



VILLAGE OF RIVERSIDE, ILLINOIS  
PLANNING AND ZONING COMMISSION REGULAR MEETING  
Minutes

- I. *Call to Order:* The Regular Meeting of the Village of Riverside Planning and Zoning Commission was held on Wednesday, September 28, 2022. Chairperson Mateo called the Regular Meeting to order at 7:00 p.m.
- II. *Roll Call*
  - Commissioner Marhoul
  - Commissioner Miller
  - Commissioner Henaghan
  - Commissioner Mathews
  - Commissioner Brom
  - Chairperson Mateo

*Absent:* Commissioner Pelletier

*Also Present:* Trustee Pollock  
Attorney Marrs  
Village Planner Cyran
- III. *Approval of Minutes:*
  - A. Planning & Zoning Commission Regular Meeting minutes of July 27, 2022.

Commissioner Brom made a motion to approve the meeting minutes with the correction of a typo on page 5 – “side” should be “sign.” Commissioner Marhoul seconded the motion.  
AYES: Commissioners Marhoul, Miller, Henaghan, Mathews, and Brom, and Chairperson Mateo  
NAYS: None  
**Motion passed.**
- IV. *Visitors, Petitions, Citizen Requests, and Communications:*
  - None.
- V. *Liaison Report:*
  - A. Village Board Update  
Village Planner Cyran reported on the September 15<sup>th</sup> Village Board meeting where Assistant

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Village Manager Monroe presented the first of four segments on the proposed TOD Amendments to the Board. The Board didn't take action on the amendments; this was for discussion, to allow for each section of the amendments to be reviewed by the public, and for refinements. There will be three additional readings of the TOD amendments at future meetings.

VI. *Public Hearing and Recommendation:*  
None.

VII. *New Business:*

A. Site Plan Review for 735 Leesley Road – Blythe Elementary School Parking Lot

Planner Cyran said she would introduce the representatives of the petitioner, Riverside School District 96; provide an overview of the project; review the parking requirements; review the site's impervious surface coverage; and clarify additional landscape requirements for the project. Planner Cyran introduced Jim Fitton, Certified School Business Official with District 96; Ryan Kelley with DLA Architects; and Jason Green with the WT Group.

Planner Cyran noted the application is brought for the Commission's review because Blythe Elementary School is a special use in the R1-A District.

*Commissioner Marhoul recused himself because he's on the District 96 School Board.*

Planner Cyran noted that no variations are required for the application. District 96 is proposing to remove and replace the two parking lots on site – the north lot and the south lot. The project will improve vehicular and pedestrian safety, bring the number of parking spaces into compliance with the Zoning Code, increase the amount of green space on site and also decrease the amount of impervious surface on site, and improve the site's stormwater retention. The plans meet the applicable standards in the Zoning Ordinance, with the exception of some additional landscaping which is required between the parking lots and the parkway.

Planner Cyran noted that, when the auditorium conversion is complete, the school will have 14 classrooms, which requires 28 parking spaces. The project will result in the site having 28 marked parking spaces, two of which will be accessible. The site plans showing improvements to the south lot include redesigning the lot to reduce the amount of pavement, particularly between the building and the parking lot, and using pervious pavers for the row of 8 parking spaces near Blythe Road.

Planner Cyran noted the current amount of impervious surface on the site, which is about a 4.1-acre site, is about 16 percent currently. The amount of reduction of impervious surface in the south parking lot will reduce it to 13 percent, which is well below what's required for the R1-A District, which is 50 percent.

Planner Cyran said the project requires shrubs to be planted between the parking areas and the parkway, and the applicant has stated they're willing to plant the additional shrubs. Planner

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Cyran offered to answer any questions about the memo, and offered the petitioner the opportunity to present.

Ryan Kelley with DLA Architects introduced himself. Mr. Kelley said the District has had a long-term goal of separating parking and play. These parking lot replacements are a maintenance project but also part of a larger project that will bring the Blythe Park Elementary School up to 14 classrooms. In doing that, they want to bring the parking up to Village Code. The project will reduce the amount of impervious surface.

Jason Green with WT Group introduced himself. Mr. Green presented an aerial photo of the site and surrounding area showing the sites of the two parking lots. Mr. Green presented a survey of the site and a grading plan. Mr. Green noted in the north parking lot the project will add one net additional parking space. The proposed lot is practically the exact size of the existing lot. The project will add perimeter curbs. Surgical root pruning is proposed for the trees adjacent to the parking lot, with the intention that this will avoid damage to tree roots from using a bulldozer. Currently the north parking lot drains to a storm sewer inlet in the middle of the parking lot which drains to Kent Road. That will be mimicked in the proposed conditions.

Mr. Green said 15 parking spaces will be added to the south lot including two accessible parking spaces due to the proximity to the accessible route to the building. The size of the south parking lot will be significantly reduced from 15,500 to 9,670 square feet, which is a net reduction of 5,800 square feet or 27 percent. Six-inch perimeter curbs are also proposed in this lot. The curbs will both contain vehicles and direct the drainage. The south lot sheet drains to Blythe Road. The proposed curbs will help to contain the drainage and direct it. The water from the driveway will be directed to a trench drain at the bottom of the driveway. A series of storm sewers located in various spots in the south parking lot, as well as the trench drain, will capture water and bring it to a gravel infiltration pit located under the permeable paver area where it will be temporarily stored and then slowly released. The gravel will help clean the water and reduce its flow rate by roughly 40 percent.

Mr. Green said root pruning is also proposed for the south lot. The volume of the gravel pit is just under 700 cubic feet of storage which is a decent volume for a project this size. Mr. Green presented an exhibit that shows the existing and proposed impervious areas. He noted the permeable pavers are proposed in that location is because it's the natural low spot of the parking lot. Water will run toward that area and have a chance to permeate through the pavers to the gravel beneath it. Mr. Green showed a site plan showing the utilities, which include the trench drain and the inlets and manholes that bring water to that area.

Mr. Green presented a diagram of a cross section of the gravel pit and explained how water is filtered through the pit. As water leaves the pit, it goes to a restrictor manhole on the east side and then it routes it south to Blythe Road, to the storm sewer system.

Chairperson Mateo asked if there were questions for Mr. Kelley or Mr. Green. Commissioner Miller asked how trash will be prevented from entering the trench drain and gravel bed which

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would interfere with the process. Mr. Green noted there are a few ways proposed to capture trash because it's very difficult to clean trash out of the gravel pit. The first are catch basins, which are like manholes but with a deeper section to allow clean water to be decanted off the top of while dirt and debris stay below. Also, snouts are proposed, which are caps that go over the pipe and keep floatables like plastic bottles from floating on the water and going through the pipe, acting like almost a p-trap. Commissioner Miller asked if there will be a catch basin for each manhole, and Mr. Green confirmed there will be.

Mr. Green said there will also be permanent, permeable fabric filters, like coffee filters, underneath the manhole lids. Water entering the manhole will be strained through the filters before moving through the system. Commissioner Miller asked if they provided instructions to the District as to the maintenance of the systems. Mr. Green said yes. In general, the maintenance during the first year is more aggressive until they understand how frequently these items fill up, and then they select a more permanent maintenance schedule based on performance.

Commissioner Miller asked whether the three backflow preventers will be new and what their impact would be. Mr. Green said the backflow preventers are rubber and they act like a diaphragm, holding its shape until there's enough water pressure behind it to open it and release the water. If there's a backup in the street and the water starts back flowing, coming backwards towards the site, it closes and doesn't let that water in which keeps debris in that water from getting into the gravel pit. The main purpose is to keep the gravel clean, and they don't exist today. Commissioner Miller said she wondered if that would impact the neighbors and their level of flooding.

Chairperson Mateo said the Commission appreciates attempts to reduce impervious surfaces and landscaping. Some comments the Commission heard after the Ames rebuild is the plants weren't watered, which may be a question for Mr. Fitton. Chairperson Mateo asked what the watering plan is, at least for the first year. Mr. Fitton said the sod they just put down is part of the project, and the landscapers will be watering the sod as well as the trees.

Chairperson Mateo asked Mr. Green to tell the Commission more about the proposed root pruning. Mr. Green noted that he's not an expert in landscape architecture, but said they will excavate where they will be working next to a tree and then surgically cut the roots that will be impacted by the grading. Rather than a bulldozer pulling on the root and tearing it, which will do a lot more damage, the root is cut as close to that area as possible so the portion of the root to remain is not disturbed.

Chairperson Mateo said there is an existing tree on the northwest side of the north lot and the proposed apron is much wider than the current one. She asked what they think will happen to the health of that tree. Mr. Green said it will not improve the health of the tree, and they decided to use root pruning because of that tree. They had to widen the drive to meet code. They tried to stay as far from the tree as possible, but it's going to have some impact to that tree, though they don't know the extent. Chairperson Mateo asked if the flare of the driveway next to and under

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the tree is required by code and if it could be any smaller. Mr. Green noted it's also complicated because of the angle; they have to come around the tree and perpendicular to the street, which adds to the constraints. The drive cannot be any smaller unless they request a variance for a narrower drive; the fact that it's a small parking lot may be a consideration.

Chairperson Mateo asked for any comments on the tree. Commissioner Miller asked if the tree is currently healthy, and Chairperson Mateo said it is, to her knowledge. Chairperson Mateo noted the Commission can't ask the petitioners to come back for a variation; that's not their place. Planner Cyran suggested recommending a root feed after construction to improve the health of the tree with the consultation of the Village Forester. Commissioner Miller said we have lost a lot of trees so she doesn't want to say she's not concerned, but she doesn't know how much moving the new driveway over one or two feet would impact that tree. Presumably the roots of the tree go underneath the entire existing driveway as well as the existing road. Commissioner Miller suggested the Forester be consulted.

Commissioner Brom asked if the apron area in the northern parking lot is being widened as part of the plans. Mr. Kelley said the driveway is being widened to comply with code.

Commissioner Miller said the District would need to be extremely careful not to put any heavy things anywhere around that tree, which was done with a few of their other projects she noticed in the past years. Mr. Kelley said typically when they call for root pruning there's a snow fence or tree protection fence – the four foot tall, orange plastic fence – around the drip line that protects the tree and makes sure that doesn't happen.

Mr. Green presented the demolition plan for the site, which shows the location of the existing driveway in relation to that tree. They're proposing the new driveway about two feet closer to the tree than the existing.

Chairperson Mateo said they can make the site plan approval conditioned on working with the arborist to do whatever can be done to protect the tree. Commissioner Miller said perhaps there's no need for a curb in that area. Chairperson Mateo responded she supposes the safety value of the curb outweighs the tree. Commissioner Miller said the tree would need to be protected by the curb also in some way. Mr. Green said they could probably use a curb, but normally a curb is 18 inches below the ground, so maybe they could have a curb with a high point to protect the tree without going as deep with the footing of it. Commissioner Miller said that's what she was thinking.

Commissioner Miller asked Mr. Fitton if there is currently recreation in the parking lot, does the District have plans for alternative recreation. Mr. Fitton said the students will have to play more in the park area; the plan is to keep them away from the cars. Commissioner Miller asked if the District has plans to add any paved area for basketball or anything else in that area. Mr. Fitton said the District was not planning to add any new surface but one idea, if the Parks Department would like it, is to restripe where the tennis courts are so they could be used for different sports.

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Chairperson Mateo asked for a motion. Commissioner Miller moved to approve the site plan for Blythe Park Elementary School with the condition that the petitioner do what it can to work with the Forester and the Village and other appropriate professionals to look at the impact on the oak tree by the north parking lot. Commissioner Brom seconded the motion.

AYES: Commissioners Miller, Henaghan, Mathews, Brom, Mateo

NAYS: None

**Motion passed.**

Chairperson Mateo moved the Old Business item Update and Discussion Related to Zoning Ordinance Amendments – Accessory Structures before the two remaining New Business items. After this item concluded, the Commission returned to New Business.

*Commissioner Marhoul returned to the meeting.*

- A. Update and Discussion Related to Zoning Ordinance Amendments – Accessory Structures  
Before beginning his presentation, Trustee Pollock stated that he is here as a Trustee, but he is not representing the Village Board. The Village Board reviewed the Commission’s recommendations at a prior meeting and asked Trustee Pollock to work with staff and bring this item back to the Commission. Trustee Pollock said that any opinions or views that he expresses are not necessarily representative of the Village Board.

Trustee Pollock reviewed the history of the amendments. On October 21, 2021, the Board of Trustees reviewed the Commission’s recommendations regarding amendments to Accessory Buildings; their recommendations are listed in the written report included in the meeting materials. Some Trustees, including Trustee Pollock, expressed a desire for further consideration, particularly in relation to the organization and clarity of the proposed amendments, the definitions, the number of accessory buildings permitted on a property, bulk regulations (height and area limits), plumbing and mechanical regulations, and the permitted uses of accessory buildings.

In working on the amendments, Trustee Pollock and staff proceeded from the premise that the Village Board would like the Planning & Zoning Commission to consider amendments that would expand residents’ ability to use accessory buildings, continuing to limit that use to accessory uses, but going beyond the storage of vehicles and materials. Under the current code, accessory buildings such as garages are limited to the storage of items and vehicles. For those who have a one-and-a-half story garage, which many people have, that half story can’t be used for a hobby shop or home office, for example.

The Village Board has received a lot of feedback from residents. Trustee Pollock has received feedback from residents who say they’re tired of working from their dining room and would like the opportunity to have something nicer because they expect to be working from home for the rest of their career, at least part-time. Trustee Pollock asked if someone is using a detached accessory building as an accessory use, what the downside would be, of allowing that to be for something other than storage, particularly if people are already doing it.

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Trustee Pollock noted a redline draft of the text amendments are included in the meeting materials and reviewed key aspects of the amendments. First, in the current ordinance, there is a section on Accessory Structures [Section 10-7-3(A)], which should be titled Accessory Buildings. An accessory building is also an accessory structure, but an accessory structure is not always an accessory building. Trustee Pollock gave examples of accessory structures. Throughout the draft text amendments, the term Accessory Building is used when the text refers to buildings. Other sections of the code regulate accessory structures, such as swimming pools, patios, and decks.

The second key aspect of the amendments is the allowable uses of accessory buildings. The current code limits their use to storage. The proposed text amendments would allow activities that are typical of a single-family home to occur in a detached accessory building. Trustee Pollock noted, that activities conducted in an accessory building, like office work, should not be detrimental to the neighbors.

The third issue is accessory building bulk regulations. One-and-a-half story garages are common in the Village, and some have been built recently under the existing codes. Given the bulk regulations, it was determined that the Village may need to tweak the bulk regulations to allow accessible use of that half story area. The graphic included in the meeting materials showed under the existing regulations, it is possible to have a 12-foot by 12-foot room with a seven-foot ceiling height, which is just enough to be a habitable space. They received feedback that it would be better if they could have another foot or two, because of building construction and code requirements to allow proper clearances. There are a few differences that have to be addressed, but with proper design, the half-story above a garage could be used for something more than just storage.

The Village Code allows dormers on garages and there are many throughout the Village, but there's nothing in the code that would prevent someone from abusing the allowance for dormers by extending the dormer to within one to two feet of the sidewall, which is not the intent of the code. The text amendments include language similar to the standards for the principal house, where all aspects of the building have to be below a 45-degree angle measured from the side property line. The proposed amendment will prevent someone from taking a 12-foot sidewall height, stepping back a foot or two or three, and then going up another six feet, to 18 feet then across, which would have the effect of a much larger building than what we think the code allows. This code change would clarify that dormers have to be a small part of the roof structure, not a majority part.

Trustee Pollock stated the Planning & Zoning Commission previously discussed utilities for accessory buildings. The Commission's recommendation was to allow plumbing in an accessory building except that showers and baths are only allowed in pool houses. Trustee Pollock stated he understands the reasoning behind that recommendation, but he has concerns. For example, consider two identical properties side-by-side, with the same lot size, same shape, and same accessory building in the backyard. Lot One has a pool, so they get to have a shower in their

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accessory building. Lot Two does not have a pool, so they don't get to have a shower in their accessory building. How does that difference impact the neighbors? How are the neighbors benefitted and property values preserved by the fact that Lot Two doesn't have a pool and doesn't have a shower or bath in their accessory building? Focusing on impacts on adjacent properties and trying to level the playing field, the draft amendments allow full plumbing in accessory buildings.

In summary, Trustee Pollock said he and the Village Board would like the Commission's feedback on several issues. First is to consider the allowed use. An accessory use could include a playroom, an office, storage, or an artist's studio; things one would do in family room or basement that could now be allowed in a garage or accessory building.

The second issue is the plumbing, which Trustee Pollock said is not a make-or-break issue in terms of the Village and Village Board's ultimate goals. Trustee Pollock thinks this an equity issue that should be addressed.

The third topic is the bulk regulations. Under the existing bulk regulations, the height limits and sidewall limits make the accessory building very tight. Staff has received feedback from one builder stating the existing standards technically work, but most people would like to have another foot or two in height. If the Commission feels that an increase in height may be acceptable, to 19 or 20 feet instead of 18 feet, the 45-degree measurement line should be used. To stay within that plane, a larger setback is required for a taller building. For example, if the building in the graphic were to be redrawn at 20 feet and the 45-degree angle is maintained, that building would need to be located three feet further from the property line in order to stay within that scope. The 45-degree angle is important because the code regulates sun and light and shadow onto adjacent properties. When a building is two feet higher and three feet further in, it's not changing the amount of sun and light and air that goes over that building onto adjacent properties, because the setbacks are also increased. Trustee Pollock noted the text amendments wouldn't make any changes to the size/area requirements.

Trustee Pollock suggested the Commission provide direction on these issues, and then a final draft would be brought before the Commission before it is passed on to the Village Board.

Trustee Pollock shared photos of houses in the Village with detached garages, with and without dormers. He thinks these garages can be an asset to the Village by providing property value and utility to the use of a residential property. People have told him they have to move because they need more space for a home office.

After Trustee Pollock's presentation, Chairperson Mateo asked for the Commissioner's questions and thoughts.

Commissioner Marhoul stated the 45-degree angle requirement was not well-defined in the draft ordinance, and asked whether it would be acceptable to make it a more defined measurement. The requirement is located in the roof dormer section [Section 10-7-3(A)6(b)iv.b]



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of the draft ordinance, and setbacks are in part (d) [Section 10-7-3(A)6(d)]. The 45-degree stipulation to avoid impacts to the neighbors and to avoid encroaching on sunlight seems like it would be a priority when the Village starts talking about increasing roof heights.

Trustee Pollock responded that the draft the Commission is reviewing does not increase the roof height and therefore the dormer 45-degree angle was only applied to dormers to clarify and to make sure dormers don't take up 80 percent of the roof and to limit the size of dormers. If the Commission wanted to recommend or consider an increase in the overall height of accessory buildings, the suggestion is to use similar language as in this section as well as what is used for principal buildings to apply to accessory structures. That is, if the accessory building is above 18 feet, the 45-degree angle is going to force the building away from the property line. But as written, it does only apply to dormers.

Chairperson Mateo requested clarification on the process and what the Commission is doing tonight. Trustee Pollock said the decision is up to the Commission, but the suggestion is to give staff feedback tonight. Trustee Pollock will continue to work with staff and bring the text amendments back to the Commission at a subsequent meeting before the amendments are sent to the Village Board. Chairperson Mateo clarified that a public hearing would be required, and Trustee Pollock and staff agreed.

Attorney Marrs asked if Trustee Pollock intended to take the amendments back to the Village Board before bringing them to the Commission for a public hearing. Trustee Pollock said either way could work, but it really depends on what the Commission's thoughts are. If the majority of the Commission doesn't want to make any additional changes and want to stick with the recommendations from 2021, then the Commission could pass that along to the Village Board tonight. But if the Commission wants to further explore these ideas, then that feedback would be provided to staff and Trustee Pollock, and the draft amendments would be brought back to the Commission at their next meeting to add to a detailed recommendation the Commission can make to the Village Board. Regarding when the public hearing should be held, Trustee Pollock said it makes sense to send the recommendation to the Village Board before the public hearing.

Chairperson Mateo reiterated that, just because this is being presented to the Commission by a Trustee suggesting some things the Commission has repeatedly suggested against, that doesn't mean the Commission can't continue to suggest against it, or the Commissioners can change their minds with the passage of time.

Commissioner Mathews said Trustee Pollock's points are well-taken and he understands the direction of the amendments. When the Commission initially heard this, he wasn't sure if working from home was a fad but it seems to be a real change. Commissioner Mathews remains adamantly opposed to any type of real plumbing in accessory buildings. His concern is that people will live in the buildings. The Village can say accessory buildings can't be used as dwellings; there are all sorts of laws against things, and people do them anyway. Once people are living in accessory structures, Village resources must be used to get them out, and that's the biggest danger of the plumbing issue.

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Regarding Trustee Pollock's point about the pool houses, where there are two identical properties, one has a pool and one doesn't, and why one gets plumbing and the other doesn't – Commissioner Mathew's answer is that the pool house has a pool, then other property doesn't have a pool. If someone wants to have plumbing, they can build a pool and have a shower. The issue he is most concerned about is a scenario where accessory buildings are being built, people begin to live in those buildings, against code, and the Village is spending resources to address that issue.

Trustee Pollock understood commissioner concerns and reiterated that the plumbing issue is secondary. This is intended for the vast majority of people who would just use it as a home office, whether there's plumbing in it or not. Having said that, Trustee Pollock said the liability a property owner would impose on themselves by having an illegal accessory dwelling unit would be considerable, so he doesn't think it would happen very often, though it will happen and has already happened without legal plumbing. Also, the Village's has existing enforcement capabilities and property transfer inspections will prevent the sale of properties with an illegal dwelling unit. Trustee Pollock said not allowing plumbing would, for the sake of a handful of cases where there might be an illegal accessory dwelling unit, take something away from everyone else. However, the issue is not critical to the amendments; if the Commission recommends not allowing plumbing in accessory buildings, that's fine.

Commissioner Miller said the language in Section 10-7-3(A)3 is highly confusing and said that living space and dwelling are not defined. In Section 10-7-3(A)6(a), the text says accessory buildings shall be limited to one story plus an attic as defined herein. In Title 10, Chapter 11, the definition of attic states, "This space may be used for either storage or as habitable living area, provided that it does not contain a kitchen." She noted that it's not clear what will be allowed in this space or whether the intention is to be silent. Trustee Pollock clarified they would only be for all other uses one would otherwise be allowed to do on their property.

Commissioner Miller said she agrees with Commissioner Mathews; the Village should try to ensure people can't sneak in accessory dwelling units. She supports the idea of allowing some kind of usable space beyond storage with sufficient head height above most garages. She is concerned that the wording applies the standards fairly across all garage types, such as flat, gabled or hipped roofs. Commissioner Miller referred to the diagram in the meeting materials and asked if the design aligns with what the Village wants. She referred to a recently redeveloped house in Riverside that met the setback angle by building a small box as a bonus room on top of the roof.

Commissioner Miller noted the setback angle in the diagram and the text amendments angle is measured from the sidewall, as opposed to the side lot line, which Trustee Pollock mentioned in his presentation. She also noted that someone could move a dormer close to the sidewall to maximize the interior space of the garage.

Trustee Pollock responded that the diagram is intended to represent a traditional dormer roof,

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not a flat roof. The diagram intends to show a cross-section of the garage at the peak. The 45-degree setback angle would apply to all four sides of the garage. Commissioner Miller clarified that the setback angle would start at the edge of the building, not at the side property line. Trustee Pollock responded yes, as the draft is written now. The angle could be measured either way; it's not clear which way makes more sense. Trustee Pollock shared another diagram showing the setback angle, measured from the side lot line.

Trustee Pollock noted the bulk regulations are relevant only if the Commission is in agreement that they would like to increase the maximum height at the peak from 18 feet to 19 or 20 feet. He recommended keeping the sidewall height at 12 feet.

Commissioner Miller asked if 12 feet is the typical height of the sidewall for a typical garage. Trustee Pollock responded that it's the maximum height permitted, though most are shorter than that. Commissioner Miller asked a garage could be built with a 10 foot sidewall to allow a taller second story. Trustee Pollock responded that it depends on how the language is drafted; the language could require the setback angle to be measured starting at 12 feet above grade.

Chairperson Mateo said the term *Habitable Living Area* which is in the existing code, is problematic. That phrase can either be changed or the definition could be clarified. Since a definition of *Dwelling* was added, it could be contrasted with that. Trustee Pollock agreed.

Commissioner Henaghan stated she was also confused on that issue. If the intention of the Village Board is to allow sleeping rooms in these garages that can be used by a family member, it's fine as written. But if the Village Board does not want sleeping rooms in the garages, then that should be specifically called out. Commissioner Henaghan noted that *Sleeping Rooms* is a term called out in the building code and has a definition; she suggested it might be used also in the zoning ordinance. Chairperson Mateo asked if having a sofa in a room make it a sleeping room by definition. Commissioner Henaghan said she didn't believe so.

Commissioner Marhoul stated many of the issues Commissioner Miller brought up can be addressed with wordsmithing and additional thought, such as better defining when and where the 45-degree line is measured. The line may have to be applied in a dual manner where it both controls the height and the setback of the structure itself, and the height of the dormer as measured from the sidewall.

Commissioner Marhoul said his greater concern is the plumbing issue and the use of the word *habitable*. He thinks using that word is a dangerous road to go down, and maybe some other phrasing could be identified. The word *habitable* makes him think of permanent living space rather than a temporary use. He expressed concern that, if full plumbing were allowed (which he opposes), the use is getting dangerously close to accessory dwelling units.

Commissioner Marhoul said the definition of *Attic* includes, "...complies with applicable building codes." The only concern about building codes is for people use in the upper portion of the attic; the garage space is not as much of a concern. He expressed that the village need to

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separate out the space use or purpose because energy codes for spaces used by people are vastly different than energy codes for space used for vehicles and storage.

Commissioner Marhoul stated a firm line needs to be drawn in veering towards accessory dwelling units; enforcement is the last resort. Chairperson Mateo agreed.

Chairperson Mateo asked, if most two-car garages are 20 feet by 20 feet, what size upper floor room that would result in. She asked for this to be calculated for the Commission. Chairperson Mateo noted that, if these changes go through, they would really only apply to new construction. Commissioner Miller asked Chairperson Mateo if she thinks people won't renovate their existing garages. Chairperson Mateo responded that she didn't think that many would since they would need HVAC and stairs built to code to get upstairs; it's not insignificant. Commissioner Marhoul said it's probably more effective to build new rather than try to renovate.

Commissioner Marhoul noted the dimension Chairperson Mateo requested is an eight-foot-wide back dormer, rather than 12, for a 20 foot by 20 foot garage. Chairperson Mateo noted that's quite small.

Commissioner Miller asked why 15 feet was chosen as the width of a roof dormer in Section 10-7-3(A)6(b)iv.a. She asked if it might be aesthetic or structural. Trustee Pollock wasn't able to recall why 15 feet was chosen.

Commissioner Henaghan stated she liked the bulk regulations as proposed and supports increasing the height to 19 or 20 feet if staff finds it makes sense to do that.

Chairperson Mateo asked if, in recent years, staff has put together a table of other communities and what the peak height was for garage roofs. Commissioner Marhoul recalled a staff memo relating to bonus rooms in garages but not that it addressed bulk regulations of the same. Chairperson Mateo asked if that would be helpful. Commissioner Henaghan said it would be useful as long as we also find out if they allow habitable space in the upper story. Commissioner Marhoul added he would like to know what they're calling habitable space and how they're limiting the use of that space to something by the homeowner rather than allowing it to become an illegal living space.

Commissioner Brom asked about the purpose of striking the words, "Does not contain a kitchen" from the definition of *Attic*. She also said that goes with the definition of *Habitability*, which is, "Suitable to live in." She agrees with discouraging people from using accessory buildings as living units, and it's important to iron out the habitability language. In her opinion and with her experiences in other villages, the kitchen is the feature limited in accessory units. Commissioner Brom again asked why "does not contain a kitchen" was deleted from the definition of *Attic*.

Trustee Pollock responded that the draft was written based on the assumption that full

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plumbing would be allowed. Since it's clear the Commission does not recommend that full plumbing be allowed, that change would not stay as drafted.

Commissioner Marhoul stated he is in favor of the broader use of accessory buildings and better temporary use but the beyond part that is concerning. He said he's open and willing to continue this discussion.

Commissioner Brom said she doesn't have a problem with some type of limited plumbing to these accessory buildings. For home offices and similar uses, during the winter it's more difficult to have to use the facilities in the home.

Chairperson Mateo asked if there was consensus that the Commission wants to limit plumbing. Commissioner Mathews said the Commission's initial advisory was to allow a sink and a toilet but no bath or shower. Chairperson Mateo and Commissioner Marhoul agreed. Commissioner Mathews said that's fine because the bath and shower is when you're talking about a dwelling. If a shower is needed, the primary residence can be used. Commissioner Brom said she would add to that, "no kitchen." Commissioner Henaghan said she was in agreement.

Chairperson Mateo asked if the Commission was open to exploring a higher roof peak of 19 or 20 feet. The Commissioners agreed.

Commissioner Brom asked if the title of Section 10-7-3 should be "Accessory Buildings and Uses." Commissioner Miller pointed out the section includes accessory structures in subsections B to P.

Trustee Pollock thanked the Commission for their direction. He said he will continue to work with staff and get to the Commission an updated redline version based on their direction. The Commissioners thanked Trustee Pollock.

- B. Discussion of Temporary Membrane Structures/Temporary Storage Tents and Canopies  
Planner Cyran stated this was brought up during the consideration of the Ordinance to approve a variation to allow the use of a temporary tent at Riverside Presbyterian Church. The Board of Trustees gave staff two directives: to amend the code to allow tents or temporary structures to be erected for a few days or a weekend instead of 30 days at a time; and to consider removing temporary use requirements altogether from the Zoning Ordinance and instead including such standards within the Village's special event application.

In the meeting packet, staff provided the minutes from the Board of Trustees meeting and the previously drafted Temporary Membrane Structures/Temporary Storage Tents and Canopies language for the Commission's consideration and discussion.

Attorney Marrs recalled the temporary membrane text was added to the code a number of years ago, in 2010. The original intent of the text, based on one of the whereas clauses or findings in the ordinance, was that it was necessary to regulate temporary membrane

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structures, tents, and canopies and temporary storage containers within the various zoning districts as it has been noted by staff that such structures are being increasingly used as a substitute for sheds. The focus of those amendments was on storage.

Attorney Marrs continued that, during the pandemic, when tents were considered for schools or churches, they were considered as a Board-approved temporary use, but the Board had given some direction that they would like these to go through a regular zoning process going forward. This was the best fit for that, since it does include tents. Since this was meant to regulate storage, the Village could leave this particular language here and could tweak it, but the other suggestion was to move the language dealing with the special event type of tents over to the regular Village Code. It can be done but staff need to understand what kind of restrictions the Commission and the Board were interested in imposing on those, one of which was number of days.

Commissioner Miller asked for clarification on what is being asked of the Commission. She asked if what is being proposed would require someone who wants to put up a tent on a residential property for a special event on a weekend to apply for a special event permit and what the requirements are now, if anything. Attorney Marrs responded that now, as long as the tent meets setbacks and other requirements, people can do that for the 30 days not to exceed 45 days.

Commissioner Miller asked how that would change, and Attorney Marrs responded it depends on how you address it. One of the concerns of the Board is they didn't want the tents to be up for weeks and weeks, and they thought even the current 30 and 45 days in terms of special events might have been a little excessive. So the code could be phrased something in terms like tents must be taken down within two days of the event for which it's erected. Users wouldn't need a permit necessarily, but if a tent was up for a week or three weeks after the wedding, the Village could address it.

Trustee Pollock addressed the Commission to provide additional context. The Board's discussion was in the context of the Presbyterian Church's variation. The Board's consensus was, if the Presbyterian Church wanted to have that tent in their street yard for three or four days, once or twice a year, the Board would be okay with that. He thinks the consensus was that maybe those uses be addressed outside of the Zoning Code, not for the Commission to weigh in on, just under the special event procedures which is just done primarily administratively. Trustee Pollock said his opinion is the zoning should be left alone and a section should be added to the special event section saying someone can have a tent in the street yard for a few days at a time, a couple of times a year, which is a separate issue than the 30 or 45 day issue in a non-street yard.

Trustee Pollock said he is hesitant to take away an institution's or a property owner's ability to have a tent in their backyard for 30 days over the course of a summer but he also thinks a special event for a weekend is okay for a tent because people can put up with that for a few days.

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Commissioner Miller responded that the street yard is the critical hinge point here. If people want to put up a tent membrane up in the street yard for one to three days, that's what the Board wants the Commission to address. Trustee Pollock agreed. He said that's what the Board had a problem with the Presbyterian Church variation. They don't want to allow a tent in the street yard in the same way we allow it in a backyard or side yard. If the tent is there for the weekend, that's fine. They would need to have a permit, but it should be allowed.

Chairperson Mateo said her memory was not specifically in the street yard, just regardless have a time limit on it. Trustee Pollock responded that it was unclear, and she was right. He commented at the Board meeting that he was concerned about taking away the 30 and 45 day limit. The Board made it seem like they were asking that we amend the Zoning Ordinance to limit these to three or four days at a time. He said really doesn't think that was the intent even though it may have come across that way.

Chairperson Mateo said Attorney Marr's history was very helpful, that it's more of a storage thing. She asked if they can tweak Section 10-7-3(N) of the Ordinance to somehow emphasize – even though storage is in there repeatedly – that it's not for an event. As to the special event application, Chairperson Mateo asked the Commission and staff's perspective. She asked if adding that limitation that the tent has to be removed within a certain amount of time would work.

Planner Cyran requested clarification. Chairperson Mateo said what she's hearing is that in 2010 the Board wanted to stop people from having tents for months and months, so the Village imposed the restriction. If that was the original intent, then she could see keeping it, as it's clarified that it is not for a single event. Planner Cyran agreed that could be a way to address it.

Chairperson Mateo asked, if the Church were to start all over again, or, Saint Mary's would want a tent, would an organization or homeowners know they need to get a permit? Attorney Marrs asked if it would be for a street yard or just in general. Chairperson Mateo said in general. Attorney Marrs said he wasn't sure if they need a permit for backyards. Commissioner Marhoul said he didn't want to go down the road of regulating tents in backyards. Commissioner Miller said there should be some limitations on tents in backyards but what the Village has now is acceptable.

Attorney Marrs said he didn't get the impression the Board was interested in requiring people to get a permit for a tent on a regular basis. They want to make sure, whether it's a special event or storage, that they're not up for excessive periods of time and being cognizant of the street yard limitations and where they're particularly visible.

Commissioner Miller noted that, right now, temporary tents are not allowed in the street yard unless someone obtained a permit. She asked what the Commission is trying to fix; if the Church had to come to the Board or administration for a special event permit to put the tent in their street yard then couldn't they have automatically been limited in the amount of time that they could have it?

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Chairperson Mateo asked if they could add another section for the use of temporary membranes for events with a time limit. Planner Cyran stated she believed the request from the Board was to consider removing the time limit from the Ordinance, making that a policy choice. Chairperson Mateo said she believes everyone that night was thinking of tents for events and not so much tents for storage. She asked if the Commission wanted to recommend limiting tent use for storage to a shorter period of time than 30 days, or if they want to leave that as-is for the purposes of storage.

Attorney Marris said another portion of the same amendment had to do with moving pods that people put in their driveways and a limit of 30 days may be part of that decision.

Commissioner Miller said it's not clear what the Commission is being asked to do, but in looking at the redline language she had a few questions. The language states a storage canopy may not exceed 200 square feet for a structure or tent, or 400 square feet for a canopy, or 700 square feet for an open canopy, and she wasn't sure all those terms are defined. She also asked if people had multiple storage tents, as there is no limitation on that. Chairperson Mateo noted the language came from the TOD consultant, and she's not sure what they were imagining. Commissioner Miller noted there is a definition of canopy in the code, which is a canopy over a doorway area.

Trustee Pollock suggested if the Commission is confused about the Board's direction that they ask the Board to clarify. He didn't think this was to come before the Commission. It was his impression that staff would return to the Board with options. His intent as a Trustee was simply to amend the special event application process to allow street yard tents for three or four days at a time, which does not involve the Commission at all. Because it didn't come back to the Board, he doesn't think the Commission has any direction from the Board. He said he may be wrong about that, but that's his recollection of the Board's discussion.

Chairperson Mateo said the one variation was tabled until the Board's November third meeting. She asked what needs to be done and by whom. Attorney Marris said the minutes say, "The Board directed staff to consider removing the temporary use requirement altogether from the Zoning Ordinance and include such standards for temporary structures within the Village's special event application." Trustee Pollock said that makes sense.

Attorney Marris said understanding that although we may want leave the language that's there as it is to apply to storage, we then have to look at the special event aspect of it which isn't really addressed in this amendment or even necessarily something that the Commission has to consider. Attorney Marris suggested he spend some time working on that and getting some direction and seeing where we're at without any need for further input from the Commission tonight, unless the Commissioners would like to offer some.

Chairperson Mateo asked if any Commissioners would like to offer further input. Commissioner Marhoul said retaining Section 10-7-3, Accessory Structures and Uses, paragraph (N), Temporary



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Membrane Structures, should remain in the code in some fashion because we're talking about temporary membrane structures. He said we're talking about cloth/vinyl/plastic covered metal erections, so we need some manner of regulating that, keeping it from happening. If we don't have it in the zoning code someone is going to put it up and call it a structure and not a tent and it will stay there and we will be in a fight. The 30-day consecutive with the 45-day total gives the Village additional control over the matter. Commissioner Marhoul said we need to have something in the zoning code about these membrane covered metal structures.

Commissioner Brom asked if an individual or entity is limited to how many special events they're able to have in a year. Chairperson Mateo and Attorney Marris said they didn't think so. Commissioner Brom asked if, potentially, an entity or individual could have a lot of special events and exceed the 45 days. Commissioner Marhoul said that goes to policy. Attorney Marris said that can be built into the policy as well. Similar to garage sales, only so many sales can be held in a year.

Commissioner Miller suggested it would be useful to break out the treatment of these between residences and business districts and non-residential uses in residential districts like churches and schools. Attorney Marris said that was a good idea.

Commissioner Brom said she was concerned about the language, "temporary membrane structures do not include tent structures used for commercial purposes." She asked if that would leave a door open with regard to individuals or entities selling things from a tent. Attorney Marris asked if that was the consultant's language. Commissioner Marhoul said he thinks it was. Chairperson Mateo said she wasn't sure if it was in the language originally, but she thinks if the idea was to exclude Chew Chew's tent from this, whether that could be phrased better. Commissioner Brom said she would encourage that.

Commissioner Miller asked if tents like that at Chew Chew aren't more permanent than temporary. The tent is up year-round, not just for 30 days. Commissioner Miller said the text says temporary membrane structures don't include commercial structures, but that would be a commercial structure, like Chew Chew's, and it's not temporary, so it must be something else. Attorney Marris said that whole structure is governed by an agreement between the Village and Chew Chew because it's partially on Village property.

Chairperson Mateo said the Commission can ask staff to clarify and come up with some new language. Planner Cyran agreed. Attorney Marris said he thinks staff understands enough of the commissioner preferences, including street yards, limitation on days, limitation on number in a year, and distinguishing between the different types of uses, and staff will tackle changes.

C. Discussion of 2023 Commission Work Plan

Planner Cyran said Chairperson Mateo, with input from Commissioners Marhoul and Miller, created a draft 2023 work plan for the Commission's review. This is the first discussion of the work plan. Staff is looking for the Commission's input and prioritization of the items. Staff will bring back a revised work plan based on the discussion, and hopefully have a vote and approval

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from the Commission at their next meeting.

Commissioner Miller said she would like the Commissioners to start thinking about the bulk requirements. In R1-A or R1-AA, which is basically all of the residential districts, the peak height of a roof can be 38 feet. There are a lot of areas in the Village where the predominant structures are much lower than that; they're basically a story or a story-and-a-half. She would like to consider whether the Village wants to allow buildings that tall throughout the R1-A or R1-AA Districts. It would be quite jarring if there was a residential building that's basically twice the height of all the other buildings near it, and there are a few sensitive neighborhoods within the Village that might be even more jarring. She suggested perhaps tabling that and thinking about it for the next work plan.

Chairperson Mateo said it might be something the Commission has time to look at. Commissioner Miller said she is increasingly worried, especially considering some of the recent buildings; there are 38 foot tall houses that meet the building setback plane. Commissioner Marhoul said he would like to support Commissioner Miller's proposal. He has heard residents expressing concern about that dimensional envelope.

Chairperson Mateo asked the Commissioners to send any additional tweaks to Planner Cyran, and then the Commission will have it finalized and present it to the Board in November.

Commissioner Marhoul suggested a potential additional item: requirements for driveway widths. He said he came out rather strongly against the memo the Commission received from the Village Engineer. Based on his research, he found some communities, including Minneapolis, where smaller dimensions in driveway widths and parking aisles were allowed. He said we should continue looking at that. Thinking about today's discussion, when there are small lots, they really do not need wide driveways.

Commissioner Miller mentioned the 24-foot wide aisle space. Commissioner Marhoul added even the driveway width, and he mentioned the lot adjacent is Village-owned, that is a two-way driveway and probably 12 feet wide. Unless there are significant safety or accident concerns, the Village can look at reducing some things when appropriate. They noted that this wouldn't be appropriate for something like Riverside Foods or a high-use church driveway.

Chairperson Mateo said they can add that to the to-do list. Commissioner Miller said she supports that, though she doesn't know how we go about overcoming the objections of the engineers. She asked what kind of evidence would be needed. Commissioner Marhoul said the engineer provided an opinion and there are other opinions out there.

Commissioner Miller asked about items B and C, but particularly B, where it sounds like this is a matter of enforcement and asked if there was a thought that there should be changes to the text of the code. Commissioner Marhoul said there have been a number of recent developments where trees in the front yard but after development, the trees are gone. Commissioner Miller said she understood and asked if that's something the Commission can do

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something about or if it's a matter of enforcement. Commissioner Marhoul said it may be a policy issue; it depends on what the replacement policy is. All public improvements when done by the DOT or the tollway have a tree replacement policy.

Commissioner Miller noted the Village does have a "two tree in the parkway" requirement or one tree in the front yard if the parkway is not wide enough. Commissioner Marhoul said, for example, his house has two giant oak trees where are probably four feet in diameter each. If a developer bought that property, they could cut both trees down and put one or two trees in the parkway and call it a day. Commissioner Miller asked if he was referring to the mass of the tree; Commissioner Marhoul agreed. Chairperson Mateo said it was on her to-do list to see if the Village is enforcing it and, if not, if the Village should.

Chairperson Mateo asked Commissioner Marhoul to review his recommendation regarding grasses and vegetation in front yards. Commissioner Marhoul said it might be more of a policy issue than a planning and zoning issue. The Village Ordinance requires mowing to a six-inch height but native grasses are all significantly taller than that. He said it could be related to zoning because it's a landscaping issue. He asked what the Village allows for landscaping. Native grasses that are three feet tall are a lot different than Kentucky bluegrass that's three feet tall if it's standing up and otherwise it just looks like bad maintenance; there is a difference.

Commissioner Marhoul said the Village wants more native plantings for various reasons including monarch butterflies. He asked how the Village could make that work. Chairperson Mateo said that could probably fit in with recommendations for impervious surface calculations and rain gardens.

VIII. *Old Business:*

B. Review proposed 2023 Meeting Calendar

Chairperson Mateo asked the Commission to review the revised meeting calendar. She asked what they thought of November 29<sup>th</sup>; the Commission agreed. She asked about December 20<sup>th</sup> and noted it is five days before Christmas. She suggested Monday, December 18<sup>th</sup> as an alternative. The Commission agreed that December 18<sup>th</sup> would be better; Planner Cyran said she would update the calendar.

Chairperson Mateo stated she forgot to go through the standards for site plan review and apologized.

IX. *Information:* Next Meeting is October 26, 2022.

X. *Adjournment:* Motion to adjourn by Marhoul, second by Mathews.

AYES: Marhoul, Miller, Henaghan, Mathews, Brom, and Chairperson Mateo.

NAYS: None

**Motion passed.**

Meeting adjourned at 9:01 p.m.