third with regard to Table 6-2 I still  
11 struggle with the swimming pool not  
12 being considered in the overall lot  
13 coverage. Here I find a conflict  
14 between the purpose of preventing storm  
15 water runoff versus aesthetically  
16 pleasing yards.  
17 While I understand the consideration  
18 that a pool should not count towards the  
19 overall lot coverage because it will  
20 hold storm water, I also envision this  
21 lack of coverage resulting in a  
22 hodgepodge-looking yard, in addition to  
23 other allowed accessory structures which  
24 could result in aesthetically

1                   displeasing yard.

2                   Nevertheless the swimming pool itself  
3                   should always be required to have a  
4                   setback of not less than 5 feet from any  
5                   applicable lot line, as this is a safety  
6                   hazard and a utility easement compliance  
7                   issue.

8                   The safety concern of course is  
9                   individuals jumping a neighboring fence  
10                  knowing that a pool is on the other  
11                  side. We should prevent this  
12                  possibility.

13                 I would like further staff input on  
14                 their view of whether in-ground and  
15                 above-ground pools are to be treated the  
16                 same in regard to storm water runoff  
17                 concerns.

18                 Finally, as for 6.11.2.H I support this  
19                 additional language.

20                 As for 6.11.2.E I also support this  
21                 language due to recent rezonings.

22                 MS. WEBER: Just to keep that train  
23                 of thought, when he got to the second paragraph,  
24                 where he talked about Section 4.4.3(c), I have the

1 actual sections in the PowerPoint so you will be  
2 able to see them when we get to that point.

3 Then for the last paragraph regarding  
4 6.11.2 H and 6.11.2.E they are also in the  
5 PowerPoint.

6 CHAIRMAN JARRETT: I know where he  
7 says the reference to accessory buildings versus  
8 accessory structure, you mentioned already that  
9 you cleaned those up.

10 MS. WEBER: Yes.

11 All right. So we are good on this.  
12 Thank you, gentlemen.

13 We are good on the footnotes. Thank  
14 you, gentlemen.

15 So this is the next big topic that needs  
16 closure because we have discussed it several times  
17 now, and your first question, first fork in the  
18 road is:

19 What is the ground floor use for a  
20 general building.

21 And then should it be the same for all  
22 of these second trio of MX districts; MX-T, MX-R1  
23 and MX-R2.

24 When I first brought it up on July 14, I

1 did make the recommendation that the transition in  
2 MX-T building should be considered a transition of  
3 horizontal uses -- not vertical, not floor to  
4 floor -- and I envisioned it as a mix of  
5 residential and nonresidential which transitions  
6 the uses from the business district to a  
7 single-family detached-home-type district.

8 Ultimately the MX-R1 and MX-R2, the  
9 transition of form -- because that's the thing  
10 with these form-based codes; it's how does the  
11 building meet the street, not so much what's in  
12 the building.

13 And if you notice the setbacks for MX-R1  
14 and MX-R2 are greater than the MX-T.

15 So if you think of the building at the  
16 northeast corner of Princeton and Highland, for  
17 example, that is MX-R2 and it's residential but  
18 there is a nice lawn in front.

19 And we have that all over town. You  
20 have apartment complexes adjacent to and across  
21 from single-family homes and you don't feel it as  
22 much because the building is set back with a lawn,  
23 the form of the building and the front lawn match  
24 is closer to the form and placement of a

1 single-family home on a lot.

2 So thanks to our engineering department  
3 this afternoon, Jack Weiman quickly made me a map.  
4 And if you pull it up it's one of the larger  
5 pieces.

6 You know, I apologize, I was going to  
7 put it in the Powerpoint and I did not.

8 This is the MX -- The second trio of MX  
9 districts. We had talked about where do they fall  
10 in the Village.

11 So you can see MX-2 is generally along  
12 St. Charles Road on Ardmore and then that little  
13 chunk on Park. I believe Commissioner Orlowski  
14 had wanted to see this.

15 I am going to come down. This was the  
16 very first recommendation that appeared in staff  
17 memo.

18 And I will caveat that our current  
19 zoning petition before us will not be affected by  
20 this conversation.

21 We chose to move this project forward,  
22 as he requested, the first floor residential, so  
23 we are talking about for the future.

24 When I first began working here with the

1 code this was how I interpreted the MX-T because I  
2 felt that the first floor was supposed to have  
3 that transition in uses. So this appeared in one  
4 of your very first packets from me.

5 Then at the last meeting I also  
6 suggested we might want to break it out  
7 differently between MX-T and MX-R1 and MX-R2.

8 So in your packet we had gone through --  
9 Commissioner Luedtke had gone through the list of  
10 uses.

11 And if you look at this blue column in  
12 your handouts you can see what the uses are other  
13 than residential in the MX-T and MX-R districts.

14 They are the exact same in the MX-R1 and  
15 MX-R2.

16 The only difference between those two  
17 districts is MX1 is to be by the train station.

18 CHAIRMAN JARRETT: Are you asking  
19 for specific input on this as a topic?

20 MS. WEBER: Yeah, we need to decide  
21 how we are going to word it.

22 At the last meeting we did talk about  
23 these two alternative definitions for ground story  
24 use and it was in consideration of a request that

1 the first floor be allowed all residential.

2 So I think the first fork in the road  
3 is:

4 Do you want it mixed or are you good  
5 with it all residential?

6 And then you would determine if it would  
7 be the same for all three districts.

8 CHAIRMAN JARRETT: Yeah. So I  
9 thought about this and I still am not really  
10 comfortable with the ability to have entirely  
11 residential ground floor in the MX-T district as a  
12 right.

13 The right number or mechanism for  
14 getting there, I am not sure what that is. If  
15 it's a percentage, if it's the frontage based.

16 Because saying it's a percentage doesn't  
17 necessarily fix the problem because it doesn't  
18 tell them where to locate it or --

19 MS. WEBER: So from that viewpoint,  
20 this first reworking, all I did here is I had  
21 moved a clause, a phrase, from the original code,  
22 where I put:

23 Except commercial service eating  
24 drinking and retail at the end of the sentence.

1 CHAIRMAN JARRETT: Right.

2 MS. WEBER: If you wanted to  
3 continue that train of thought you could add onto  
4 this.

5 For example, if you wanted to add  
6 Commissioner Schlensky's suggestion that it can't  
7 face the primary street or --

8 But this does give you a percentage to  
9 start with and then modify if you want.

10 CHAIRMAN JARRETT: Yeah, I think  
11 first of all we have to figure out what the  
12 consensus of the Commission is. I am speaking for  
13 myself obviously.

14 But then beyond that what is that  
15 mechanism.

16 I know I mentioned to you that in  
17 Chicago in any of the commercial districts, the  
18 downtown districts, basically your nonresidential  
19 districts, a residential use on the ground floor,  
20 if it's permitted, is only per permitted as a  
21 special use. Which means you have to go through  
22 the special use process, if you want to put  
23 residential units or uses that are residential but  
24 not kind of considered accessory.

1           Like you don't need a special use to put  
2           a residential lobby on the ground floor of a  
3           building that has residential units above.

4           But if you don't have any commercial on  
5           the ground floor and your ground floor is all  
6           parking, then you do need a special use for that.  
7           That's a little tricky.

8           But as far as residential units you  
9           would always need a special use. And that's one  
10          way to do it. It's an extra hoop for somebody to  
11          have to jump through.

12          But if we look at the MX-T and where  
13          that's likely to happen, do we think it's worthy  
14          of that level of scrutiny?

15          One could argue that it is because there  
16          are these handful of NODs on St. Charles and --  
17          basically all on St. Charles and then in our small  
18          neighborhood districts maybe we don't need a  
19          special use.

20          But that is one way to think about it as  
21          well.

22                 MS. WEBER: My response back to  
23                 that, if you wanted the first floor to be all  
24                 residential, you do have MX-R1 and MX-R2s, but

1       that creates the greater setback.

2               So if you have a building that you are  
3       pushing up to the street, that's the first  
4       question, do you want -- as Commissioner Schlensky  
5       has written -- do you want all residential on  
6       primary street?

7               Does that make the transition that you  
8       want from a business district to residential?

9               COMMISSIONER ORLOWSKI: That's  
10       where I would agree with him on that, as I would  
11       not want my residential right up against the  
12       streetscape. It would have to be either some kind  
13       of a setback or make it towards on the side and  
14       the back but not on your street.

15              CHAIRMAN JARRETT: I guess let's go  
16       down the line here.

17              How do you guys feel, any of you,  
18       whoever wants to speak up, feel about any of these  
19       MX-T districts, the ones that are red on this map,  
20       the idea of being able to have a ground floor  
21       that's 100 percent residential with no requirement  
22       for commercial use in any instance?

23              COMMISSIONER ORLOWSKI: No.

24              COMMISSIONER ROMANO: No.

1 COMMISSIONER HOFSTRA: No.

2 CHAIRMAN JARRETT: Larry, you look  
3 like you are thinking hard.

4 COMMISSIONER CALVERT: Well, I am.  
5 And I agree with that in theory, but I think the  
6 practical application of that is, you know, is  
7 commercial really a viable option? I mean, is it  
8 something that you could really use in some of  
9 these locations?

10 And I kind of -- I don't think that's  
11 probably true. I think it would be a struggle  
12 anyway to lease some commercial space in some of  
13 these locations.

14 CHAIRMAN JARRETT: I imagine you  
15 are thinking like the kind of corner pockets down  
16 around Ardmore and Park?

17 COMMISSIONER CALVERT: Right.

18 CHAIRMAN JARRETT: In that general  
19 cluster.

20 COMMISSIONER CALVERT: In that  
21 general cluster, yes.

22 CHAIRMAN JARRETT: And I would  
23 agree with you on some of those.

24 And that may be part of the reason I

1 wanted to have the zoning map printed out, is  
2 there may be places where the MX-T, as was  
3 designated at the time, is not the appropriate  
4 zoning.

5 COMMISSIONER ROMANO: When you put  
6 the commercial use in there it's going to be an  
7 additional parking requirement.

8 And looking at this, this is along St.  
9 Charles. That could create a great deal of issues  
10 for any new development there to finding parking,  
11 if you are up against St. Charles Road.

12 And if there is residential upstairs on  
13 the unit, parking garage, then what would the  
14 business do?

15 COMMISSIONER ORLOWSKI: I  
16 personally -- I think some of this would have to  
17 be a case-by-case situation.

18 We go back to the Ovaltine project and  
19 when that was done and they had the Villa Avenue  
20 business district as storefronts that for years  
21 remained unfilled and now it's a daycare.

22 So that's where I think that the  
23 commercial use, yes, it's -- in your residential  
24 area is going to be hard to fill.

1           My point as far as residential ground  
2 floor in a business area you wouldn't want in your  
3 street front unless there is some kind of a gap  
4 between street and residential, the same way that  
5 we have in the current situation.

6           CHAIRMAN JARRETT: But I think the  
7 general consensus up here is that, generally  
8 speaking, from the 10,000-foot view nobody would  
9 really want entirely ground floor residential in  
10 any of these districts, if it were economically  
11 feasible.

12           The question is then, what is the  
13 mechanism for getting us there.

14           And we could try 50 percent or only on  
15 frontage -- and maybe that is a way to get  
16 there -- but like Mike, and Larry said to a  
17 certain degree, it's almost case by case; right,  
18 depending on the size of the lot, how many street  
19 frontages you have.

20           Obviously a site the size of where the  
21 Union will be developed is vastly different than  
22 this little pocket over here a half block west of  
23 the library. And maybe that's where requiring  
24 somebody have a variation is actually much more

1       onerous than the special use process.

2               Because let's just take that one parcel  
3       that's a half block west, I think it's behind the  
4       -- it might actually be a funeral home, a block  
5       west of the library, at the southeast corner of  
6       that intersection on the zoning map.

7               If somebody came in and said, We want to  
8       do a three story all residential building there, I  
9       really don't think anybody would have an issue  
10      with that. The idea of commercial there to me is  
11      not probably financially feasible and probably not  
12      welcomed by the neighbors on the other three  
13      corners.

14              But if we had a 50 percent clause or  
15      only on the frontage clause they would have to go  
16      through the variation process, where they would  
17      have to prove hardship and all the things we just  
18      went through with 27 West Park.

19              Where as a special use to permit ground  
20      floor residential, they basically have to prove  
21      that they are not creating harm.

22              I mean, that's kind of the threshold for  
23      a special use. It's much less onerous. And  
24      that's why I wonder if that's the mechanism.

1 MS. WEBER: You could also blend  
2 those two thoughts and make it not more than  
3 50 percent on the primary street.

4 Like it's a good example I may have  
5 shown you in Barrington on Huff Road -- I'm trying  
6 to think if it's Huff or Barrington Road -- it's a  
7 big -- it's across from a car dealership and like  
8 a 7-Eleven. So it's a very small commercial area.

9 And they built -- Mark Kett, who is  
10 doing the Union, built a very large four story  
11 apartment building and it's set back about 10 feet  
12 from the street and it is all residential but it's  
13 a very deep parcel. And it's surprising, when you  
14 go around in the rear, you see there is housing as  
15 well.

16 So I think some of you brought up lot  
17 size is very important in this consideration  
18 because many of our parcels are very shallow.

19 CHAIRMAN JARRETT: Correct.

20 MS. WEBER: -- that will impact it.

21 It's at Liberty and Barrington Road, I  
22 believe, if you want to look it up later.

23 CHAIRMAN JARRETT: Right.

24 But if we said, not on the -- No

1 residential on the frontage, to get away from that  
2 they would still need a variation.

3 MS. WEBER: You have to think of  
4 how that residential addresses the street, you  
5 know.

6 And is it a dead space at night or  
7 during the day with shades drawn.

8 I think that's the consideration I have  
9 heard from the Commission too over the meetings we  
10 have talked about this.

11 I would leave it to you guys. It's your  
12 vision. I have made my recommendation.

13 COMMISSIONER JACKSON: You know, I  
14 can lean towards the same thing that Larry says.

15 Those spots on Park and that area, how  
16 about we just rezone them so they are not MX-T.

17 I mean, the shops there are not going to  
18 survive or any type of business there, you know,  
19 depending on what it is may be hard or a hardship  
20 to thrive and survive there.

21 What are we going to put there, another  
22 bar or liquor store or something?

23 But along St. Charles Road, in some of  
24 the busier sections, I agree that maybe we could

1 have a 50 percent commercial use restriction  
2 there.

3 But just because it once was a  
4 commercial property does it have to remain a  
5 commercial property, you know what I mean?

6 CHAIRMAN JARRETT: No, it doesn't.

7 And depending on the specific location  
8 of the parcel, you are right, there might be some  
9 areas that should be rezoned.

10 COMMISSIONER CALVERT: Just so that  
11 I am looking at the map correctly, down here at  
12 the very bottom, this little red square, that is  
13 27 Park; right?

14 COMMISSIONER JACKSON: Yes.

15 COMMISSIONER CALVERT: The larger  
16 one up here is the Lutheran church?

17 COMMISSIONER JACKSON: Uh huh.

18 COMMISSIONER CALVERT: Isn't the  
19 Lutheran church MX-T?

20 COMMISSIONER ORLOWSKI: The  
21 Lutheran church and the funeral home and the  
22 Masonic Lodge.

23 COMMISSIONER CALVERT: The funeral  
24 home?

1 COMMISSIONER ORLOWSKI: Yes.

2 COMMISSIONER CALVERT: I didn't  
3 know there was a funeral home there.

4 MS. WEBER: There's a lot of  
5 parking lots up there.

6 COMMISSIONER CALVERT: That's a  
7 very large parking lot; okay. So that's that  
8 spot.

9 Then over here on the other corner in  
10 the lower right?

11 CHAIRMAN JARRETT: That's a small  
12 single-story office courtyard development.

13 MS. WEBER: L-shaped 51 Park.

14 COMMISSIONER CALVERT: Yes, which  
15 is very out of place where it's at now.

16 MS. WEBER: It doesn't address the  
17 street. That's a good example to think about, in  
18 terms of form-based zoning, how that addresses the  
19 street.

20 It has automotive use, parking lot in  
21 the front.

22 Whereas all our MX districts want  
23 parking in the rear.

24 COMMISSIONER CALVERT: On down east

1       towards Villa Park, that location, is that little  
2       law office there; is that correct?

3               CHAIRMAN JARRETT: That's fuel and  
4       the post office and then the parking lot across  
5       the street.

6               COMMISSIONER CALVERT: Okay.

7               COMMISSIONER JACKSON: The old post  
8       office, you mean, which is now an architectural  
9       firm.

10              COMMISSIONER CALVERT: Right.

11              MS. WEBER: In hindsight, I maybe  
12       could have put the MX 1, 2 and 3 on here but  
13       that's what the infill is.

14              As I understand it too, when this was  
15       done in 2018, some of these parcels were zoned the  
16       way they were to try and fit them into what they  
17       are right now; correct? I think I heard some of  
18       that.

19              CHAIRMAN JARRETT: Yeah.

20              I know that Leslie, when she did these,  
21       that was a combination of trying to fit into  
22       existing uses to not create nonconformity use,  
23       while in some instances also I think the  
24       underlying zoning in some cases drove what the new

1 zoning was, except for in a handful of places  
2 where we kind of pushed for changes.

3 And I think, as an example the MX-T,  
4 towards the west end of St. Charles, I think that  
5 was one.

6 I think there were a handful of  
7 commercial zonings that aren't relevant to this  
8 conversation, where we changed a parcel here and  
9 there to make a homogenous block instead of  
10 several smaller, like C1 and C2, side by side for  
11 no real reason.

12 MS. WEBER: So I think if you want  
13 to consider it on a case by case you are going  
14 down the right path, if you make a special use for  
15 the residential on the first floor, then you have  
16 the ability to weigh each parcel by itself.

17 CHAIRMAN JARRETT: I really do  
18 think in the -- at least in the MX-T I think  
19 that's the way to go.

20 MS. WEBER: Because the  
21 consideration could be made that it's just not a  
22 viable commercial space.

23 CHAIRMAN JARRETT: Right.

24 Or that the lot is not viable from a

1 size perspective or there may just be locations  
2 where it's just not viable, it's not really  
3 welcome.

4 If somebody wanted to go residential --

5 MS. WEBER: You might consider  
6 rezoning to the MX-R1 or MX-R2?

7 CHAIRMAN JARRETT: Yeah, that's a  
8 little trickier because that involves changing  
9 someone's land use rights, but yes, that's  
10 certainly a process we could go through.

11 Which is part of why I preferred to get  
12 as many changes in under the old ordinance, when  
13 we did the update, because that's a whole  
14 different concept.

15 When you are doing an overall update to  
16 the zoning ordinance you don't have to notice each  
17 individual land owner that their zoning is  
18 changing. After the fact you do.

19 MS. WEBER: So maybe ignoring the  
20 comment about the residential being on the street  
21 facing or in the rear.

22 Maybe you just do the route that  
23 anything requesting residential on the first floor  
24 is special use.

1 CHAIRMAN JARRETT: Yeah.

2 MS. WEBER: And then you can weigh  
3 it.

4 CHAIRMAN JARRETT: That works for  
5 me.

6 And that's where I am getting at is it's  
7 case by case. And case by case is exactly what  
8 special use is created for.

9 It's uses that might be considered  
10 problematic for whatever reason, and then looking  
11 at them against the standards in that specific  
12 situation, which is what we are talking about.

13 We can try to craft it 50 percent only  
14 in the front yard but what if you have pre-primary  
15 streets?

16 COMMISSIONER ORLOWSKI: Right.

17 CHAIRMAN JARRETT: What if --  
18 There's a million things that you have to try to  
19 account for in a special use process and a special  
20 use process allows you to do that.

21 MS. WEBER: So would we start  
22 with -- Let's start with the original wording in  
23 the ordinance which is struck through up here.

24 You could simplify it too by just

1 saying:

2 All permitted uses but residential would  
3 require a special use.

4 COMMISSIONER ORLOWSKI: I would be  
5 good with that.

6 MS. WEBER: Does that work?

7 Did I miss something?

8 CHAIRMAN JARRETT: No.

9 And then you would just have to make  
10 sure that's duly noted in the use table as well.

11 Whether it be ground floor residential,  
12 I think is what we would have to call it.

13 Do we have a designation like that  
14 already in the use table?

15 COMMISSIONER ORLOWSKI: I don't  
16 think so.

17 MS. WEBER: When you look at the  
18 use table we would just come to this first section  
19 of Household Living --

20 Oh, that's interesting because this is  
21 more relative to the traditional districts, so I  
22 will have to somehow notate this that -- Oh, no,  
23 it's just in the MX-T.

24 It would be a special use symbol;

1       wouldn't it?

2                   CHAIRMAN JARRETT:  Yeah.

3                   MS. WEBER:  And then MX-R, do you  
4       want that to read the same or just do what I  
5       suggested here with all uses permitted in the  
6       district?

7                   CHAIRMAN JARRETT:  Personally based  
8       on where our MX-Rs are and what their concept and  
9       what their intent is, I don't have any problem  
10      with it being all ground floor residential, MX-R.

11                  MS. WEBER:  So if you put all uses  
12      permitted in the district that would cover that.

13                  CHAIRMAN JARRETT:  For me.

14                  And the uses that we allow that are not  
15      residential are very few, very non-intensive, and  
16      for the most part uses that would never be in a  
17      residential building anyway.

18                  Or if you look down at the list of MX-R  
19      uses the vast majority of them are also special  
20      uses.

21                  MS. WEBER:  Just so we are all on  
22      the same page, I am going to change this on the  
23      screen, so that we are all saying the same thing:

24                  All permitted uses except that -- what

1 do you call it?

2 CHAIRMAN JARRETT: Ground floor  
3 residential.

4 MS. WEBER: -- shall require a  
5 special use.

6 CHAIRMAN JARRETT: You may want to  
7 compare that language to what's in the ordinance  
8 and make sure but, you know, obviously residential  
9 lobbies are permitted.

10 MS. WEBER: That would be  
11 residential accessory, such as a lobby, but that  
12 would be considered as part of the special use  
13 component.

14 CHAIRMAN JARRETT: But it would  
15 be -- That would be too onerous to make the lobby  
16 a required special use.

17 MS. WEBER: But if you are doing it  
18 --

19 CHAIRMAN JARRETT: Because you  
20 would have -- Let's take, if you have ground floor  
21 commercial but you have a residential lobby  
22 serving the uses above.

23 MS. WEBER: Right.

24 CHAIRMAN JARRETT: So we just have

1 to figure out exactly how to...

2 MS. WEBER: I will figure out a way  
3 to get that in there but that's your point.

4 CHAIRMAN JARRETT: Yeah.

5 MS. WEBER: If all residential is  
6 on the upper floors the accessories are okay on  
7 the first floor to get you there.

8 What do you think, Larry?

9 COMMISSIONER CALVERT: Okay.

10 MS. WEBER: At a certain point do  
11 you want to think about the height limits in the  
12 MX-T, since that was a community concern with our  
13 last project?

14 I am not sure that we published for this  
15 here, the legal notice, but given that it was such  
16 a point of discussion, it may be something for the  
17 future.

18 CHAIRMAN JARRETT: I would say that  
19 personally I am okay with 5 in the MX-T, the vast  
20 majority of them.

21 Again, it comes back to, are there some  
22 areas zoned MX-T that shouldn't be.

23 And the only viable way I can think to  
24 get around that without forcing variations would

1 be at the --

2 MS. WEBER: We did publish for  
3 height of accessories.

4 I don't think we published for height of  
5 the buildings.

6 CHAIRMAN JARRETT: Yeah.

7 COMMISSIONER ROMANO: Some of these  
8 you are going to want the height.

9 CHAIRMAN JARRETT: Yeah, if you can  
10 get five stories on St. Charles, why not.

11 COMMISSIONER ROMANO: Just address  
12 it through a zoning issue instead.

13 CHAIRMAN JARRETT: Right.

14 Especially since we require floors above  
15 the third floor to be set back from primary  
16 streets.

17 COMMISSIONER CALVERT: Would it be  
18 really difficult to remove this property on  
19 Ardmore and this other one over here on Park out  
20 of MX-T?

21 CHAIRMAN JARRETT: It requires  
22 noticing them and holding a public hearing -- and  
23 I don't know what more -- and then a board vote.

24 I don't know what else legally it would

1       require for us as a Village, but yeah, we just  
2       can't do it. It would be --

3               We have done it but we have pretty much  
4       only done it in cases where the landowners have  
5       wanted it or it was property that was recently  
6       brought into the Village.

7               COMMISSIONER CALVERT: My question  
8       is -- and maybe no one here can really answer it  
9       -- why is that property, the Lutheran church and  
10      the other property, the businesses there, why is  
11      that MX-T?

12              CHAIRMAN JARRETT: Because they  
13      were probably zoned commercial in the old zoning  
14      map and they are -- I mean, the funeral home sort  
15      of is a commercial use.

16              But I know what you are saying, for  
17      instance, Steuerle Funeral Home, I don't know what  
18      they are zoned. That's probably a commercial  
19      zoned parcel there.

20              The library and I would be willing to  
21      bet -- I don't have the zoning map in front of me  
22      but --

23              MS. WEBER: Institutions can be in  
24      an R zone.

1                   CHAIRMAN JARRETT: The library is  
2                   probably in a commercial zoning district.

3                   MS. WEBER: It probably is.

4                   CHAIRMAN JARRETT: I am not sure.

5                   But yeah, my guess is -- It's been  
6                   awhile since we did that, but it was probably an  
7                   underlying commercial zoning. It's a commercial  
8                   use.

9                   If you made it residential you instantly  
10                  create a nonconforming use. So anything they  
11                  would want to do to that funeral home they would  
12                  not ever be able to do.

13                  Even if like the funeral home went out  
14                  of business, they close the doors, somebody else  
15                  couldn't buy it and restart the funeral home  
16                  because the use would have been discontinued, if  
17                  enough time passes.

18                  And those are the type of things that --  
19                  So that's why. I am sure it was zoned  
20                  commercially. It's a commercial use.

21                  COMMISSIONER CALVERT: That makes  
22                  sense.

23                  CHAIRMAN JARRETT: Yeah.

24                  COMMISSIONER CALVERT: So in terms

1 of the height I wouldn't have any problem or  
2 concerns about any of these other ones along St.  
3 Charles or even the ones over on Villa.

4 It would just be these parcels over  
5 here. Five stories would be, I think,  
6 inappropriate on either one of these locations.

7 MS. WEBER: Here is the full zoning  
8 map up on the wall. We have added a new  
9 interactive zoning map. It's still a little bit  
10 hidden.

11 But when you go into the Village  
12 website, if you type, How do I look up my zoning,  
13 there is an option of staff map or this  
14 interactive map. So you can actually type in an  
15 address here and find your zoning. It's really  
16 helpful.

17 So you are asking here or here you were  
18 talking about?

19 CHAIRMAN JARRETT: We were talking  
20 there, lower left.

21 So yeah, the library is not commercially  
22 zoned. I would have guessed it was.

23 MS. WEBER: You will see the  
24 calibration is off a little bit here, but you can

1 look up an address and get the exact zoning.

2 CHAIRMAN JARRETT: She is test  
3 flying something that I only learned that we had  
4 today, the new interactive zoning map, which is a  
5 huge step in the right direction, because the old  
6 PDF maps are not particularly useful for most  
7 people.

8 MS. WEBER: So should we get back  
9 to the question at hand or did you want to talk  
10 about the MX-T any more?

11 We really haven't published for it. I  
12 think it will be coming down shortly.

13 CHAIRMAN JARRETT: Yeah, I know the  
14 Board mentioned wanting to have some discussion  
15 regarding MX-T and that. So we should probably  
16 wait for that, I guess, on those specifics.

17 But I do agree with you that there are  
18 at least a couple places where the zoning may not  
19 be appropriate.

20 COMMISSIONER CALVERT: Uh huh.

21 CHAIRMAN JARRETT: But as an  
22 example, if I am the property owner of the  
23 easternmost parcel, the single-story commercial  
24 building, and you tell me that you are rezoning my

1 property as residential, and that I can't build a  
2 five-story building any more, I am not going to be  
3 happy about it because you just cut the value of  
4 my property by fractions.

5 MS. WEBER: I think I am hearing --  
6 and maybe not, correct me if I am wrong -- that  
7 there is not as much concern about the five  
8 stories, if it's done right; it's whether all  
9 these parcels should be MX-T, where it would be  
10 allowed.

11 I think that's what I am hearing from  
12 the Commission.

13 CHAIRMAN JARRETT: Yeah. All  
14 right.

15 MS. WEBER: So back to our text  
16 amendment, we will modify this:

17 All permitted uses except the ground  
18 floor residential shall require a special use.  
19 Residential accessory units will be permitted on  
20 the ground floor by right, if all residential is  
21 above.

22 Something like that? Where we were  
23 going, if I caught the intent, and we can  
24 wordsmith it with the attorney.

1 CHAIRMAN JARRETT: That's fine.

2 MS. WEBER: Okay. All right. So  
3 then we made that decision.

4 We are going to MX-R1 and MX-R2. We  
5 will read all uses permitted in the district;  
6 okay.

7 So these then were two new items to  
8 consider. This is the last paragraph that was in  
9 Commissioner Schlensky's written statement to the  
10 Comission.

11 When we went to approve the outdoor  
12 temporary sales for the garden center at Jewel, I  
13 checked the code and realized that they previously  
14 had been a C district and now they are MX-3 and  
15 they can't do their outdoor garden sale which, as  
16 you know, they do every year.

17 So what I am suggesting here is an  
18 additional sentence and this would be applicable  
19 to the larger parcels in the districts other than  
20 C.

21 The whole point of outside sales is one  
22 where you know it's temporary, it's kept clean,  
23 and that you can take up the parking spaces for  
24 the outdoor sales but not impact the functionality

1 of the store.

2 So that's why I have written, Within  
3 approved parking plan, and the parking plan would  
4 make sure that there was enough parking to still  
5 serve the store, that life safety trucks can get  
6 through, it's not blocking fire truck lanes,  
7 people can still get in, it's still a safe site.

8 So I thought that was a very commonsense  
9 addition we can add.

10 Do we have consensus on that?

11 CHAIRMAN JARRETT: I am fine with  
12 that.

13 COMMISSIONER HOFSTRA: Yes.

14 MS. WEBER: The second one was not  
15 discussed this last year but it has come up with  
16 moving season.

17 Right now we allow people to use these  
18 PODs, these portable moving storage units. It's  
19 become in vogue to pack them when you are moving.  
20 The company comes, picks it up, moves it to your  
21 new house.

22 And we require a permit. We don't  
23 charge for the permit. But we want to make sure  
24 that they are off the public right of way. They

1 are on private property. They are not encroaching  
2 into the sidewalk or street and it's on a paved  
3 surface.

4 And went to just codify that and dug  
5 around on a few other codes and realized that we  
6 should probably, I think, consider three  
7 scenarios.

8 So what I have suggested here is the  
9 size -- which is your typical POD -- the permit's  
10 required, it has to be in good shape, and it has  
11 to be on an approved surface and not encroaching  
12 on the public right of way.

13 But then the three specific instances  
14 have different time restrictions:

15 So the first one is an existing  
16 single-family home, where someone is moving, so  
17 they get their POD for 30 days. Usually they are  
18 there for a couple weeks while they pack and then  
19 they come and move it. You want to get it out of  
20 your yard. So that should cover you on both ends,  
21 moving in and out, moving out, moving in.

22 The second is during a construction of a  
23 new home. And it's in the best interest of the  
24 community to allow these because then you don't

1 have trash and things blowing through the  
2 neighborhood.

3 So working with Danita Anderson, our  
4 building official, she suggested that we allow  
5 nine months for the new home.

6 And if it's major remodel -- I have to  
7 move my couches out while I re-floor, something  
8 like that -- most people will put those in the  
9 garage.

10 But if it's major enough that they are  
11 going to do a POD, 90 days should be enough.

12 The third one is temporary storage when,  
13 God forbid a tornado comes through and you have to  
14 fix your house, a fire, and you have 60 days  
15 extendable, as long as the Village knows that  
16 there is progress being made on the property.

17 Do we have consensus?

18 The reason I put it in here is that I  
19 did tweak it, what's in yellow, from what was in  
20 your packet. That's why this is up on the board  
21 tonight.

22 COMMISSIONER CALVERT: And 2B, if  
23 someone needs an extension for that, is there a  
24 mechanism for that or would that be a case-by-case

1 basis?

2 MS. WEBER: We can add that  
3 sentence that's in C up to B.

4 I agree, there is always a commonsense  
5 reason when you need to do that sometimes, and we  
6 do want the residents to be able to live in and  
7 improve their homes, so I can add that there, if  
8 you would like.

9 CHAIRMAN JARRETT: Don't we already  
10 have -- I guess I am not clear.

11 Don't we already have regulations for  
12 PODs?

13 MS. WEBER: Not on residential.

14 Everything that was done last year was  
15 nonresidential.

16 CHAIRMAN JARRETT: We created them  
17 about 10 years ago.

18 MS. WEBER: I couldn't find it.

19 CHAIRMAN JARRETT: I would have  
20 to --

21 MS. WEBER: I don't know if it got  
22 reworked in last year's work but I couldn't find.

23 CHAIRMAN JARRETT: I thought a  
24 portion of what we entered was for residential and

1 part is commercial?

2 I could be wrong or something could have  
3 been removed that wasn't supposed to be in the  
4 codifying process, but we did have a section  
5 specifically for residential uses. That's where  
6 the language for the nonresidential uses came over  
7 from.

8 MS. WEBER: If I up type in the  
9 word Storage -- You always have to have the right  
10 term; right?

11 COMMISSIONER ORLOWSKI: What if you  
12 type in POD?

13 MS. WEBER: That's a brand name,  
14 like Frigidaire or tissues, Kleenex.

15 Our first storage shows up very  
16 minimally in the code.

17 CHAIRMAN JARRETT: I don't think  
18 it's outdoor storage. I think it's storage unit  
19 or temporary storage.

20 MS. WEBER: Everything I found was  
21 nonresidential.

22 COMMISSIONER ORLOWSKI: I know we  
23 put something in there whenever PODs first came  
24 out.

1                   CHAIRMAN JARRETT: Yeah, that was  
2                   with Melissa and Shubra. We definitely did.  
3                   Whether or not it's still in there, I can't say.

4                   But that's where a big chunk of the  
5                   language for the nonresidential uses came from.  
6                   It was copied directly from that.

7                   MS. WEBER: We had talked about  
8                   this at one of the very first meetings, where we  
9                   clarified the nonresidential.

10                  CHAIRMAN JARRETT: Go to Temporary  
11                  Uses.

12                  MS. WEBER: No. 6?

13                  CHAIRMAN JARRETT: Yeah, scroll  
14                  down through that.

15                  MS. WEBER: So A is a bit similar.

16                  CHAIRMAN JARRETT: No, it had  
17                  multiple standards to it. It had like a A, B, C,  
18                  D.

19                  MS. WEBER: Okay.

20                  CHAIRMAN JARRETT: Without being  
21                  able to sit down and pour over it, I know with  
22                  100 percent certainty we had that in there until  
23                  very recently.

24                  I wonder if the way, when the ordinances

1       were codified, with the whole removing --

2                   MS. WEBER: I can check the  
3       original 2018.

4                   Can I get consensus, if I don't find it,  
5       would you like to add it?

6                   CHAIRMAN JARRETT: I have no  
7       problems with anything that you propose because I  
8       think most of it is already in there and what you  
9       have added is actually increasing specificity, in  
10      terms of timeframes.

11                   I believe we just had a single, like, 60  
12      or 90 day timeframe, but it was there with like  
13      the standard size for a POD.

14                   MS. WEBER: One of the things you  
15      did you last year was you increased the size for  
16      the nonresidential ones. So you had something in  
17      there on them.

18                   But I will add this. I really don't  
19      think I am going to find it, Chairman. I have  
20      looked multiple times.

21                   CHAIRMAN JARRETT: I will go back  
22      and look as well and see what I can find.

23                   MS. WEBER: I will add the  
24      extension on B as well.

1 COMMISSIONER CALVERT: I don't  
2 think it's necessary actually, the more I think  
3 about it, because during a major remodel when you  
4 are issued a permit it's valid for six months.

5 So when you get that permit you are not  
6 going to need that POD really beginning that very  
7 day, probably a few weeks afterwards. And during  
8 the remodel you are probably going to be at a  
9 point where you can bring everything back in even  
10 before it's completed. Actually I think the 90  
11 days is fine.

12 MS. WEBER: Everyone agree?

13 CHAIRMAN JARRETT: Yeah.

14 COMMISSIONER CALVERT: I think the  
15 way you have it is okay.

16 MS. WEBER: So next I am going to  
17 get into chapter -- section by section, just  
18 summarizing the changes.

19 And I put this in the memo and then in  
20 the beginning of each of the appendix, so that  
21 would help with the creation of a motion because  
22 it summarizes the nitty gritty that's being done.

23 So Article -- It was actually:

24 A: Article 2, Residential Uses, that

1 was a scrivener's error with encroachment being  
2 spelled wrong.

3 B: The office, commercial, industrial  
4 districts, the table was an error referencing an R  
5 district. So I replaced that with O, C and M;  
6 office, commercial and manufacturing districts in  
7 the title at Table 32.

8 The Article 4 is replaced in entirety.  
9 We have looked at the scrivener's errors before.  
10 We have addressed them tonight.

11 And then I was able to find in that  
12 original 2018 copy of the ordinance some of the  
13 figures were missing. So those were added. They  
14 just got dropped out, the titles. And you would  
15 be reading it, it would say, Refer to figure 4-32  
16 and there was none, because the titles got dropped  
17 out, so that's the other major change.

18 So Article 6 we spent a lot of time on  
19 and we were going to stop the interchangeability  
20 of accessory building and accessory structure and  
21 reference all accessory structures as structures,  
22 including garages.

23 We have reconfirmed only one garage per  
24 lot.

1                   We have increased the size and height  
2 regulations to more match what's available on the  
3 commercial market for prefab sheds and gazebos.

4                   We have changed from only one accessory  
5 structure in a residential district to allow one  
6 shed and one gazebo maximum.

7                   And then additional structures, so as  
8 long as we can meet the lot coverage requirements.

9                   Do I have consensus on the pools?

10                  Do we want to count them towards lot  
11 coverage?

12                  CHAIRMAN JARRETT: I am fine with  
13 that.

14                  MS. WEBER: Count?

15                  COMMISSIONER CALVERT: Count them  
16 as lot coverage, yes.

17                  MS. WEBER: Yeah, I think we should  
18 too.

19                  And we talked early on, when I had  
20 brought you the Tinley Park example, how they in  
21 some other towns will say, Here is all your  
22 allowed accessory uses in commercial, here they  
23 are in residential, and here they are in  
24 industrial.

1 I think we are good to just leave it the  
2 way it is right now.

3 In the nonresidential districts it says  
4 just one. It has the maximum square footage  
5 and/or 10 percent of the lot.

6 And if they want more accessory uses it  
7 becomes a PUD. So we control it that way.

8 And if you want down the road to develop  
9 a list, that would be your option and right to do  
10 so.

11 The changes then, we have changed the  
12 definition of lot coverage:

13 It's the cumulative total square foot of  
14 a principal building and all the accessory  
15 structures.

16 We did not change the percentage though.  
17 That was changed last year.

18 We talked about whether it has a roof or  
19 not. You don't double count if a gazebo is on the  
20 deck.

21 And we have to talk about this  
22 encroachment table to make sure everyone is good  
23 with it.

24 I did not put the entire table in your

1 PowerPoint but we have it in the handouts.

2 The first thing we did to that table we  
3 looked at last month, where we added the fourth  
4 column and put footnotes up in it. Here is the  
5 beginning, the top of the table, and you can see I  
6 changed the definitions.

7 So we have one definition for setback in  
8 the code. All of the older definitions for  
9 setback that you found in a more traditional code  
10 were taken out in the update.

11 And they just define setback as an area  
12 between the principal structure and the lot lines  
13 is to remain open from ground to sky unobstructed.

14 And there is actually two perimeters  
15 around a house; you have your required yard, which  
16 is how our code reads; these accessory structures  
17 can encroach in that required yard. And that in a  
18 residential home is typically going to be a  
19 30-foot front yard, a 40-foot rear yard.

20 And then on the side you get 15 feet,  
21 which is generally a six and 9 feet -- 6 on one  
22 side, 9 on the other for your driveway, to get  
23 through to your attached garage.

24 And then you have a yard, which is the

1 lot -- the area around the home. And I called  
2 that in here, The required yard versus the  
3 required setback.

4 So think of your house, which is then  
5 surrounded by your yard, which is then surrounded  
6 by the outer perimeter, it's the required setback.  
7 Generally the 30 in the front, the 6 and the 9 on  
8 the side and the 40 in the rear.

9 Does that make sense?

10 So the table has been modified and if it  
11 says, yes, yes, it can encroach into both yards.

12 If it says no, like on arbor, it can be  
13 in the yard, it just can't encroach into that  
14 required outer perimeter.

15 And if it's got a dash, it can't be in  
16 that yard.

17 You don't want an amateur radio tower in  
18 your front or your side yard but it could be in  
19 the rear and it can encroach.

20 Bees, you don't want them in your front  
21 or your side. You want them in the rear. And  
22 there is a special setback for them. So that's  
23 why it says, yes, see the notes.

24 Did you look at the table and did it

1 make sense? I would like some confirmation on it.

2 The major changes:

3 We have created these two additional  
4 definitions. And I do have them getting added to  
5 the code, defining the two perimeters outside of  
6 the house.

7 And we have indicated first if the  
8 accessory structure can even be in that side of  
9 the house. And then if it can encroach or not.

10 And the additional notes give some  
11 parameters for the encroachment.

12 Then there was a couple uses that were  
13 elsewhere in the code but not in this table, that  
14 I did add, just to try to get them all in one  
15 place.

16 I think I added dog runs.

17 I broke out vegetable gardens and I  
18 think that we possibly don't want them in the  
19 front yard. You might want to change that.

20 I have personally put tomatoes in  
21 between my flowers, but I think when you hear  
22 garden, vegetable garden, you think of entire rows  
23 and staked up, and that's not really the look a  
24 community wants. So I think we should change

1       that.

2                   It's not on the screen. It's on your  
3       handout.

4                   Is there consensus on that? Should I  
5       change the vegetable gardens to not be in the  
6       front yard?

7                   CHAIRMAN JARRETT: Yeah, I think  
8       so.

9                   COMMISSIONER HOFSTRA: Yeah.

10                  COMMISSIONER ROMANO: I don't  
11       personally care but I am fine with the consensus.

12                  MS. WEBER: So going down the list,  
13       I did add aviary, which is in the Code but not in  
14       the table.

15                  I added -- I changed detached trellises  
16       and gave a definition for a trellis. That the  
17       arbor is rounded and a trellis is a flat panel.

18                  We also put in the Code that trellises  
19       are not to be considered a fence. We had a  
20       neighbor dispute, where someone put that along the  
21       whole length to screen their neighbor, and it's  
22       not solid enough to be a fence. It may be a  
23       visual barrier but it doesn't protect the yard and  
24       it was creating a nuance on the other side.

1 I did change it so that you could have a  
2 small trellis at the gate because I do see those  
3 through town. I think people like them.

4 Basketball goal and net, Commissioner  
5 Schlensky asked me to indicate they could be in  
6 the front yard, if they are in the driveway.

7 Dog run was added. It was clearly  
8 defined in the code, just not in this table.

9 COMMISSIONER ORLOWSKI: Do we have  
10 chicken coops in there at all?

11 MS. WEBER: I didn't add it in  
12 here. I could.

13 But all I will do if I add it is mimic  
14 what's in the code. I can add it, if you want.  
15 That's a good idea.

16 Look at dog runs -- I did add it. I am  
17 sorry. I put, See Section 5-104.

18 CHAIRMAN JARRETT: It's dog run or  
19 pet enclosure.

20 MS. WEBER: Because it says pet  
21 enclosure is why I wanted to add it.

22 So I put a height of 21 feet for  
23 flagpole.

24 Does anyone have a consideration on

1       that?

2                   We did not have a height in the code.

3                   COMMISSIONER ORLOWSKI: Is that  
4       just residential?

5                   MS. WEBER: Yes, this is a table  
6       for residential.

7                   COMMISSIONER ROMANO: Is that just  
8       research standard height, what you would buy?

9                   MS. WEBER: The garage is 21 so  
10      match the garage height.

11                   You do get those massive ones at  
12      commercial.

13                   COMMISSIONER ORLOWSKI: I would  
14      actually go at least 25 feet. I know my house,  
15      the ridge of the roof is 26 feet.

16                   MS. WEBER: Right. If the houses  
17      are taller, the garages are 21.

18                   So do you have consensus, gentlemen?

19                   COMMISSIONER ROMANO: Sure. 25 is  
20      fine.

21                   COMMISSIONER HOFSTRA: 25 is fine  
22      with me.

23                   CHAIRMAN JARRETT: That's fine.

24                   COMMISSIONER JACKSON: We will take

1       25.

2                   CHAIRMAN JARRETT:  It's a nice,  
3       round number.

4                   MS. WEBER:  I don't know what  
5       standard sizes those come in, sorry.

6                   I did make one change from the previous  
7       consideration on private service walks.

8                   Originally last year when we considered  
9       this it read that private service walks were to be  
10      -- to not exceed 5 feet in width, unless they were  
11      connecting to pavement that was greater than 5.

12                  And a sidewalk in the front yard greater  
13      than 5 is not a sidewalk anymore.  You are getting  
14      into a patio.

15                  So we limited 5 feet is the maximum  
16      service walk through a residential property.  You  
17      know, if it's in the rear and it's bigger, it's a  
18      patio.

19                  I added rain barrels in the front yard,  
20      if they are adjacent to the house, because just in  
21      common marketing practice, if you catch it, if you  
22      have a front garden area you are going to want  
23      your water right there, but just only adjacent to  
24      the house.

1           A lot of people, they are very nice  
2     looking, they are decorative, they paint them or  
3     decorate them.

4           I added the solar, just referring back  
5     to the existing regulations at 6, 10, 9.

6           I added sheds. I think it wasn't here  
7     before but I put: Subject to Table 6-2, that new  
8     table.

9           I added the temporary moving containers  
10    and storage we just talked about, 11H, Section  
11    6.11.H.2.

12           I think there's typo in there. I put it  
13    in twice, sorry.

14           Do I have consensus?

15           COMMISSIONER HOFSTRA: Yes.

16           COMMISSIONER CALVERT: Uh huh.

17           MS. WEBER: Do the definitions read  
18    clearly enough for you at the very top?

19           Yes indicates the obstruction is  
20    permitted in the required yard and may obstruct in  
21    the required setback, per the definitions in the  
22    Note column.

23           No indicates no encroachment, but it is  
24    permitted in the required yard but prohibited from

1 obstructing or encroaching into the building  
2 setback.

3 And then the dash means not permitted in  
4 the yard or the setback.

5 CHAIRMAN JARRETT: Makes sense to  
6 me.

7 MS. WEBER: So back to the summary  
8 of changes:

9 I was going through Attachment D,  
10 Article 6, Uses, the changes, and then we popped  
11 into that table.

12 The remainder, changes to Article 6, is  
13 we did change some of the setbacks based on  
14 building and fire codes, limited by any required  
15 utility easements.

16 We have corrected the labels. We have  
17 created this new Table 6-2.

18 Clarified that no attached garage shall  
19 be converted to livable space without having the  
20 new garage built first.

21 You still have to conform to the minimum  
22 parking ratios, which requires two cars -- two off  
23 street parking spaces for any home and it must be  
24 in the garage.

1           Because you will see people who want to  
2       convert their garage to a house but then they  
3       don't build the replacement garage. So that was  
4       added.

5           We have talked here about 6.11.2.H, the  
6       temporary moving PODs.

7           And then we talked about the commercial  
8       outdoor sales.

9           I found two more instances here from  
10      your packet where accessory building had to be  
11      changed to accessory structure in 6.10.3.

12          So moving onto Article 7. You actually  
13      had done a formal motion on these at the June  
14      meeting. You were all in agreement on these.  
15      This is Parking and Driveway Design.

16          I did find one more change here on  
17      7.9.4, Surfacing:

18          A actually does refer to asphalt.  
19      Bituminous concrete is asphalt.

20          We already talked about increasing the  
21      required depth from the 2.5 to 3 inches, but I  
22      added the phrase, Hot mix asphalt, just to make it  
23      clear it's asphalt.

24          So 9, we have talked about at length.

1 This is the visibility triangle, providing leeway  
2 for the village engineer to determine if it's  
3 possible to include it.

4 And then the fence, this is how I knew  
5 the library was residential zoned because of where  
6 the fence got placed up against the street.

7 We talked about this before. That was  
8 in your motion of approval in June.

9 So we have been through a good part of G  
10 here, the last chapter, Article 14.

11 We just talked at length about these new  
12 definitions for lot coverage, impervious site  
13 coverage.

14 That first bullet point was approved by  
15 you formally in June.

16 We talked just now about the definitions  
17 for required setback and required yard.

18 I talked about clarifying decorative  
19 lattice is not a fence.

20 We renamed the encroachment table to 14,  
21 not 13. It was just a scrivener.

22 We have modified the table.

23 And we talked about the 5 foot sidewalk  
24 maximum and adding the other accessory uses.

1                   This is a small change I found, since  
2                   your packet on Monday, again the word Building  
3                   should be Structure.

4                   And I added the phrase, Per the  
5                   definition in the notes column, in terms of table  
6                   14-1, Definitions.

7                   We have gone through this table here.  
8                   This is a sample with the new Table 14-1.

9                   There's a couple other definitions  
10                  added:

11                  This is where it says, Decorative fence,  
12                  a decorative lattice is not intended to be used as  
13                  a fence.

14                  This impervious site coverage you  
15                  previously agreed with.

16                  This is the new definitions on setbacks  
17                  and service walk.

18                  The new definition for a required yard.

19                  This is adding administrative approval  
20                  for outdoor sales, temporarily sales, in districts  
21                  other than a commercial district that we talked  
22                  about. And that's it.

23                  CHAIRMAN JARRETT: Okay.

24                  MS. WEBER: I think you have given

1 me consensus on everything.

2 CHAIRMAN JARRETT: Yeah.

3 So would a motion to recommend approval  
4 of the petition with comments as discussed be  
5 appropriate?

6 MS. WEBER: I think that you can do  
7 a motion, if you look at the memorandum.

8 CHAIRMAN JARRETT: Uh huh.

9 MS. WEBER: I gave you a suggested  
10 motion of:

11 Recommend approval of text amendments,  
12 as presented in Attachments A to G, which would  
13 make the following updates in the Zoning  
14 Ordinance, Appendix C.

15 And it is two pages of wording. I just  
16 read them to you now, paraphrased them. I will  
17 leave that to your determination, if you want them  
18 all read into the record, but they have all been  
19 covered in this conversation.

20 CHAIRMAN JARRETT: Yeah, so which  
21 pages -- I hate to read this into the record  
22 because it's a lot of reading.

23 MS. WEBER: And I have just read  
24 them to you all.

1                   CHAIRMAN JARRETT: I guess we would  
2                   be looking for a motion to recommend approval of  
3                   text amendments, as presented in Attachments A to  
4                   G, which would make the updates -- updates the  
5                   Village of Villa Park Zoning Ordinance, as  
6                   outlined in the memo dated August 11, 2022, and  
7                   incorporating changes discussed in that public  
8                   hearing.

9                   Would someone like to make that motion?

10                  COMMISSIONER HOFSTRA: I will make  
11                  that motion.

12                  CHAIRMAN JARRETT: All right. We  
13                  have a motion on my right from Hofstra.

14                  Second?

15                  COMMISSIONER ORLOWSKI: I will  
16                  second that.

17                  CHAIRMAN JARRETT: Second from  
18                  Orlowski.

19                  Is there any questions or comments on  
20                  the motion?

21                  Roll call:

22                  Calvert?

23                  COMMISSIONER CALVERT: Yes.

24                  CHAIRMAN JARRETT: Hofstra?

1 COMMISSIONER HOFSTRA: Yes.

2 CHAIRMAN JARRETT: Jackson?

3 COMMISSIONER JACKSON: Yes.

4 CHAIRMAN JARRETT: Orłowski?

5 COMMISSIONER ORLOWSKI: Yes.

6 CHAIRMAN JARRETT: Romano?

7 COMMISSIONER ROMANO: Yes.

8 CHAIRMAN JARRETT: I too vote yes.

9 With that our recommendation will pass  
10 to the Village Board.

11 MS. WEBER: I will read the tape or  
12 memo just one more time to make sure I capture  
13 everything. Thank you, gentlemen.

14 CHAIRMAN JARRETT: All right.  
15 That's the end of our public hearing for this  
16 evening.

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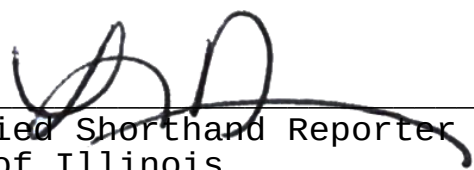
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1 I, LYN DOERING, Certified Shorthand  
2 Reporter and Notary Public in and for the State of  
3 Illinois do hereby certify that the foregoing  
4 proceedings were reported stenographically by me,  
5 was thereafter reduced to a printed transcript by  
6 me, and constitutes a true record of the testimony  
7 given and the proceedings had;

8 That I am not a relative or employee or  
9 attorney or counsel, nor a relative or employee of  
10 such attorney or counsel for any of the parties  
11 hereto, nor interested directly or indirectly in  
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my  
14 verified digital signature at Chicago, Illinois,  
15 this 31st day of August, 2022.

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VILLAGE OF VILLA PARK, ILLINOIS  
PLANNING AND ZONING COMMISSION

IN RE THE MATTER OF: )  
LETS GO MOTORS ) PZ-22-0007  
225 WEST STONE )

PUBLIC HEARING

JULY 14, 2022

7:30 P.M.

REPORT OF PROCEEDINGS had before the  
VILLAGE OF VILLA PARK PLANNING & ZONING  
COMMISSION, held at the Villa Park Village Hall,  
20 South Ardmore Avenue, Villa Park, Illinois,  
commencing at 7:55 o'clock p.m. on Thursday, the  
14th day of July, 2022.

APPEARANCES: MR. JASON JARRETT, Chairman  
MR. DON KASE, Commissioner  
MR. ERIC LUEDTKE, Commissioner  
MR. LARRY CALVERT, Commissioner  
MR. JUSTIN SHLENSKY, Commissioner  
MR. EDWARD HOFSTRA, Commissioner  
MR. MICHAEL ORLOWSKI, Commissioner  
MR. KEN JACKSON, Commissioner

ALSO PRESENT: MS. ELLEN WEBER, Interim  
Dir of Community Development

REPORTED BY LYN DOERING, CSR.

1                   CHAIRMAN JARRETT: The next item of  
2 business would be Petition PZ-22-0007, 225 West  
3 Stone, Lets Go Motors, Special Use for Vehicle  
4 Body and Paint Finishing Shop, Macario Ramos of  
5 Lets Go Motors d/b/a Gs N Zs Motors, Applicant, on  
6 behalf of Chicago Title 8002374750, the Owner.

7                   Whenever you are ready, Ellen.

8                   MS. WEBER: Good evening.

9                   This is an Application for Special Use  
10 for Vehicle Body and Paint Finishing Shop in the  
11 M-1 District and it's very similar to the case we  
12 just heard this evening, so I will repeat some of  
13 my items so the case stands alone on its record  
14 for posterity.

15                  So the Applicant has applied for a  
16 Special Use to operate the paint booth within  
17 their business on Stone Road, at 225 Stone Road,  
18 pursuant to Article 11 of the Zoning Ordinance.

19                  The site is zoned M-1 Light  
20 Manufacturing and there is manufacturing in all  
21 four directions.

22                  There is homes immediately south of  
23 Ridge but there is another building between this  
24 property and the homes to the south.

1                   And we originally had published this for  
2                   a May hearing and I found an error in the legal  
3                   notice so we republished. And upon the  
4                   recommendation of THE Village Attorney the second  
5                   publication was for the entire building. So  
6                   there's two PINs here.

7                   And we did a full mailing and we put a  
8                   sign out as well.

9                   Here is the property in question. It's  
10                  a 3-tenant building on the east side of Stone  
11                  Road, on the south side of the building.

12                  We do have concerns with parking, as you  
13                  can see illustrated in the photos here.

14                  So the attempt of a Special Use is to  
15                  provide a transparent public review process for  
16                  uses that on a case-by-case basis need to be  
17                  reviewed to determine if they are compatible with  
18                  the surrounding uses and development patterns in  
19                  the neighborhood.

20                  And the development staff has come up  
21                  with these four factors to consider, as it would  
22                  relate to auto body operations:

23                  No. 1: Does the proposed paint booth  
24                  protect the health of the workers in this and the

1 neighboring businesses?

2 This question gets answered via the  
3 permit process, with the building and fire  
4 department reviewing permits for the operation.

5 No. 2: Does the proposed paint booth  
6 protect the environment?

7 This also gets answered during the  
8 building permit process because we look for a  
9 triple basin and RPZ valve to ensure that nothing  
10 gets in the water supply.

11 No. 3: What is the business model?

12 We look for all appropriate state  
13 licenses. A paint booth operation can be attached  
14 to different kinds of businesses; auto dealers,  
15 auto repair or just paint booth body on its own.

16 And we look to see that everyone is  
17 current with the State and that sales tax is being  
18 paid in a business such as this, where the main  
19 model is to be an auto dealer. They are an  
20 internet auto dealer. They are advertising on the  
21 internet.

22 No. 4: Does the parking and storage of  
23 cars impact the neighborhood?

24 This remains our main question on this

1 and all auto-related businesses in the Village  
2 because we have seen the cars spilling out in the  
3 neighborhood.

4 This particular business is a 3500  
5 square foot internet sales auto dealership. They  
6 have one -- They would like to put one paint booth  
7 in the rear. They have one overhead door. And  
8 three employees.

9 In calculating the parking it appears to  
10 require 12 spaces; 1 parking space for the paint  
11 booth, 9 for the auto dealer, if you calculate 2.5  
12 spaces per square foot required for each 1,000  
13 square feet of the building.

14 And for the Code for the 3 employees,  
15 it's .5 per employee, rounding up to 2.

16 The site plan does include 14 spaces on  
17 site.

18 I want to note that I had the Petitioner  
19 size the spaces at 10 by 20 square feet.

20 They specialize in Nissan automobiles  
21 which are smaller. They are 6 by 14. They are a  
22 much smaller car.

23 But because the Special Use is  
24 transferable and will run with the land we needed

1 to know how many spaces a normal-size vehicle  
2 could fit. So the site plan is for a full-size  
3 vehicle.

4 This is the site plan submitted by the  
5 Applicant. The four spaces -- I flipped it so  
6 north is to the right.

7 And you can see the four spaces  
8 perpendicular to the building -- parallel to the  
9 building -- excuse me. That's where Macario Ramos  
10 has indicated they would be parking cars for  
11 display. And then there are spaces for other  
12 vehicles.

13 The alley to the rear is private. It  
14 was vacated several years ago.

15 So in looking at Special Use, the burden  
16 is on the Applicant to show the application  
17 complies with the review and approval criteria.

18 And you should consider findings of  
19 fact. These were put together based on the  
20 application submitted by the Applicant:

21 The use is expressly authorized as a  
22 Special Use.

23 Vehicle Body and Paint Finishing Shop is  
24 an activity expressly authorized as a Special Use

1 in the M-1 District.

2 The second consideration is if it's  
3 necessary or desirable to provide a service or a  
4 facility in the interest of public convenience and  
5 it is an activity necessary to the maintenance of  
6 vehicles.

7 The business is a specialty destination  
8 for those specifically seeking the Nissan vehicles  
9 and it does draw customers who may also shop and  
10 dine in Villa Park restaurants.

11 The business does meet the vision for  
12 Stone Road, as identified in the Comprehensive  
13 Plan.

14 And I note that auto sales provide sales  
15 tax to a municipality.

16 The third finding that should be  
17 considered is that the operation will not be  
18 detrimental to the health, safety and general  
19 welfare of persons residing or working in the  
20 vicinity.

21 And as noted, the building permit  
22 process will confirm that the paint booth is  
23 installed to meet fire department specifications  
24 and installed properly.

1                   In this building triple basin and RPZ  
2 valves are already installed.

3                   And the business will be held to the  
4 approved parking plan, in order to prevent  
5 disruption of the operation of the neighboring  
6 businesses. That would be one of the conditions,  
7 should the Commission recommend approval.

8                   The fourth finding is that it does not  
9 impede -- The business does not impede the normal  
10 and orderly development of the surrounding  
11 property.

12                  And this area is built out and if the  
13 business is operated in accordance with the Site  
14 Plan there should be sufficient off street parking  
15 available which would not impact surrounding  
16 properties.

17                  The fifth finding relates to adequate  
18 utilities, roads, parking.

19                  And again, parking is limited on Stone  
20 Road; therefore, we have asked for a Site Plan  
21 indicating where vehicles would be parked.

22                  The site plan places 14 vehicles on the  
23 property able to be placed there without  
24 encroaching on the public right of way.

1           And the last finding would be related to  
2           the fact that a Special Use should comply with all  
3           applicable regulations of the zoning ordinance.

4           And we have noted the paint booth would  
5           not be installed without an approved building and  
6           fire permit conforming with the zoning, fire and  
7           building code requirements.

8           So that's what I have for you.

9           If you have questions before we get to a  
10          recommended motion, Felix is here. He is a  
11          partner with Macario Ramos in the business.

12          And I will note that -- I will let Jason  
13          bring this up.

14                 COMMISSIONER SHLENSKY: So just a  
15          clarification --

16                 CHAIRMAN JARRETT: Real quick.  
17                 Just let the record so that will  
18          Commissioner Jackson arrived at 8:02.

19                 Go ahead.

20                 COMMISSIONER SHLENSKY: Just a  
21          quick clarification for the name of the Petitioner  
22          of record.

23                 The full name should be, Lets Go Motor  
24          Sports, LLC?

1 MR. FELIX: No, just Lets Go  
2 Motors.

3 COMMISSIONER SHLENSKY: Lets Go  
4 Motors is involuntarily dissolved.

5 Do you have a Lets Go Motors Sports, LLC  
6 that's active at 225 West Stone?

7 MR. FELIX: No.

8 CHAIRMAN JARRETT: Hold on real  
9 quick. I am going to need you to speak up and  
10 could you also state your name and address for the  
11 record.

12 MR. FELIX: Sure.

13 CHAIRMAN JARRETT: You can come up  
14 here.

15 MR. FELIX: Lizandro Felix, 225  
16 Stone Road.

17 COMMISSIONER SHLENSKY: So what I  
18 was getting to is that when I was searching for  
19 Lets Go Motors I found that earlier this year it  
20 was involuntarily dissolved.

21 MR. FELIX: Yes, it was.

22 COMMISSIONER SHLENSKY: So I  
23 believe the clarification for the record should be  
24 that the Petitioner's full name is Lets Go Motor

1 Sports, LLC d/b/a Gs N Zs Motor Sport, LLC.

2 MR. FELIX: Correct.

3 COMMISSIONER SHLENSKY: Okay. And  
4 for the spelling, Lets Go Motors Sports and also  
5 Gs N Zs, those are without any apostrophes.

6 Thank you, sir.

7 CHAIRMAN JARRETT: Yeah, if you  
8 want to wait, we may have more question.

9 Actually this would be a point, if you  
10 want to state anything on your behalf.

11 MR. FELIX: We try to comply with  
12 everything. So we are just trying to move along  
13 with Ellen and whatever we need to do to keep  
14 moving forward, you know.

15 CHAIRMAN JARRETT: Anyone from the  
16 public wish to speak on this item?

17 I see none.

18 So questions from the Commission?

19 MS. WEBER: Mr. Chairman, I did  
20 include in the report, we did receive three calls  
21 on this application with concern over parking on  
22 the street and cars traveling at high speed.

23 MR. FELIX: Yeah. And a few --  
24 Just for the record, a few residents

1 have come up to us and asked us if we knew these  
2 people that are driving around.

3 But it's been a common thing now. It's  
4 almost every other day we see somebody speeding  
5 going through 225, making that turn, and then  
6 going into the residential.

7 Not -- None of them are related with us.  
8 We don't do run that type of a thing in our  
9 neighborhood. So I just want to make sure we  
10 clarify that's not us but we are keeping an eye on  
11 it so...

12 CHAIRMAN JARRETT: So I have a  
13 question for, Ellen.

14 So you said the alley to the south is  
15 vacated?

16 MS. WEBER: Correct.

17 CHAIRMAN JARRETT: Even though it's  
18 not shown that way on the survey?

19 MS. WEBER: Correct.

20 CHAIRMAN JARRETT: Okay.

21 MS. WEBER: It's a private alley.  
22 I put the ordinance number in the actual staff  
23 report.

24 CHAIRMAN JARRETT: Okay. And

1       then --

2                       COMMISSIONER CALVERT: Can you put  
3 up that picture again?

4                       MS. WEBER: The site plan or?

5                       COMMISSIONER CALVERT: That one  
6 there.

7                       So their property is the last one there  
8 with all the cars parked around the building;  
9 correct?

10                      MS. WEBER: Correct.

11                      The whole building is auto repair.  
12 There is two other tenants to the left. The  
13 center building is auto and the western tenant is  
14 trailer repair.

15                      COMMISSIONER CALVERT: Parking is  
16 permissible in the front and the rear of the  
17 building?

18                      MS. WEBER: The rear is an  
19 alleyway, so it's private property. Yes, they can  
20 park there.

21                      COMMISSIONER CALVERT: Uh huh.

22                      MS. WEBER: In front it's a similar  
23 situation as we have across the street and over on  
24 Addison. The red and green line indicates the

1 subject property boundary.

2 So one row of cars would be parked on  
3 the subject property and one row is actually in  
4 the parkway.

5 COMMISSIONER CALVERT: When was  
6 this picture taken?

7 MS. WEBER: I think this is a 2018  
8 Google aerial.

9 CHAIRMAN JARRETT: And then just a  
10 point of clarification on this.

11 This is from -- I am guessing the DuPage  
12 County GIS probably?

13 MS. WEBER: You are right. It is  
14 not Google. It's the County.

15 CHAIRMAN JARRETT: The blue dotted  
16 line I can see where the old alley was. You see  
17 the red line cuts across the south property line  
18 but then you can see the blue dotted line on  
19 either side of it. So that alley was cut in half  
20 and split between the properties on the north and  
21 south.

22 COMMISSIONER HOFSTRA: So it's not  
23 through traffic on the alley at all?

24 MS. WEBER: The public traverses

1 through there.

2 And that's a good point, Mr. Chairman.  
3 My red rectangle should have come down to that  
4 blue line.

5 CHAIRMAN JARRETT: No, it's in the  
6 right place. The blue line that's a little bit  
7 north of that is actually the old property line.

8 MS. WEBER: Scratch my comment.  
9 The red rectangle is correct.

10 CHAIRMAN JARRETT: But I was trying  
11 to figure out, looking at the old survey, exactly  
12 where we were looking at parking spaces in the  
13 rear and the front.

14 Okay. All right. So anyone else have  
15 questions?

16 COMMISSIONER CALVERT: What's  
17 square footage of the building?

18 MS. WEBER: The unit is 3400 square  
19 feet. The building itself, I don't know.

20 COMMISSIONER CALVERT: No, the  
21 unit.

22 MS. WEBER: It's 3400.

23 And this unit does comprise half of the  
24 building.

1 COMMISSIONER SHLENSKY: I have a  
2 question for the Petitioner.

3 Mr. Felix; correct?

4 MR. FELIX: Uh huh.

5 COMMISSIONER SHLENSKY: Okay. I  
6 see that there is a Mr. Ramos, who is the agent  
7 and manager of the business located -- that you  
8 have located at 225 West Stone.

9 He has an address of 226 West Stone,  
10 meaning the building we just talked about; is that  
11 correct?

12 MR. FELIX: Yes.

13 COMMISSIONER SHLENSKY: Okay.

14 MR. FELIX: He owns the gym across  
15 the way. He has a gym on the other side.

16 COMMISSIONER SHLENSKY: The gym is  
17 located at 226 West Stone?

18 MR. FELIX: Yeah, next to Victor,  
19 the guy who was just here.

20 COMMISSIONER SHLENSKY: So 226 is  
21 not auto body related at all?

22 MR. FELIX: No.

23 MS. WEBER: It's right up here.

24 COMMISSIONER SHLENSKY: I wanted to

1 clarify if it was also an auto body.

2 MR. FELIX: No.

3 MS. WEBER: There is a detailing  
4 shop to the west of the gym, Excaliber, which is  
5 different ownership. You see Excaliber and then  
6 the gym and Mr. Rodriguez with VL Auto.

7 CHAIRMAN JARRETT: The use  
8 immediately to the west in your building,  
9 Mr. Felix, that appears to be auto related.

10 Is it sales? Is it auto body?

11 Do you know what it is?

12 MR. FELIX: They are pretty much  
13 all auto repair.

14 CHAIRMAN JARRETT: Okay.

15 MR. FELIX: And then you have the  
16 trailer guy at the very end and he works nothing  
17 but trailers. That's all they do.

18 CHAIRMAN JARRETT: Okay.

19 COMMISSIONER CALVERT: Is this  
20 really an appropriate site for car sales?

21 MS. WEBER: It's common for some of  
22 these internet dealers, the small dealers, to be  
23 in a manufacturing area. It is a permitted use.

24 And they are advertising on the internet

1       that they don't need the visibility that you get  
2       on North Avenue or Roosevelt Road.

3               I have seen it more and more common in  
4       the last 10 years.

5                       COMMISSIONER CALVERT:   Okay.

6                       COMMISSIONER LUEDTKE:   To that  
7       point though, the storage requirement for cars on  
8       a site is never referenced -- the whole idea of  
9       parking 2 1/2 cars per 1,000 square feet for auto  
10      sales doesn't jibe with sort of selling cars;  
11      right?

12                      I mean, do you have cars off-site?

13                      MR. FELIX:   No, not off-site, no.  
14      Everything we have, we have it there.

15                      COMMISSIONER LUEDTKE:   Everything  
16      you deal with is on site?

17                      MR. FELIX:   Yeah.

18                      And we pretty much specialize in two  
19      vehicles pretty much, but it's all Nissan/Infinity  
20      line.

21                      And of course there's a lot of following  
22      for these type of vehicles.   So that's why most of  
23      our sales are pretty much through internet.

24                      So that's pretty much where we are at.

1 We don't need to be up on North Avenue.

2 MS. WEBER: If I may, do you want  
3 to talk about your business model? You try to do  
4 a certain number per month. You buy them at  
5 auction.

6 MR. FELIX: Yeah, it's pretty much  
7 what we do. We buy at auction. Most of the cars  
8 come from out of state.

9 We live in Chicago so everything here is  
10 rusty. So we look for everything out of state.

11 And we bring them in, offer them to the  
12 people here in Illinois. It's a big following.

13 COMMISSIONER JACKSON: You guys are  
14 essentially just flipping cars?

15 MR. FELIX: Pretty much.

16 COMMISSIONER JACKSON: You are not  
17 going to have a huge inventory; right?

18 MR. FELIX: No.

19 Let's say, we have three or four coming  
20 in one month pretty much -- almost all of them are  
21 already sold pretty much by the time they get here  
22 so...

23 COMMISSIONER JACKSON: They are not  
24 going to have a standing lot of 10 cars --

1 MR. FELIX: No.

2 COMMISSIONER JACKSON: -- they  
3 have out of town buyers?

4 MR. FELIX: Yeah.

5 COMMISSIONER JACKSON: You are  
6 specifically looking at high-end cars too; right?

7 MR. FELIX: Yeah, Mercedes, stuff  
8 like that. But right now we are sticking to the  
9 Infinity and Nissan. That's what we are most  
10 comfortable with at the moment.

11 COMMISSIONER CALVERT: Ellen, when  
12 you did a site visit, how many cars were outside?

13 MS. WEBER: It's varied. I don't  
14 have my notes with me on that.

15 I will say that there are more than are  
16 on the site plan at any one time that we have been  
17 there.

18 That's one of the purposes of the  
19 Special Use is to try and control the  
20 externalities and if there is a problem and the  
21 cars are encroaching into the right of way this  
22 ordinance for Special Use could be enforced.

23 So Village staff is working as a team  
24 with all the departments represented at the table

1 to consider some of the concerns with Stone Road  
2 based on complaints we had at the end of 2021.

3 And one of the things we did was we held  
4 a meeting with all the property owners.

5 I am going to repeat myself for the  
6 purpose of this record.

7 And we talked with all the property  
8 owners and walked them through Code requirements  
9 and indicated what we would be enforcing and let  
10 them know that we expect them to be reviewing  
11 tenants for Zoning Code, Building Code and Fire  
12 Code requirements because we had significant  
13 concerns with cars parked three deep on Stone  
14 Road.

15 And there is -- There's many auto repair  
16 related uses now on Stone Road. The area is an  
17 attractive area for such because most of the  
18 buildings have triple basins in place.

19 And when the street was first built I  
20 think it was generally small manufacturing or  
21 office or contractor-type businesses. It wasn't  
22 this auto intensive.

23 We did let the property owners know that  
24 going forward, if we feel that a use that comes in

1 for a certificate of occupancy can't be parked, we  
2 will deny the zoning based on the inability to  
3 park.

4 But what we are doing now is we are  
5 working with tenants that are already there to try  
6 to get them compliant.

7 As for Commissioner Luedtke's comment  
8 regarding Parking Code, that's why I put the  
9 entire section in your memo. It is what it is,  
10 whether we feel it's sufficient or not, that's  
11 what we have to rely on right now.

12 Did I answer your question?

13 COMMISSIONER CALVERT: Pretty much.

14 I have driven through there. It's  
15 difficult. You don't know what car belongs to  
16 what business and they are parking all over the  
17 place. Not just on Stone but on side streets and  
18 the median. But you can't really identify what  
19 car belongs to what business.

20 CHAIRMAN JARRETT: Obviously a part  
21 of that is, you know, enforcement in the past. I  
22 am not saying currently.

23 And some of it, like the stuff along  
24 Addison, that was there. When that Applicant came

1 before us that was right out in the open. It was  
2 even tucked away on Stone Road. I drove by there  
3 a bunch of times and simply stopped thinking about  
4 the fact that there were cars parked two deep.

5 MS. WEBER: Mr. Chairman, if I may,  
6 one of the things we referenced to the property  
7 owners when we met with them, if you look through  
8 the Municipal Code, the North Avenue Industrial  
9 parked area, which is the flip triangle of this  
10 from the railroad up to North Avenue and then Home  
11 Road have specific parkway regulations in place.  
12 And we may go to that here, where the property  
13 owner is going to have to have a license to use  
14 the parkway in front of their building.

15 So that will be another mechanism to  
16 control parking. But for right now we are just  
17 going case by case with what was noticed when the  
18 inspection team went building to building.

19 CHAIRMAN JARRETT: Okay.

20 COMMISSIONER CALVERT: Just to  
21 clarify, both of these Applicants are before us  
22 tonight because of violations you found?

23 MS. WEBER: Correct.

24 COMMISSIONER CALVERT: Not because

1       they came here on their own accordance?

2                   MS. WEBER:   Correct.

3                   We found cars being painted here without  
4       a paint booth and so -- and then a building permit  
5       was submitted immediately but we need the Special  
6       Use variance in place first.

7                   And so the development team decided we  
8       would let the Applicants go through the zoning  
9       process first before going through the expense of  
10      any other requirements, including stamped drawings  
11      for a paint booth.  Because it's a commercial  
12      building permit it has to be architecturally  
13      stamped.

14                   COMMISSIONER SHLENSKY:  Did I hear  
15      you correctly earlier that vehicle sales for this  
16      building is already a permitted use?

17                   MS. WEBER:   Correct.

18                   COMMISSIONER SHLENSKY:  So then as  
19      the Petitioner's main business model itself is the  
20      sale of vehicles?

21                   Is it a fair interpretation or fair  
22      comment that the painting -- the reason we are  
23      here for the Special Use is more of an ancillary  
24      use to the primary function of your business as

1 auto sales?

2 MR. FELIX: Uh huh, yes.

3 It's like an add on. We are getting  
4 more involved with them and stuff like that. So  
5 that's why we are trying to get everything  
6 situated so we can be able to accommodate  
7 everything pretty much.

8 COMMISSIONER SHLENSKY: Because as  
9 you take the cars at auction --

10 MR. FELIX: Yes.

11 COMMISSIONER SHLENSKY: -- you need  
12 repair and paint?

13 MR. FELIX: Yes.

14 Some of them -- Of course you swap parts  
15 and stuff like that but some of them have to be  
16 painted.

17 So instead of sourcing that out all the  
18 time we figure why not do this in-house, keep it  
19 all together. Customers like it that way. They  
20 trust us with the car and everything else. That's  
21 why we are here.

22 MS. WEBER: To follow up with your  
23 question, what we have also done is we have looked  
24 at a list of all known paint booths in the

1 Village, so we can go back and check on them, that  
2 they all meet all the safety requirements.

3 Many of them were installed prior to  
4 2018 and it's the 28 Ordinance that creates the  
5 special use. I believe it was permitted use  
6 before in the M-1 District and it was transformed  
7 into a Special Use with the last Code, to the best  
8 of what I can find.

9 So what we are going to do is go back to  
10 the older ones that were installed without the  
11 Special Use, they would be grandfathered in, but  
12 we are going to have a fire and building inspector  
13 go out to confirm they meet Code, the operations  
14 are safe. It will be a whole task force of its  
15 own.

16 COMMISSIONER ORLOWSKI: I have a  
17 question. If I was to go to your business right  
18 now, would I have anywhere to park?

19 MR. FELIX: Yeah.

20 COMMISSIONER ORLOWSKI: How long  
21 has the bus been there?

22 MR. FELIX: The bus, we just moved  
23 it this morning.

24 COMMISSIONER ORLOWSKI: Okay.

1                   CHAIRMAN JARRETT: Does anybody  
2 have a question?

3                   All right. Any final comments you have  
4 this evening?

5                   MR. FELIX: No.

6                   Just like I said, we are trying to be  
7 here for the whole community, so we want to make  
8 sure that we comply with everything.

9                   CHAIRMAN JARRETT: Okay. Thank  
10 you. You can have a seat, if you want.

11                  MR. FELIX: Thank you.

12                  CHAIRMAN JARRETT: So not directly  
13 related to this, but related to this, I wonder if  
14 we need to at some point revisit where we do and  
15 don't allow automotive sales.

16                  I am not saying there necessarily needs  
17 to be a Special Use in M Districts or whatever but  
18 internet auto sales are rising and there are a  
19 number of communities that now have internet sales  
20 -- auto sales as a separate use item from auto  
21 sales. So you basically have large lot conceptual  
22 used car lots and then internet auto sales which  
23 have different standards.

24                  I believe Skokie does. I think

1       Schaumburg does. I am sure there are others.

2               I have not looked into them in-depth --  
3       Actually I have, I have just forgotten everything  
4       I looked into while I was working on them. But  
5       that may be something worthwhile.

6               But this case, even though it's not  
7       about the use, the internet auto sales, it may be  
8       worth us looking into, not just where we permit  
9       them, but if there's specific ordinances that  
10       might limit the potential for negative impact.

11              So I guess what we would be considering  
12       is that this use, the auto sales, is a permitted  
13       use. So we are not really debating that this  
14       evening.

15              We are debating whether or not this use  
16       should be permitted to have a spray booth  
17       associated with that use.

18              Whatever violations may or may not be  
19       occurring on the property obviously you could  
20       consider that, in terms of how they might operate  
21       their spray booth moving forward, but it's also a  
22       separate issue in its own way.

23              So any other discussion?

24                      COMMISSIONER LUEDTKE: Ellen, could

1       you speak about that parkway, whatever you were  
2       talking about, in the other side of the tracks  
3       between the tracks and North Avenue, how we use  
4       the parkways there?

5                       MS. WEBER: I don't know if I can  
6       pull it up online for you.

7                       When we go into the Code and we search  
8       for North Avenue Industrial it comes up right  
9       away.

10                      COMMISSIONER LUEDTKE: Okay.

11                      MS. WEBER: And when a business is  
12       using the public right of way as an extension of  
13       their site, the Village requires a license  
14       agreement because we are concerned over liability.

15                      So the ordinance for the two areas where  
16       it's already in place, up between North Avenue and  
17       the tracks, and then on Home Avenue right here --

18                      COMMISSIONER LUEDTKE: Oh, okay.

19                      MS. WEBER: -- permits the  
20       businesses to park this two-deep scenario. But it  
21       requires a sign-off from the businesses that they  
22       recognize the liability is theirs and that they  
23       will abide by all regulations.

24                      So without pulling it up, do you want me

1 to pull that up right now?

2 COMMISSIONER LUEDTKE: No. That  
3 clarifies what the intent is.

4 In these conversations that we have had,  
5 specifically about these two applications, has  
6 that -- is that being strongly considered at the  
7 staff level?

8 MS. WEBER: It is being strongly  
9 considered and the Special Use process here was  
10 viewed as one means to get that compliance on this  
11 property at least.

12 We have also talked -- The police  
13 department has asked -- As they write tickets,  
14 they would like to see a clear denotation on where  
15 the parking can and can't be.

16 So if you paint a line on the edge of  
17 our property, then they know you can't park here.  
18 And we talked about things like that too.

19 So you can see up and down Stone some of  
20 the properties have had the parkway paved over and  
21 some don't.

22 COMMISSIONER LUEDTKE: Right.

23 MS. WEBER: We would like to  
24 maintain the green wherever we can but for reasons

1       that predate me some of these properties were  
2       allowed to have it paved.

3               CHAIRMAN JARRETT: Yeah. You see  
4       some paved, some gravel. Typical in order to have  
5       two or three more cars parked there during the  
6       day.

7               MS. WEBER: We have some citations  
8       out on properties like that right now.

9               COMMISSIONER ORLOWSKI: So were  
10      these properties allowed or they just did it?

11              MS. WEBER: I would have to assume  
12      the paving here was done via permit. I don't know  
13      otherwise.

14              But I don't know that that's pertinent  
15      to the question here.

16              What's pertinent here is the site plan  
17      and that the Applicant is certifying before you  
18      through his application that he can keep all his  
19      cars on the subject property, then that's  
20      referenced as a condition. So it would be a means  
21      to control that element of the operation.

22              It can be challenging to ticket cars  
23      that don't have current plates or expired or no  
24      plates at all, especially when you are in an arena

1 where cars are being flipped, because sometimes  
2 the title isn't transferred right away, and when  
3 you look it up it shows the original owner because  
4 it hasn't been sold yet.

5 And the police department has voiced  
6 those concerns. That's why we are glad they are  
7 sitting at the table with us.

8 CHAIRMAN JARRETT: All right. Any  
9 other discussion?

10 COMMISSIONER ORLOWSKI: Me,  
11 personally, I feel there is too much on the  
12 property. Just it's not working.

13 CHAIRMAN JARRETT: Okay. So if  
14 there is no other discussion then we need a  
15 motion.

16 COMMISSIONER SHLENSKY: Make a  
17 motion to recommend approval of PZ-22-0007 for the  
18 following requests:

19 A Special Use identified in the Village  
20 Zoning Ordinance under Article 6, Section 6.1.3 in  
21 the M-1 Light Industrial District for Vehicle Body  
22 and Paint Finishing Shop pursuant to the  
23 procedures set forth in Article 11, Section 11.4  
24 of the Village Zoning Ordinance with the following

1 conditions:

2 No. 1: Compliance with all applicable  
3 Village Codes and regulations.

4 No. 2: Business owner will obtain all  
5 necessary permits and certifications for  
6 development, including building, spray paint booth  
7 and sign permits and a certificate of occupancy.

8 No. 3: Installation of triple basin and  
9 RPZ valve.

10 No. 4: All parking related to the  
11 business will be on the subject property, not  
12 within the road, and will comply with all rules  
13 and regulations imposed by the Village regulating  
14 parking in the parkway.

15 No. 5: Property will be maintained in  
16 such a manner as to not create a public nuisance,  
17 as defined in the Property Maintenance Code.

18 No. 6: Fire lanes will be approved by  
19 the Chief of the Fire Department and maintained by  
20 the business owner.

21 No. 7: Complete remittance of sales tax  
22 to the State of Illinois.

23 For the property located at 225 West  
24 Stone, PINS 06-04-210-017 and 06-04-210-018.

1           With a finding of fact that such special  
2       uses meet the standards enumerated in Article 11.2  
3       and 11.4 of Appendix C of the Municipal Code,  
4       Village of Villa Park Basic Zoning Ordinance.

5           CHAIRMAN JARRETT: I have a motion.

6           Is there a second?

7           COMMISSIONER JACKSON: I second.

8           CHAIRMAN JARRETT: Are there  
9       questions or comments on the motion?

10          Okay. Roll call vote.

11          Calvert?

12          COMMISSIONER CALVERT: No.

13          CHAIRMAN JARRETT: Hofstra?

14          COMMISSIONER HOFSTRA: Yes.

15          CHAIRMAN JARRETT: Kase?

16          COMMISSIONER KASE: Yes.

17          CHAIRMAN JARRETT: Luedtke?

18          COMMISSIONER LUEDTKE: Yes.

19          CHAIRMAN JARRETT: Orłowski?

20          COMMISSIONER ORŁOWSKI: No.

21          CHAIRMAN JARRETT: Shlensky?

22          COMMISSIONER SHLENSKY: Yes.

23          CHAIRMAN JARRETT: I too vote yes.

24          Our recommendation will pass to the

1 Village Board. They can accept, reject or modify  
2 as they see fit. Good luck.

3 MR. FELIX: Thank you.

4 (Said Proceedings concluded.)

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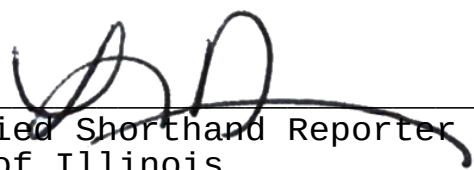
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1 I, LYN DOERING, Certified Shorthand  
2 Reporter and Notary Public in and for the State of  
3 Illinois do hereby certify that the foregoing  
4 proceedings were reported stenographically by me,  
5 was thereafter reduced to a printed transcript by  
6 me, and constitutes a true record of the testimony  
7 given and the proceedings had;

8 That I am not a relative or employee or  
9 attorney or counsel, nor a relative or employee of  
10 such attorney or counsel for any of the parties  
11 hereto, nor interested directly or indirectly in  
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my  
14 verified digital signature at Chicago, Illinois,  
15 this 12th day of August, 2022.

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| <b>0</b>                                                                                                                                                                                                            | <b>6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>appears</b> 5:9 17:9<br><b>Appendix</b> 34:3<br><b>applicable</b> 9:3 33:2<br><b>Applicant</b> 2:5,15 6:5,16,20<br>22:24 31:17<br><b>Applicants</b> 23:21 24:8<br><b>application</b> 2:9 6:16,20 11:21<br>31:18<br><b>applications</b> 30:5<br><b>applied</b> 2:15<br><b>approval</b> 6:17 8:7 32:17<br><b>approved</b> 8:4 9:5 33:18<br><b>architecturally</b> 24:12<br><b>area</b> 8:12 17:23 21:16,17 23:9<br><b>areas</b> 29:15<br><b>arena</b> 31:24<br><b>arrived</b> 9:18<br><b>Article</b> 2:18 32:20,23 34:2<br><b>assume</b> 31:11<br><b>attached</b> 4:13<br><b>attempt</b> 3:14<br><b>Attorney</b> 3:4<br><b>attractive</b> 21:17<br><b>auction</b> 19:5,7 25:9<br><b>authorized</b> 6:21,24<br><b>auto</b> 3:22 4:14,15,19,20 5:5,11<br>7:14 13:11,13 16:21 17:1,6,9,<br>10,13 18:9 21:15,22 25:1<br>27:18,20,22 28:7,12<br><b>auto-related</b> 5:1<br><b>automobiles</b> 5:20<br><b>automotive</b> 27:15<br><b>Avenue</b> 18:2 19:1 23:8,10<br>29:3,8,16,17 |
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| <b>1</b> 3:23 5:10 33:2<br><b>1,000</b> 5:12 18:9<br><b>1/2</b> 18:9<br><b>10</b> 5:19 18:4 19:24<br><b>11</b> 2:18 32:23<br><b>11.2</b> 34:2<br><b>11.4</b> 32:23 34:3<br><b>12</b> 5:10<br><b>14</b> 5:16,21 8:22 | <b>7</b> 33:21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                                                                                                                                                                                                     | <b>9</b> 5:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>2</b>                                                                                                                                                                                                            | <b>A</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>2</b> 4:5 5:15 18:9 33:4<br><b>2.5</b> 5:11<br><b>20</b> 5:19<br><b>2018</b> 14:7 26:4<br><b>2021</b> 21:2<br><b>225</b> 2:2,17 10:6,15 12:5 16:8<br>33:23<br><b>226</b> 16:9,17,20<br><b>28</b> 26:4            | <b>abide</b> 29:23<br><b>accept</b> 35:1<br><b>accommodate</b> 25:6<br><b>accordance</b> 8:13 24:1<br><b>active</b> 10:6<br><b>activity</b> 6:24 7:5<br><b>actual</b> 12:22<br><b>add</b> 25:3<br><b>Addison</b> 13:24 22:24<br><b>address</b> 10:10 16:9<br><b>adequate</b> 8:17<br><b>advertising</b> 4:20 17:24<br><b>aerial</b> 14:8<br><b>agent</b> 16:6<br><b>agreement</b> 29:14<br><b>ahead</b> 9:19<br><b>alley</b> 6:13 12:14,21 14:16,19,<br>23<br><b>alleyway</b> 13:19<br><b>allowed</b> 31:2,10<br><b>ancillary</b> 24:23<br><b>apostrophes</b> 11:5 | <b>back</b> 26:1,9<br><b>based</b> 6:19 21:2 22:2<br><b>Basic</b> 34:4<br><b>basically</b> 27:21<br><b>basin</b> 4:9 8:1 33:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3</b>                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>B</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>3</b> 4:11 5:14 33:8<br><b>3-tenant</b> 3:10<br><b>3400</b> 15:18,22<br><b>3500</b> 5:4                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>4</b> 4:22 33:10                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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VILLAGE OF VILLA PARK, ILLINOIS  
PLANNING AND ZONING COMMISSION

IN RE THE MATTER OF: )  
 )  
VL AUTO BODY ) PZ-22-0011  
224 WEST STONE )

PUBLIC HEARING

JULY 14, 2022

7:30 P.M.

REPORT OF PROCEEDINGS had before the  
VILLAGE OF VILLA PARK PLANNING & ZONING  
COMMISSION, held at the Villa Park Village Hall,  
20 South Ardmore Avenue, Villa Park, Illinois,  
commencing at 7:34 o'clock p.m. on Thursday, the  
14th day of July, 2022.

APPEARANCES: MR. JASON JARRETT, Chairman  
MR. DON KASE, Commissioner  
MR. ERIC LUEDTKE, Commissioner  
MR. LARRY CALVERT, Commissioner  
MR. JUSTIN SHLENSKY, Commissioner  
MR. EDWARD HOFSTRA, Commissioner  
MR. MICHAEL ORLOWSKI, Commissioner

ALSO PRESENT: MS. ELLEN WEBER, Interim  
Dir of Community Development

REPORTED BY LYN DOERING, CSR.

1                   CHAIRMAN JARRETT: Before we get  
2 started I will run through the public hearing  
3 process really quickly.

4                   The way that will work is we will start  
5 with staff input and then move to presentation of  
6 Petitioner.

7                   If you have anything that you want to  
8 say on your behalf that would be the time where  
9 you would speak.

10                  And then public participation questions.  
11 So if there is anyone from the public wishing to  
12 speak on that item, we give them about 3 minutes  
13 each to do so.

14                  And then we will ask any questions we  
15 have.

16                  And then the Petitioner will be given a  
17 final opportunity to make any closing comments  
18 they want.

19                  And we will discuss up here and have a  
20 motion at the end of the hearing.

21                  So I guess I would ask, anybody who  
22 expects to speak on any agenda item this evening,  
23 stand up now, and I will swear you in real  
24 quickly.

1                   Raise your right hand, if you are going  
2                   to speak at all.

3                   If you are the Applicant or  
4                   Representative of the Applicant, I would recommend  
5                   being sworn in.

6                   (Whereupon said witnesses  
7                   were duly sworn).

8                   CHAIRMAN JARRETT: Thank you. You  
9                   can be seated.

10                  So the first item is Petition  
11                  PZ-22-0011, 224 West Stone, VL Auto Body, Special  
12                  Use for Vehicle Body and Paint Finishing, Victor  
13                  E. Rodriguez of Victor and Louis Auto Body d/b/a  
14                  VL Auto Body, Inc., on behalf of Fred Blumenhagen  
15                  of FNJ Properties, Owner.

16                  When you are ready, Ellen?

17                  MS. WEBER: I am.

18                  Good evening. So the Applicant is  
19                  operating an auto body shop on Stone Road. He is  
20                  the easternmost building along the railroad.

21                  And per Article 6, Section 6.1.3 a  
22                  Special Use is required for a vehicle body and  
23                  paint finishing shop.

24                  In fact, the site located here, you can

1 see they are up against the railroad tracks. That  
2 is Michigan coming to the south, where it hits  
3 Ridge.

4 The zoning is M-1. They are surrounded  
5 by M-1.

6 The entire property is .71 acres. They  
7 are 1 of 6 tenants in the building.

8 Here is a photo of the building.

9 And this is one of the buildings in the  
10 Village you can see the right of way on in the red  
11 and green and so half of the cars parking in front  
12 of the building are actually on right of way and  
13 the front row is up against the building on the  
14 private subject property.

15 The intent of the Special Use is to  
16 provide a transparent public review process for  
17 uses that because of their design and operational  
18 characteristics should be required case by case to  
19 determine if they are compatible with the  
20 surrounding uses and the development patterns in  
21 the area.

22 So in reviewing the Special Use for  
23 paint booth request, these were the factors the  
24 development team felt we should consider each for.

1 So we have come up with this set that we will  
2 apply consistently moving forward with any type of  
3 request like this:

4 Does the proposed paint booth operation  
5 protect the health of the workers and the  
6 neighboring businesses?

7 Does it protect the environment?

8 What is the business model?

9 We ask that, so we can get all the  
10 appropriate state licenses, if they are just doing  
11 a little bit of body, if it's all auto body, and  
12 if they are selling cars, if they are rebuilding  
13 cars, do they have the proper state licenses?

14 And will parking and storage of the cars  
15 being worked on impact the neighborhood?

16 This is the interior of the building.

17 Mr. Rodriguez operates just with himself  
18 as an employee and he has one paint booth within  
19 the building. You can see he has plenty of room  
20 to move around and no established auto service  
21 bays.

22 The review factors:

23 The parking and storage of cars remains  
24 the No. 1 consideration in reviewing these, in the

1 opinion of all the development team, because the  
2 other items are handled under other mechanisms.

3 But the paint booth has to submit and  
4 pass the requirements for building permit and the  
5 fire department reviews, as well as our building  
6 official.

7 The environmental protection comes  
8 through an RPZ valve which will not allow anything  
9 in the water system to backwash into the public  
10 system. That's a requirement in the building, as  
11 is a triple basin.

12 So the building code is protecting the  
13 operation here and then through the business model  
14 we ask for the state licenses.

15 So it's the zoning question of parking  
16 requirements and how is the business operating  
17 that is of greatest concern in this type of  
18 operation -- and actually in any type of auto  
19 repair operation.

20 So it's a 3800 square foot unit. There  
21 is a 400 square foot office. There is 1 paint  
22 booth bay, 325 square feet. The remainder is open  
23 space. There is 1 overhead door. And Mr.  
24 Rodriguez reports he is the only employee.

1                   So when I calculated the parking I have  
2                   the 1 parking space for the paint booth.

3                   I assumed the 4 repair bays, just  
4                   because the Special Use would run with the land  
5                   and future tenants could choose to put service  
6                   bays in there, and that's the maximum that would  
7                   really fit within the building.

8                   And then the Code requires 1/2 space per  
9                   employee, which seems strange because 1 employee  
10                  has 1 car, but I rounded it up, and we have 10  
11                  spaces.

12                  This property does have 55 linear feet,  
13                  plus 9 feet to the east in front of what is the  
14                  detention pond on the east side of the building.  
15                  So there is the potential to accommodate 10 cars  
16                  in front.

17                  And here is a picture. You can see he  
18                  is at 224 which is between the blue truck and the  
19                  red car there. That's the door. And there is  
20                  room to put 5 across.

21                  So in considering the Special Use, the  
22                  criteria places the burden of proof on the  
23                  Applicant to show that they comply and no Special  
24                  Use can be recommended or approved unless the

1 decision-making body -- that being you, the  
2 Village Board -- determine it's consistent with  
3 and in substantial compliance with the Village  
4 policies.

5 These are the findings of fact that were  
6 drafted based upon the application received:

7 Yes, it is expressly authorized as a  
8 Special Use.

9 It is a necessity business.

10 It does contribute to public convenience  
11 and helps the community.

12 The business does cater to local  
13 community and are known.

14 Mr. Rodriguez has been in business for  
15 four years and relocated here from a neighboring  
16 community.

17 And it does meet the vision for Stone  
18 Road as identified in the Comprehensive Plan.

19 The building permit process will confirm  
20 that the operation won't be detrimental to health,  
21 safety and welfare of persons residing or working  
22 in the area.

23 It will not impede normal and ordinary  
24 growth because the area is already built out,

1       utilities are in place.

2               And if the business ensures that all the  
3       vehicles associated with the operations, repair,  
4       employees and visitors remain off the roadway,  
5       there would be sufficient off-street parking  
6       available on-site without impact to the  
7       surrounding properties.

8               And in terms of adequate road utilities,  
9       roads they do exist.

10              Parking is limited on Stone Road but  
11       with the 55 linear frontage the -- excuse me --  
12       the business has sufficient parking to meet  
13       current parking code.

14              And in the conditions we have noted that  
15       cars must be placed on the subject property  
16       without encroaching onto the public right of way.

17              The last one is that the Special Use  
18       complies with applicable regulations of the zoning  
19       ordinance and the answer there is the paint booth  
20       would not be installed without approved building  
21       and fire permits which conform to the Village  
22       Code.

23              I will note that the paint booth did go  
24       in without a building permit and Mr. Rodriguez is

1       aware that he is going to be submitting the  
2       permits and everything will be to Code.

3               So if you would agree, here is our  
4       recommended motion for you. I don't know if you  
5       have any questions for me.

6               CHAIRMAN JARRETT: Okay.

7               Does Petitioner have anything they want  
8       to say before we move to questions?

9               Are you the Petitioner on this one?

10              MR. RODRIGUEZ: Yes.

11              CHAIRMAN JARRETT: Okay. If you  
12       want to speak, I need you to come up to the mic  
13       and state your name and your address for the  
14       record please.

15              MR. RODRIGUEZ: My name is Victor  
16       Rodriguez, 224 West Stone Road, VL Auto Body.

17              And actually that's what I am here for.  
18       I want to keep on the business. I am from Addison  
19       and I am willing to keep going with everybody.

20              My spray booth, my equipment for  
21       painting cars, has been installed for three years.  
22       So I am willing to go wherever the Village is  
23       going to ask me to get my permit to keep going in  
24       my business.

1 CHAIRMAN JARRETT: Okay. Just wait  
2 there. Somebody may have questions.

3 MR. RODRIGUEZ: Sure.

4 CHAIRMAN JARRETT: Is there anyone  
5 wishing to speak from the public on this agenda  
6 item?

7 (No Response).

8 CHAIRMAN JARRETT: Okay. Seeing  
9 none, then questions from the Commission, either  
10 for the Applicant or for Staff?

11 COMMISSIONER SHLENSKY: Not a  
12 question, per se. It's more a comment for  
13 clarification.

14 The business owner's true entity name is  
15 Victor and Louis Auto Body. So I want to make  
16 sure that's clarified.

17 And I don't see a registered d/b/a from  
18 the Secretary of State.

19 MS. WEBER: I found it.

20 COMMISSIONER SHLENSKY: I don't see  
21 it on the site plan.

22 MS. WEBER: I found it on the  
23 secretary of state website, the business. That  
24 was how I knew that it was Victor and Louis Auto

1       Body. I had found it in good standing.

2                   COMMISSIONER SHLENSKY: Oh, no, it  
3 is in good standing.

4                   CHAIRMAN JARRETT: How long have  
5 you been at the site?

6                   MR. RODRIGUEZ: In Addison?

7                   CHAIRMAN JARRETT: Yeah.

8                   MR. RODRIGUEZ: Three years.

9                   CHAIRMAN JARRETT: You did say  
10 that, I am sorry.

11                   MR. RODRIGUEZ: Uh huh.

12                   COMMISSIONER ORLOWSKI: I have some  
13 questions for staff.

14                   CHAIRMAN JARRETT: Go ahead.

15                   COMMISSIONER ORLOWSKI: Do we know  
16 currently if there is any violations that were  
17 written for that address and if they are still --

18                   MS. WEBER: There are violations on  
19 other units in the building, in terms of the water  
20 meter. So the water meters had been removed and  
21 that was actually how we became aware that  
22 Mr. Rodriguez has the spray booth.

23                   We have been doing a lot of work in the  
24 Stone Road area and the inspection team went out

1 and went through the entire building looking for  
2 triple basins, RPZs, water meters and spray  
3 booths, and they actually went up and down the  
4 whole street earlier in the year.

5 COMMISSIONER ORLOWSKI: Okay.

6 MS. WEBER: We also have had a  
7 meeting. We invited all of the property owners.  
8 The business owners were not invited and did not  
9 attend.

10 But we held a meeting in this room with  
11 almost every property owner on Stone Road and  
12 walked them through requirements for certificate  
13 occupancies, the zoning code, the uses, and told  
14 them that we expected that they understand the  
15 code, and when leasing, consider the requirements.

16 And so I think we have seen some good  
17 improvements in Stone Road and we are still  
18 working on things.

19 One of the biggest elements was that  
20 cars not be parked 3 feet in front of the  
21 buildings.

22 The police department for example  
23 started ticketing.

24 We still have a dumpster that needs to

1 be removed off the right of way.

2 We have seen a lot of clean up on the  
3 buildings and we continue priority this year to  
4 work on it.

5 COMMISSIONER ORLOWSKI: I have  
6 spent a lot of time in that area and sometimes  
7 it's hard to distinguish the overflow from  
8 business to business and vehicles with no  
9 registrations and you don't know -- it's messy.

10 MS. WEBER: The good news is that  
11 we have been working with an interdepartmental  
12 team; the fire department, the police department,  
13 code enforcement team, they are all at the table  
14 together with public works and the administration,  
15 with village manager's office.

16 CHAIRMAN JARRETT: Any other  
17 questions on this one?

18 Okay. All right. So we are going to  
19 move to discussion.

20 Is there anything you want to say before  
21 you sit?

22 MR. RODRIGUEZ: No.

23 CHAIRMAN JARRETT: Thank you for  
24 coming and we will discuss it up here.

1 MS. WEBER: Mr. Chairman, can I  
2 just clarify?

3 CHAIRMAN JARRETT: Yes.

4 MS. WEBER: So we have the  
5 application for Special Use and we decided we  
6 would let the zoning go through before the other  
7 elements were completed, but before the business  
8 would receive the correct certificate of occupancy  
9 the building needs a triple basin, it needs an RPZ  
10 and it's going to need an inspection by the fire  
11 and building department that the paint booth is in  
12 conformance.

13 CHAIRMAN JARRETT: Okay.

14 COMMISSIONER LUEDTKE: Did you say  
15 the building needs that?

16 Is there just a single service for the  
17 water service and the sanitary with the triple  
18 basin or does each individual unit have their own?

19 MS. WEBER: Each individual unit  
20 has their own.

21 COMMISSIONER LUEDTKE: So this  
22 particular one does not?

23 MS. WEBER: Correct.

24 I informed the property owner as well he

1 is going to need triple basin and RPZ.

2 COMMISSIONER LUEDTKE: For this  
3 unit?

4 MS. WEBER: Correct.

5 CHAIRMAN JARRETT: Any discussion?

6 One thing I would say generally is that  
7 we know there were problems in this area, not just  
8 with this building or specifically with this unit,  
9 but that came up when the use on Addison was  
10 before us for the assembly use.

11 And I do want to thank both -- I should  
12 say, all the community, the village departments  
13 that have gotten together, because there were  
14 almost immediate improvements out there. I know  
15 that started towards -- Some of the stuff that was  
16 started by probably Consuelo and others worked  
17 hard to get there.

18 But I would like to thank applicants too  
19 that take this seriously. We have had applicants  
20 before us who basically said, Well, you are going  
21 to have to make me do it. And we have somebody  
22 here tonight who appears to want to do it right.

23 So that's the only thoughts I have on  
24 it.

1                   Unless there's additional discussion  
2                   then?

3                   COMMISSIONER SHLENSKY:   Kudos to  
4                   staff for organizing a landowner meeting to  
5                   discuss the ongoing issues in that general area.  
6                   That was a very smart, pragmatic move on your  
7                   part.

8                   CHAIRMAN JARRETT:   Any other  
9                   discussion?

10                  Then if somebody could make a motion?  I  
11                  think it's in the packet.

12                  COMMISSIONER SHLENSKY:  I will make  
13                  a motion to recommend the approval of PZ  
14                  PZ-22-0011 for the following requests:

15                  A Special Use identified in the Village  
16                  Zoning Ordinance under Article 6, Section 6.1.3 in  
17                  the M-1 Light Industrial District for Vehicle Body  
18                  and Paint Finishing Shop pursuant to procedures  
19                  set forth in Article 11, Section 11.4 of the  
20                  Village Zoning Ordinance with the following  
21                  conditions:

22                  No. 1:  Compliance with all applicable  
23                  Village Codes and regulations.

24                  No. 2:  Business owner will obtain all

1 necessary permits, certifications for development,  
2 including building, spray paint booth and sign  
3 permits and a certificate of occupancy.

4 No. 3: Installation of triple basin and  
5 RPZ valve.

6 No. 4: All parking related to the  
7 business will be on the subject property, not  
8 within the road, and will comply with all rules  
9 and regulations imposed by the Village regulating  
10 parking in the parkway.

11 No. 5: Property will be maintained in  
12 such a manner as to not create a public nuisance,  
13 as defined in the Property Maintenance Code.

14 No. 6: Fire lanes will be approved by  
15 the Chief of the Fire Department and maintained by  
16 the business owner.

17 For the property located at 224 West  
18 Stone, PIN 06-04-212-016.

19 With a finding of fact that such Special  
20 Uses meet the standards enumerated in Article 11.2  
21 and 11.4 of Appendix C of the Municipal Code,  
22 Village of Villa Park Basic Zoning Ordinance.

23 CHAIRMAN JARRETT: We have a  
24 motion.

1 Is there a second?

2 COMMISSIONER HOFSTRA: Second.

3 CHAIRMAN JARRETT: Motion and  
4 second.

5 Any questions or comments on the motion?

6 Okay. Roll call vote?

7 Calvert?

8 COMMISSIONER CALVERT: Yes.

9 CHAIRMAN JARRETT: Hofstra?

10 COMMISSIONER HOFSTRA: Yes.

11 CHAIRMAN JARRETT: Kase?

12 COMMISSIONER KASE: Yes.

13 CHAIRMAN JARRETT: Luedtke?

14 COMMISSIONER LUEDTKE: Yes.

15 CHAIRMAN JARRETT: Orłowski?

16 COMMISSIONER ORŁOWSKI: No.

17 CHAIRMAN JARRETT: Shlensky?

18 COMMISSIONER SHLENSKY: Yes.

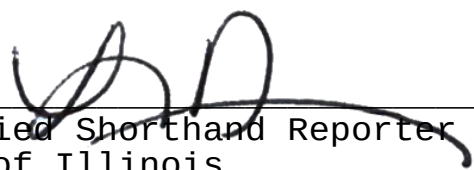
19 CHAIRMAN JARRETT: I too vote yes.

20 With that our recommendation will pass  
21 to the Village Board. They have the final say in  
22 the matter. They can accept, reject or modify as  
23 they see fit. Good luck. Thank you for coming.  
24 ///

1 I, LYN DOERING, Certified Shorthand  
2 Reporter and Notary Public in and for the State of  
3 Illinois do hereby certify that the foregoing  
4 proceedings were reported stenographically by me,  
5 was thereafter reduced to a printed transcript by  
6 me, and constitutes a true record of the testimony  
7 given and the proceedings had;

8 That I am not a relative or employee or  
9 attorney or counsel, nor a relative or employee of  
10 such attorney or counsel for any of the parties  
11 hereto, nor interested directly or indirectly in  
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my  
14 verified digital signature at Chicago, Illinois,  
15 this 11th day of August, 2022.

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|---------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>0</b>                                    | <b>9</b>                                                 | <b>Basic</b> 18:22                                                                                                 |
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