

Observer report of the League of Women Voters of Elmhurst, Illinois
By: Edgar Pal, League Observer

**Development, Planning, and Zoning Committee of the City of Elmhurst
Monday, June 11, 2018**

7:00 pm

City Council Chambers

209 N. York St.

Elmhurst, IL 60126

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Abbreviations

- DPZ = Development, Planning, and Zoning Committee
- ZPC = Zoning and Planning Commission

Meeting

1. Call to Order
 - a. Time: 7:05 pm
2. Roll Call
 - a. Members present: Mike Honquest (Chairman), Noel Talluto (Vice Chairman), and Mark A. Mulliner
 - b. Other officials: Steven Morley (Mayor), Michael Kopp (Assistant City Manager), Andrew Acker (City Attorney), Eileen Franz (City Planner)
 - c. Public: Around 14 members of the public.
3. Written Communications from the Public
 - a. Kim Messina submitted documents
4. Public Comments (4 speakers)

- a. Dan Virgil – Spoke about the draft report on hoop houses, and its discussion on size and other criteria for ZPC to consider. Addressed suggestion raised at previous meeting that greenhouses could be used as a device to extend the growing season. Referred to FAQ page that Mr. Virgil had previously shared with DPZ, emphasizing that hoop houses and greenhouses aren't the same.
 - i. Greenhouses can't easily be disassembled in summer months, and it can get too hot and uncomfortable. Potentially dangerous to persons inside the structure during the summer. Greenhouses could be cooled by vents, but this requires electricity, which hoop houses do not use.
 - ii. Hoop houses are temporary and, unlike greenhouses, allow rain in summer months to reach the plants, which facilitates watering and water absorption into the ground.
 - iii. Hoop houses are flexible and can easily be removed if the homeowner no longer wants it (for example, if the homeowner loses interest in having one, or if they want to sell the home without one).
- b. Kim Messina – 28-year resident of Elmhurst. Mentioned that there are 27 cities who have allowed hoop houses. For example, Salt Lake City equates sustainability with livability. Supports hoop house as a way to support gardening and sustainability.
- c. Brian Doan – Against hoop houses. Thinks they're a good idea, but since they're a temporary building, it's important to treat them in the zoning code in the same way as other temporary buildings. Carving out a special exemption for hoop houses can "open a can of worms". Hopes that we can find towns in Chicagoland that have allowed hoop houses, and can testify to the impact to the community. Oak Park has allowed this in a community setting, but not sure if it's allowed on private property. We should see if there are actual hoop houses up in other towns, and assess the impact on those communities. Other parts of the country (e.g. Salt Lake City, which Ms. Messina mentioned in her public comments) are completely different. We need to compare to nearby communities from Chicagoland area.

- d. Nicole Virgil – Thanked Mr. Doan, and responded to his comments. Recalled that in last meeting, there was concern about lack of use cases to look at. Said that there are other “membrane structures” in Elmhurst, which were allowed to remain intact and lend to the “apples-to-apples” comparison sought by Mr. Doan. These are well-intentioned residents who have erected membrane structures, not knowing that they were in violation of the Elmhurst code. Over the course of her research last year, she didn’t find any other city that prohibits membrane structures. Elmhurst is unique in explicitly prohibiting them. Furthermore, Chicago allows hoop houses, and there are examples of hoop houses being raised there. Also a few communities in Wisconsin and Indiana. Laura Calvert (of Advocates for Urban Agriculture) has offered to provide information to interested officials and members of the public.

5. Business Before the Committee

- a. Minutes of the May 29, 2018 meeting of the Development, Planning & Zoning Committee
 - i. Approved as published, 3-0.
- b. Review of Municipal Code regarding Membrane Structures
 - i. Honquest – Continuing a discussion that has taken place over the past two meetings. Today, we are reviewing a draft report that has been shared on BoardDocs. Does staff have any additions or deletions?
 - ii. Franz
 - 1. Mrs. Virgil has sent an email requesting further clarification or revisions.
 - 2. Reached out to Laura Calvert (Advocates for Urban Agriculture) to learn about size requirements.
 - 3. Ms. Calvert had consulted an expert from U of I Extension. 7-9 feet height is minimum for 10-12 ft-wide structure. Also described other minimum size requirements.
 - iii. Honquest – 575 sq ft... is that a minimum or maximum? (Franz: Unsure. This is the info received regarding City of Chicago.) Also asked Franz a few other questions regarding technical size constraints.

iv. Talluto

1. For the ZPC's process to go forward, we need actual ordinance language for ZPC to evaluate. There are two "paths" involved. First, if an applicant (in this case, the City) doesn't provide specific ordinance language for ZPC to evaluate, then ZPC will conduct a workshop as a first step in their process. The workshop allows them to create the ordinance language to put into the public hearing process. Second, if the applicant (the City) proposes specific language, then that eliminates the need for a workshop.
2. At last meeting, we thought we would just write a draft report, and felt that might be enough guidance for ZPC. However, now we realize that we might trigger a workshop.
3. Thinks that a workshop might not be appropriate in this case. It's useful only for complicated situations, like gun ordinances. Should we take the time and resources to go through a workshop? It probably just makes more sense to put more specific ordinance language into the application.
4. Regardless, even if we put a specific recommendation into the application, ZPC can still have wide leeway to amend, reject, add new ordinance language. (Franz: Workshops are usually for larger changes, like the Downtown plan)

v. Honquest

1. Previously had conversation with staff addressing many of the same points from Talluto's remarks. If we're going to go forward with any change, then we'd have to look at code and decide what we're willing to change. The discussion at the last meeting somehow digressed, but now we need to give clear direction to the ZPC. If we leave the report as broad as it is now, then ZPC will need a workshop. However, if our report becomes too detailed, then that may become too limiting to the ZPC, as the Mayor warned at the last meeting.
2. Tonight, we need to decide whether to keep the draft report broad and open-ended. (Kopp: The report as currently written

would need to go to a workshop. Franz: Workshops are still a structured meeting.)

3. When writing the draft report, intent was to leave it open-ended, but still has some reservations.
- vi. Talluto – If DPZ changes report to give more direction to ZPC, that doesn't mean that the ZPC will follow whatever DPZ wants them to do. (Honquest: Correct. There will just be more specific requirements.) ZPC will still get expert testimony, public comment, and other information to consider.
- vii. Morley
1. A workshop is still a meeting. We do these all the time when we want a lot of public input. (e.g. for garages, planning, etc.) Workshops just give ZPC more opportunity for discussion. It is not a "brainstorming discussion". It's still a structured meeting.
 2. The current draft report is "vaguely specific". Talks about extending the growing season, and other broad goals. We can give them direction on what to discuss, but not what to conclude. DPZ has a good grasp of what needs to be done.
- viii. Honquest (to Talluto) – Is your thought process to give ZPC more guided, focused direction? Would you like to create more structure?
- ix. Talluto
1. Going back and forth. Didn't think a workshop was appropriate in this case. Felt that it's more appropriate only for a more significant revision to the code as Franz explained (e.g. Downtown plan)
 2. However, after hearing the Mayor's comments, maybe we're too worried about having a workshop. A workshop is just an additional meeting, and it allows ZPC to discuss more technical topics. Maybe it's a good thing for ZPC to go through a workshop. Membrane structure ordinance is not as broad as the downtown plan, but perhaps more technical. We wouldn't want to allow the public to build something that doesn't work, or something that doesn't really address options for extending the growing season.

3. (Honquest and Mulliner: Confused. Where are you going with this? What are you suggesting?) I don't have a yes/no answer. I'm going "back and forth" on whether a workshop is needed. A workshop would allow for public comment and careful consideration of technical details.

x. Mulliner

1. There's still public comment at any ZPC meeting. Public input is still considered. (Talluto: Okay. So, I'm 50-50)
2. Wants to give ZPC more specific guidance, beyond just simply allowing hoop houses. It's okay for ZPC to deviate slightly from the DPZ request, or even to recommend novel solutions not previously considered. However, important to make sure that there is structure in the request, to avoid ZPC going astray.

xi. Honquest

1. Do we want to change our code? We're being asked to change the code, so we need to consider what we're willing to see.
2. Looked at the Chicago City Code. Refers to accessory community garden buildings, allowed up to 575 sq ft in area, and up to 15 ft in height. That's a sizeable structure in a backyard, for a 6-month period. If that were a tent in someone's backyard today, would I be comfortable with that? At this point, I am not. It's too tall, and too big.
3. We've discussed a variety of structures, such as smaller or longer ones.
4. In our report, we can set a limit of 4 or 5 feet. Not many people might want this. Should we amend the code to accommodate something that people ultimately might not want? Can't we just follow the Park Ridge guidelines to keep structures behind a fence and below the fence line?
5. Elmhurst has been stricter than other communities. Our code has stricter regulations against temporary structures.

6. If we keep the application to ZPC open-ended, we might get a solution that dissatisfies certain people. If we become too specific, we might recommend something that nobody wants.
7. People aren't against gardening, or green/sustainability issues. However, people are against large, temporary structures.
8. Today, people could put up a large tent with a heater inside, and it becomes an "extra room". If it's up for a weekend, nobody cares. If it's up for six months, people care.
9. Are we willing to change the code? Based on our previous meeting, we are. However, now we could be looking at smaller structures, which cover a garden plot. But based on the feedback the public has given, does that really accomplish anything?
10. As a committee, we need to agree on how to move forward. Talluto and Mulliner might be fine with the draft as written, and the larger size of the structures. (Talluto: Which path do you actually want?)
11. Wants no workshop. The report should be restricted in scope. Has concerns about the specific restrictions to give to ZPC.
12. Would rather tell Virgils that the current code is sufficient and fair as written, and the Virgils should get a greenhouse despite its limitations.
13. Or, DPZ could tell ZPC to consider cold frames and other smaller structures, rather than large hoop houses.
14. Doesn't want an open-ended workshop process. If we're not going to go with a workshop, then DPZ should agree on what they're comfortable with.

xii. Talluto

1. Fine with avoiding a workshop. However, has a lot of confidence that there is something that can work between those two "extreme" examples. There was a lot of research from U of I Extension, and details to discuss further.
2. Reluctant for DPZ to say that some specific size would or wouldn't work. We're not experts. Is there some aesthetic and/or size

recommendation that can be sent to ZPC, even if ZPC will disregard it based on expert testimony? An expert (e.g. an agricultural scientist) can provide testimony to ZPC.

xiii. Honquest

1. I think you're taking me too literally. Just decide which path to take. (Talluto: Let's try to avoid the workshop.)
2. Then we need to provide more details on what works or doesn't work. However, you're right that this becomes subjective and involves my personal interpretation of what people want or expect.
3. Expert advice said you need to go at least 7 feet high and 10-12 ft wide. 575 sq ft coverage. (Talluto: Disagrees with that interpretation. Mulliner: Chicago says "up to 575 sq ft", which is just a maximum. You can still go below that number.)

xiv. Talluto

1. Came out of the last meeting thinking about volume of the air mass inside as a critical piece.
2. Spoke to someone else from U of I Extension, and an expert author of a paper. There's a concept of a "dome", and a "viable width" to differentiate between hobby vs. commercial. (By the way, we're just talking about residential use, not commercial). Expert said 6-10 ft width. "Dome effect" means a 7-9 ft high structure at the apex. Then, industry standard is to design length in 4-ft sections (e.g. 4 ft, 8 ft, 12 ft, etc.) Based on his feedback, it's more about the dome effect, and the width/height vs. necessarily the length. That's why there's not much comment on length.
3. We can come up with something that's usable and reasonable.

xv. Mulliner

1. Will need to define what a greenhouse is. Currently, zoning code refers to old version of Webster's dictionary. Regardless of whether the report moves forward, ZPC should formally define greenhouse.

2. If there's a list of 3-4 different structures to extend the growing season, then Code should address each of them.
 3. (Talluto: If a hoop house is allowable, then wouldn't anything else be allowed?)
 4. Disagree. There's a difference between a cold frame and hoop house. Also, low tunnels aren't tall enough to walk in. Each structure needs to be defined as it relates to City of Elmhurst.
 5. We build things better in Elmhurst. Our code is stricter. We build things to be safer than the minimum required.
 6. Need to determine the length of time for structures to be up. Can't see why one would need to have hoop house for 6 months, since a greenhouse could be used instead. (Honquest: The reason greenhouses would be advised is the quality of a permanent structure.)
 7. As for size, right now we might not be able to decide on specifics. (e.g. 7 ft high to 12 ft high, or 6 ft wide to 10 ft wide) Need an agricultural scientist to share the minimum size needed for a family's personal use, not for commercial purposes. In such cases, a smaller structure might be more appropriate. Chicago code is just setting max limits for adjunct structures.
 8. Also should discuss setbacks. It should be in the backyard only. Needs to be enclosed by a privacy fence. Residents can't be allowed to store anything inside. Should be used only for growing.
- xvi. Honquest (to Morley) – Based on what Ald. Mulliner has just said, is this detailed enough to place in an application, or does this still go to a workshop?
- xvii. Morley
1. DPZ still hasn't determined whether a hoop house is the way to move forward. That's the critical question.
 2. Based on Talluto's research, height is a critical part of hoop houses. DPZ needs to consider all options. Primary complaint is the size. If you reduce the height, then you eliminate the hoop house.

3. Likes idea of extending growing season. However, the main complaint is the size. Therefore, DPZ might end up rejecting hoop houses in favor of smaller structures.
4. There's room for a bit of workshopping.

xviii. Honquest

1. So we might end up going to workshop. (Mulliner: I guess that's fine, even if it's not what we initially said.) If we send the report to ZPC, they can come back with anything.
2. If you put a fence around a temporary structure, and the height exceeds the fence height, then there's no point in having the fence.
3. As for concerns about storage, we can make it clear that hoop houses can't be used for storage. We can agree to setbacks. Needs minimum setback from neighboring property line. (Talluto: Also add that they shouldn't be placed in side yards.)
4. Thinks that an area of 575 sq ft is huge for this structure. Also talked about length of time, quality of structure.
5. To the Mayor's comment, we've been asked to look at hoop houses. (Mulliner: The aldermanic referral is too specific. We're intending to look at extending growing seasons.)
6. If we switch from hoop houses specifically to extending the growing season more broadly, then ZPC would go to a workshop. (Talluto: We can still list several different structures for ZPC to consider, but also add size and other restrictions or limitations.)
7. Let's redefine application to apply to extending growing season, and move away from hoop houses.
8. Let's also define greenhouses
9. Also address quality of structure, length of time, size of area, height, fences
10. (Talluto: Since we're being specific, wouldn't this avoid a workshop?)
11. This goes to a workshop because we're leaving this open-ended. (Talluto: But it's not open-ended. We're proposing a list of several

devices for extended growing seasons, along with some specificity on the size and other restrictions.)

12. If we move away from hoop houses to extended growing seasons more broadly, then a workshop might be needed. It could be a “cold house” today and a “hot house” tomorrow! We shouldn’t address a “yes/no” question on whether we want hoop houses. Now, we’ve expanded the conversation, and it therefore becomes more open-ended. We really should get expert testimony. Shouldn’t we get that expert testimony for the ZPC to consider?

xix. Mulliner

1. We can get staff to ask experts to appear before DPZ meeting, or we can just send them over to ZPC. Need to ensure that experts are discussing personal gardening, rather than commercial uses.
2. Suppose I have a round hoop. If the structure is 6 ft wide, then the radius of the circle is 3 ft, so the hoop is 3 ft tall. If we have an oblong hoop, then the height might be slightly different.
3. Shouldn’t we ask experts to give us more advice?

xx. Honquest – There could be a whole variety of devices to explore. This could become a whole “boondoggle” of things that come back to us, if we don’t set specific requirements for ZPC to consider.

xxi. Talluto

1. This all started with staff research. It wasn’t exhaustive, but Ms. Franz was still pretty thorough. She consulted resources from Botanic Garden, U of I Extension, etc.
2. We’ve been looking at a list of various options. We’ve wanted to address not just hoop houses, but also extended growing seasons. We are expanding the scope of the original referral. The reason we talk about the hoop house so much is that it’s the biggest on the list. Here’s the main concerns we’ve heard: size, aesthetics, and neighborhood rights to enjoy their property.

xxii. Honquest

1. Is this too large? Is a height of 8 ft and above doable? If that's too big, then if the structure becomes much smaller, then it might not address the needs of the Virgils and similar residents.
2. Going back to the Mayor's point, do we want to change the code? In our code today, you can use a greenhouse. It's not the same as what the Virgils want, but it's big enough to use during the winter.
3. You don't need a large area to grow enough food to feed a family.
4. If we change the code, and if it's a significant change, then it's going to a workshop. If we're comfortable with a smaller type of hoop house, then our request might not trigger a workshop. It might be a request simply for ZPC to better define a greenhouse, and to consider other smaller structures that are alternatives to hoop houses.
5. I'm not comfortable with a larger structure in a backyard.

- xxiii. Talluto – Seems that Ald. Honquest is not comfortable with 12 ft, which is what Virgils had. (Nicole Virgil: No, it's 9 ft tall. Honquest: I'm more comfortable with 3-4 ft.)
- xxiv. Mulliner – Needs to be aesthetically pleasing to neighbors. Max height of fence is 6 ft. Neighbors currently aren't saying anything, but that's because they're just trying to be nice. Structure would have to be below 5 ft for neighbors to not see it.
- xxv. Talluto – Was comfortable with something 7-8 ft high. Doesn't want something really large. Proposed some parameters for a medium-sized structure.
- xxvi. Mulliner
1. Considers hoop house to be a circle or a half-circle, not an oblong. If I'm doing a circle, then a 10-ft wide structure would be 5 ft high. Is that doable? We'd need expert testimony on whether it would work.
 2. Right now, there's a lot of confusion on whether they suffice for commercial or residential uses.
- xxvii. Honquest

1. Am I okay with these temporary structures popping up around the community? I'm guessing no, so the structures should be behind a fence.
 2. We can set a limit at 6 ft high. We can get experts to testify if that's sufficient. People can walk into a 6-ft tall structure, and taller people can bend down to walk inside.
- xxviii. Talluto – We can send this to ZPC. ZPC can come back and say it should be higher, or it can be shorter. Then, DPZ could approve or reject the hoop houses as suggested from ZPC.
- xxix. Mulliner
1. Need to decide how happy he would be with seeing a hoop house of a certain size for over 100 days per year. How could we make this work?
 2. Let's say we did 12 ft by 8 ft for the area, then that gives you the square footage limit. Then also pick 6 ft for the max height
- xxx. Honquest
1. Maybe ask experts how large the area should be
 2. Set 6 ft as the height limit
 3. Restrict the size to whatever to whatever a single family would use.
- xxxi. Mulliner
1. Fence in backyard. If we allow 6-ft high structures, then we should also look at the fence code. (Honquest: You've got to be kidding me.)
- xxxii. Talluto
1. We can send the fence question to ZPC. Not on board with requiring a fence. That encroaches on personal rights. With a fence, building a hoop house becomes as expensive as a greenhouse.
 2. Understands that people might not want to see it, perhaps for aesthetic reasons. However, wouldn't want to require a fence to solve this problem.
- xxxiii. Honquest

1. If you're going to put something permanent, then it needs to fit the building code.
2. Majority of people wouldn't want to look at plastic, temporary structure in neighbor's backyard. If I lived in an 18-acre property, I can place a 20-ft structure on my property and nobody would care. However, that's not what we have in Elmhurst. People come here because they like the way our city looks. They want a certain aesthetic or appearance.
3. To the Mayor's point, do we want to change our Code?

xxxiv. Talluto – There is disagreement on this topic. I would rather send this to ZPC, and tell them that DPZ was not unanimous on this topic. Wouldn't want to force any recommendations to ZPC. (Mulliner: That's fine, but I want a discussion at the ZPC)

xxxv. Honquest (summarizing the parameters of the DPZ report and application to ZPC)

1. Area is defined as whatever is needed for personal growing needs of one family
2. Height cannot exceed 6 ft
3. Wants a fence to be reviewed (entire backyard)
4. No storage of personal items allowed
5. Restrict the length of time it can be erected during the year
6. Define a greenhouse

xxxvi. Mulliner: Also allow smaller structures that are below fence line

xxxvii. Franz: Clarify that this shouldn't be in front yard or side yard?
(Committee: Yes.)

xxxviii. Talluto: Keep setback requirements.

xxxix. Mulliner: Also keep lot coverage requirements.

xl. Kopp: If it's a temporary structure, then we wouldn't count it in the lot coverage limits. (Mulliner: We want it to be counted. Honquest and Talluto: Agreed.)

xli. Talluto – Is the recommendation for R1 and R2? Not RE? (Honquest: This is for all residential, single-family homes.)

xlii. Kopp (reviewing and confirming the requested parameters of the DPZ report and application to ZPC)

1. Area is whatever is needed for single family's use. (Talluto: Should the structure be at most 10 ft wide? Should we add length/width restrictions? Honquest: We can keep this open ended.)
2. Height at most 6 ft
3. Review if a fence should be used to screen the structure
4. No storage of personal items
5. Review the length of time that the structure can be erected
6. Define greenhouse
7. Define other structures (cold frame, low tunnel, cloche, etc.)
8. Keep setback requirements same as other structures
9. Rear yard only (no front or side yards)
10. Not to exceed lot coverage requirements
11. Residential lots: R1, R2, RE

xliii. Talluto

1. When you rewrite the report, will we also get a draft application with suggested ordinance language? (Kopp: This will go to workshop.)
2. Wait, let's clarify. I thought that with this more detailed conversation, we can construct recommended ordinance language for the application, and avoid a workshop.
3. (Kopp: Still, the recommendations are not specific enough. Honquest: The only thing I'm seeing that's undefined here is the space needed for personal growing needs.)
4. Do we have the ability (as applicant) to attach supporting evidence? For example, if DPZ wants a size restriction for personal growing space, can't we just tell ZPC our intent?

xliv. Honquest – When we come back next time, let's try to resolve the remaining open items. For example, whether a fence is required, and the relevant fence height restrictions.

xlv. Kopp

1. I've never seen a zoning application skip the workshop without a specific ordinance text being requested.
2. ZPC can come back with something very different. (Talluto: But the applicant can change the application if ZPC goes in a different direction.)

xlvi. Talluto

1. What are examples of supporting evidence that applicants have provided to ZPC in the past?
2. (Franz: It depends. We haven't had anyone other than the City apply for a text amendment. If this were somebody else, they probably would include expert testimony.)

xlvii. Honquest

1. We've discussed and agreed to 6-ft height, personal garden space, but "personal growing space" is not yet defined. Staff should define that term, and also determine the length of time that the structure should be built on the property. Maybe get some expert testimony on this. Are we okay with 6 months? With this, we can send it to ZPC.
2. Let's get those sources, then discuss at next meeting. Then we'll clarify definitions and revise the application.

The discussion on membrane structures lasted for roughly two hours. The League Observer and the rest of the public (except two persons) left the meeting after this agenda item concluded (roughly 9 pm). You may visit [BoardDocs](#) to read the minutes of the remaining discussion.

c. Mobile Food Vendor Ordinance

d. Zoning Ordinance Requirements for Amenity Decks

e. Zoning Ordinance Requirements for Massueur/Masseuse Services

6. Other Business

7. Adjournment