

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 25, 2018**

7:00 pm

City Council Chambers

209 N. York St.

Elmhurst, IL 60126

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Summary

1. Approved zoning variations for Elmhurst BMW.
2. Expressed support for removing the residential portion of ONE95 N. Addison from SSA 6. Deferred matter to the following meeting, pending a request to staff for further information on legal fees and process.
3. Approved a report to submit a text amendment application to Zoning and Planning Commission regarding the Municipal Code regulations on membrane structures. Structures will be limited to a max height of 8 ft., and a max area of 500 sq. ft., subject to other applicable restrictions on setbacks and lot coverage. Membrane structures will be designated as temporary structures, with restrictions on the seasons or length of time in which they may be erected.

All other conditions agreed to in the previous meeting still apply. Commission will be asked to discuss the definition of a greenhouse, and applicability of regulations to structures like cold frames, low tunnels, and cloches. Proposed regulations will include prohibition in front yards and

side yards, limitations to single-family residential districts only, and a prohibition on storing property inside the structure. At the prior meeting, the Committee could not agree on whether to require a fence. This question will be referred to the Commission.

4. Final outcome on Financial Incentives is unknown.

Observer's Notes

The agenda was reordered. "Review of Municipal Code regarding Membrane Structures" was originally in position "B", second on the agenda. Chairman Honquest moved it down to "D", fourth on the agenda.

Often, it was difficult to hear staff (especially Mike Kopp) make comments to the Committee, as they didn't always use a microphone. The meeting took place in Council Chambers, requiring the use of microphones for everyone in the public to hear the meeting. As such, there may be gaps in this report, especially where highly technical concepts were discussed.

Abbreviations used:

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

Meeting

1. Call to Order

a. Time: 7:03 pm

2. Roll Call

a. Members present: Mike Honquest (Chairman), Noel Talluto (Vice Chairman), and Mark A. Mulliner

b. Other officials: Steven Morley (Mayor), Mike Kopp (Assistant City Manager), Andrew Acker (City Attorney), Eileen Franz (City Planner), Erin Jason (Business Development Coordinator)

c. Public: Around 45-50 people

3. Written Communications from the Public

a. Edgar Pal

4. Public Comments (19 speakers)

a. Ben Silver: Community lawyer at Citizen Advocacy Center. Thanked DPZ and staff for discussion and research. Commented on height limit at 6 ft. Cited DPZ's concern that neighbors might not like seeing the structure. DPZ shouldn't regulate based on aesthetics, as there are other items similarly "ugly". Only two people have spoken against hoop houses during DPZ's public comment. Recent FOIA request produced a couple dozen emails against hoop houses, most of which contain the same spelling and grammar errors. Personal preference should not influence legislative governance process.

b. Liz Ambrogi: Disappointed at what she saw in prior meetings, showing utter lack of education on these issues. Shocked that DPZ didn't know difference between hoop house and greenhouse. Very disappointed, as it shows that City didn't do enough to make this work for residents and the community. City doesn't seem to have taken much interest. Council's job is to pass laws based on what community wants, not based on personal preferences. Council's job is to listen to community and make community better. Do, within reason, what would make homeowners' lives easier and better.

c. Bill Trudeau: DPZ wants to cap hoop house at 6 ft. He's 6'6" and would be too tall. Elmhurst Zoning Code requires doors to be taller than the hoop house itself.

d. Bill Perry: From Ward 6. Just started doing research on this issue. Decision making process has been arbitrary and capricious. Violates due process. Has heard DPZ's claims that Ward 6 is opposed to this. On the contrary, neighbors have expressed indifference. Someone in neighborhood has trampoline, and nobody has complained. Constitution speaks of right to property, or pursuit of happiness. Hoop house is not harmful to residents.

e. Bill Fischer: Ward 6 resident. Read the article about hoop houses from around 1 or 2 years ago. Thought it was fantastic that family with kids

could be gardening in their backyard. Heard claims of opposition in Ward 6, but denies any real opposition from Ward 6.

- f. Desi Gyman: Totally in support of hoop houses. Teaches children something that's progressive.
- g. Nicole Carpas: Supports hoop houses. Heartbroken, disappointed, and sad that this issue keeps coming up over and over again. Previously volunteered on a farm, and enjoyed the experience there. Way for us to sustain ourselves. Hoop houses symbolize community and sustainability. The fact that she lives somewhere that's trying to fight this is heartbreaking, makes her reluctant to live here.
- h. Susan O'Donnell-Warren
 - i. Ward 6 resident. Knows that DPZ has received a lot of communications. Many in Ward 6 were surprised by claims that vast majority of Ward 6 residents opposed hoop houses.
 - ii. Has same feeling as she had during first DPZ meeting this year. Appreciates staff's efforts to do research, and aldermen's openness to finding solutions that work for community. This is good governance. She loves Elmhurst, and sees a lot of good people battling a lot of issues. We can't prevent medical issues, but science is clear that green produce can protect our families, health, and communities. Has invited both Ward 6 aldermen to come over and see the garden at the Virgils' house.
 - iii. Really upset at mischaracterizations of hoop house supporters; claims that they're vilifying the complainant. Assured DPZ and Mayor that Virgils have never named the complainant.
 - iv. Against 6 ft height limit. Tells Honquest to not say that he's from Texas and talk about the need for strict zoning laws.
- i. Edgar Pal
 - i. DPZ received letter from Public Access Bureau, which found an Open Meetings Act violation for failing to approve minutes. DPZ has already corrected the matter for 2017 and 2018, but not yet for 2016 and prior. Attorney General has already issued non-binding recommendation to fix this. Asks DPZ to discuss and resolve.

- ii. 6 ft height restriction is unreasonable. International Building Code requires at least 7 ft in non-habitable spaces. International Residential Code has similar requirement. Statistics from US Census Bureau show that while 99% of women are under 6 ft, only 80% of men would be short enough to fit inside the hoop house. Restriction would require men taller than 6 ft to bend down to enter the structure. Therefore, the regulation is unreasonable.
- j. Dan Virgil
 - i. Family tries to follow values of sustainability and self-reliance. Tries to consume as much of the produce they grow as possible. Any waste is composted. Hoop house has served a noble purpose. Many residents have backyard gardens. Virgils' house was included in 2016 garden work, and many in community were excited and amazed.
 - ii. What kind of City do we want to be? One that cares about sustainability? Or one that cares about appearance?
 - iii. Addressed Honquest's prior comment that most people would not want to see hoop house in their backyard. Responded that sizable contingent would rather keep government, not hoop houses, out of their backyard.
 - iv. Warns community that similar restrictions could someday impact other items, such as hockey rinks, trampolines, sport courts, tree houses, etc.
 - v. Addressed DPZ's recommendation that hoop houses be hidden behind a 6 ft privacy fence.
 - vi. Asked DPZ whether any of them have seen a hoop house in person. Pictures shown in newspapers could be misleading. Before making decisions on policy, one needs to understand the topic and learn from experts. Urges DPZ to see a hoop house in person.
- k. Deb Crockett: Executive Director of Angelic Organics Learning Center. Regional non-profit for developing the local food system. Has previously working on urban agriculture policy issues.
 - i. Addressed previous question on how much space a family really needs to produce their own food.

- ii. It depends on food, growing methods, diet, climate, shade, soil quality. All of this impacts how much space they need. Looked to expert named John Jeavons, whose research has shown that bio-intensive gardening methods require around 4,000 sq ft, or 0.1 acres. Much larger than the Virgils' backyard.
- iii. What would a hoop house actually add for them? In the northern US, we have winters with extreme temperatures and reduced sunlight. Only 5 months are typically frost free. Hoop houses benefit frost-sensitive and cool-loving crops like tomatoes, spinach, kale.
- iv. Adam Montry, an expert from Michigan, has said that families can save significant amounts of money by growing their own food.
- l. Lisa Gerhold-Dirks: Began following issue around 18 months ago. Also grows vegetables at home. Sees benefits to community and environment. Gardening fosters sense of community. Reduces waste and carbon emissions. Sees these benefits as "beautiful" and adding value to our community. Sees benefits of hoop houses as "beautiful" because of their function. Disputes DPZ's prior comments on aesthetics and appearance, that hoop houses are not beautiful. Implies that DPZ is against gardening and the benefits that it brings. Moving forward, urges DPZ to base its discussion on functionality.
- m. Susan Smentek: A tall woman, almost 6 ft high. Height restriction at 6 ft seems restrictive. Doesn't want something that she couldn't use.
- n. Anne Quigley
 - i. Previously spoke to DPZ about desire of young, urban professionals for green efforts, sustainability, diversity, and freedom to do what they want with their property. Size restrictions need to keep thermal mass in mind. DPZ shouldn't concern itself with aesthetics.
 - ii. We have an issue in Illinois about property taxes, in Elmhurst in particular. Her grocery bill is nearly \$500 per month to support a family of 5. If her family can grow some food on her yard, she can save close to \$6000.

- o. Kiara Chelli: Shocked to hear about Virgils' issue. We have garden walks in Elmhurst. Are we trying to become more like Oakbrook and Hinsdale? We can be better than them.
- p. Elise Fulara: Mulliner's constituent
 - i. She was here around 18 months ago before the hoop house was taken down. Back then, suggested to DPZ that there could be a reasonable solution. Found that Minneapolis and other communities had some progressive language that allowed membrane structures to extend gardening. In hindsight, her efforts at the time seemed naïve.
 - ii. Doesn't understand the threat here. We're talking about something that shelters kale or carrots. Not something that will cover a party bus on a driveway.
 - iii. Doesn't understand why this is taking so long. Enough is enough. Let's find some reasonable solutions. Doesn't think that 6 ft limit is reasonable. A trampoline can be much larger. A basketball hoop can be much taller. Doesn't think those are particularly attractive. Seems arbitrary to say trampolines aren't ugly, but membrane structures are.
 - iv. A lot of people are here to promote modern, progressive, green policies. ZPC should enact regulations that promote safety, and not pay so much attention to function.
- q. Kim Messina: Ward 6. Avid gardener. A few years ago, delivered a few large bags of groceries to the food pantry. Supports the hoop house. It will be erected only 6 months or less. Not many people will be outside in the winter, so they won't be looking at the hoop house that much.
- r. Bryan Doan
 - i. "Only person in the world that's against the hoop house." (Audience laughed). Not against the hoop house, but rather its size.
 - ii. Hoop house supporters have been vile on Facebook. (Ms. O'Donnell-Warren and others objected. Honquest intervened and asked Mr. Doan to focus on the topic of membrane structures only.)
 - iii. Council probably has other things they'd like to do. DPZ should figure out the minimum size that would be useful. Thinks 9 ft would be too high. 12x30 area would be too large on a yard that he's seen in his

neighborhood. The hoop house would be all that he'd see when looking out his window.

s. Nicole Virgil

- i. "Form must follow function." What if we regulated height of water towers because we found them unattractive? That would be absurd, because we need water towers to be tall. We need to research the minimum height of hoop houses. Experts have stated that 7-9 ft would be minimum required to be functional. Peak height is only at the center of the structure. 6-ft height limit would be too restrictive on a tall person.
- ii. Respects an individual's opinion, but not to the point that it infringes on others' rights. Cannot require someone else to have to "bend over" in a short structure, simply because somebody doesn't want to see them. She is solely asking for the bare minimum to make hoop houses work, not the limits to make someone think that it looks "pretty". Height limit of 6 ft seems arbitrary, not worth "bending over for".

5. Business Before the Committee

a. Minutes of the June 11, 2018 meeting of the Development, Planning & Zoning Committee (Approved as presented, 3-0)

b. Case 18 ZBA 06 BMW Variations

- i. Franz: Variations from Elmhurst BMW from sign requirements, particularly height.
- ii. Talluto: Should we consider a text amendment? It sounds like this is more common now.
 1. Franz: Yes, ZPC made a similar comment.
 2. Kopp: May need to change interpretation of definition.
 3. Talluto: Okay, let's put that on the to-do list.
- iii. Honquest: Let's place this on consent agenda for Council meeting.
- iv. Morley: Did you come to a conclusion on this?
 1. Honquest: Yes, there will be a report.
 2. Acker: This requires a motion.

- v. Mulliner: Motion to approve the variations. (Approved, 3-0)
- c. Request to Remove 195 N. Addison from SSA 6
- i. Kopp: Request to remove residential portion from SSA 6. (Kopp gave additional details on legal and procedural requirements.)
 - ii. Honquest: Building has to be “complete”. (Kopp: The language mentions this will happen once we get to that point.)
 - iii. Mulliner: What’s the cost factor? We have to take this to court, and pay attorneys’ fees.
 - 1. Acker: Doesn’t specifically recall fees for Hahn case that was similar, but there was a lot of work needed. Each case is different. Need to prepare petition, and then there’s an appearance.
 - 2. Mulliner: Fine with the concept, but should we try to pass those costs through to the developer?
 - iv. Talluto: Also fine with the concept, but echoed Mulliner’s comments. Even if we’re conceptually okay with moving forward, would we be approving an RDA? This seems to relate to a contractual relationship with a property owner.
 - v. Kopp: Need to report to Council a recommendation for City Attorney to prepare the necessary paperwork. (Acker: Yes, I need direction from Council to move forward.)
 - vi. Talluto
 - 1. Is it a resolution or an ordinance? (Acker: Resolution.) That would be enough for developer to move forward? (Kopp: Yes.) Is that what applicant is asking for? (Applicant: Yes.)
 - 2. Seems that retail component is small. Do we have minimum retail space requirement in Central Business District? What would be removed in this specific application? Parking? (Kopp: There are parking courts that support retail. Only the small retail portions would remain in SSA 6.)
 - 3. Wants to promote economic development in downtown, not just a focus on residential development. What if this keeps happening in other cases? We’d want enough property in SSA 6 to support a

vibrant downtown area. This seems theoretical right now, but is there anything we can think about going forward to require minimum retail in buildings? (

- a. Kopp: We already require non-residential in first floor.
 - b. Franz: There are communities that do have the requirements you speak of.
 - c. Morley: Are you concerned that the SSA is discouraging retail?
4. That's a logical next step in my line of questioning. Doesn't think that anyone wants a large part of downtown to be residential. That's not in keeping with the rezoned part of downtown.
 5. All of the parking will be outside the SSA.
 6. In the Hahn case, we had to do vertical division of spaces. Would that also apply here? (Acker: I think so.) This case was relatively new for the county.
- vii. Acker: Yes, that was the first SSA removal case in the 18th Judicial Circuit. That's why there was some uncertainty to how it worked. Each case is different. People are entitled to show up and object. If that happens, then we need to present evidence that it's good to have this removed from SSA. Mr. Day (attorney) is working with applicant on this, and Acker is confident that they will work through these issues.
 - viii. Talluto: Returned to Mulliner's point on RDA. Supports concept of not bearing the brunt of someone not paying a tax.
 1. Mulliner: It's just something to think about. Not sure where we're at yet. Need to make sure we're covering a portion of that cost, whether it be through the developer or a similar agreement. Wouldn't want a negative influence on getting people to develop in downtown.
 - ix. Honquest: For SSA 6, if people leave SSA 6, who pays for SSA 6? (Acker: The remaining parties who are in SSA 6.)
 - x. Kopp: SSA 6 was established more for marketing and promotion of Central Business District. SSA 7 took it to the next level, and focused on beautification and maintenance.

- xi. Honquest: For the businesses that are left, will they have an issue with this? (Acker: We'll know if they object in court.)
- xii. Morley: I've worked on a similar case before. The SSA really burdens the residential properties.
- xiii. Honquest: Do we want to get some cost amounts associated with this? Let's get that information for the next meeting. Is there a timetable on this issue?
- xiv. Applicant: Attorneys have spent a lot of time and money to get this moving. The longer you delay, the more this project is put at risk. Suggests that if DPZ wants to go through an RDA process, then applicant would come back and request other things. One of the reasons the retail space is so small is because of the City's parking requirements. Remaining in the SSA is fundamentally an unfair tax on the residents. We've done what we could to maximize the retail component, along with the parking requirements. Most cost-effective way to move forward is to move forward with this today, so that applicant can market the units sooner.
- xv. Talluto: Doesn't necessarily think we need an RDA. But we'd need a resolution. We'd need to know the attorney fees, and we'd need to know whether we'd partner with the developer.
- xvi. Mulliner: If we get the information at the next meeting, we can submit the report to Council and suspend the rules to approve the report and resolution in the same meeting.
- xvii. Honquest: We'll work with staff to meet the tight timeline.

d. Review of Municipal Code regarding Membrane Structures

- i. Honquest: Received a few phone calls today. Addressed comments from public. Gave an overview of the timeline, as a reminder.
 - 1. Timetable of this case started in 2015. Laws against membrane structures were enacted in 2010. Those ordinances were not for hoop houses, but rather to prohibit temporary garages.
 - 2. Looked on Amazon, and these structures can be used for all sorts of purposes: bathing, gardening, etc.

3. Virgils erected hoop house in 2015. Neighbor complained. City determined a violation and ordered the structure be taken down.
4. When the City visited the house, they initially just allowed the Virgils to wait until the end of the winter to take it down. In 2016, the hoop house came back up. Citation issued. Virgils did not agree with the determination.
5. Process ended in December 2017, when judicial case ended. Beginning of 2018, was asked to consider the aldermanic referral.
6. Has received calls on why this isn't headed directly to the ZPC. Explained that after ZPC makes a recommendation, it will come back to DPZ anyway. In this case, City is the applicant.
7. DPZ could potentially decide not to approve the ZPC recommendation. If the hoop houses aren't approved, Virgils are welcome to apply for text amendments on their own. This is an expensive process. The Virgils chose to go down the route of petitioning the City to apply for the text amendment.
8. Addressed comments that "we're not educated". A lot of cases come before DPZ. We're citizen representatives. We can't be experts on all the issues.
9. In early January, told public that there were two large cases in progress at the time. We can't have long meetings.
10. We only meet every Monday. This is the only opportunity we get to discuss these matters. We can't hold meetings at other times of the week, at a café on Thursday morning for example, otherwise we'd be violating the Open Meetings Act. Right, Mr. Pal?
 - a. Audience laughed. Mr. Pal confirmed.
 - b. Another audience member interjected. Asked Honquest to not focus so much on the process. Honquest replied that he's just trying to explain what's happened thus far.
11. Is Elmhurst green or sustainable? My answer is yes, for much of the same reasons that the Virgils have expressed. You can garden, and you can compost. We have the Elmhurst Garden Club. We

have a lot of greenhouses to enable year-round gardening. City Code currently allows for year-round gardening in greenhouses.

12. Wants people to understand that this matter was delayed in part by legal process, in part because DPZ had other issues to consider.

13. We will consider this request to determine whether to change our Municipal Code. At our last meeting, we suggested some regulations and asked staff to come back with more information.

- ii. Kopp: Was asked to look at minimum size for family to use a hoop house. These are not easy questions. Depends on a lot of factors. Depends on what you're going to grow, how much you want to grow, whether it's for commercial or residential use, the region, etc. Discussed hobby hoop houses vs. commercial hoop houses.
- iii. Franz: Spoke to expert from U of IL Extension. If hoop house is large, it might be difficult to take down completely at the end of the season. Was referred to other expert on hobby grade vs. other grade items. Expert was hesitant to speak to Franz and influence the Council's process. Invited Laura Calvert (Executive Director of Advocates for Urban Agriculture) to provide testimony.
- iv. Talluto: What is your opinion on the timing of a hoop house or low tunnel? Do you agree with what Ms. Crockett said about optimal size?
- v. Calvert
 - 1. Hoop houses typically used for all four seasons. Ms. Crockett's testimony sounds correct. Hoop houses she's seen are not completely taken down, based on how the structure is anchored into the ground. Sometimes, the plastic membrane isn't completely removed because it would be too onerous. For the most part, the structure stays in place.
 - 2. As for minimum size, it's tricky. Look at high tunnel manufacturers for minimum sizes. Look at manufacturers that are approved by USDA. Doesn't recommend structures sold on Amazon.
 - 3. Smallest one from an approved manufacturer that she found was 12 x 15 ft. Height is 9 ft.

4. Peak will be the highest point of the high tunnel, then it will slope down. Gothic-style structure will have a higher peak. Round hoop houses will have vertical gains. Lowest one she's found was 7.5 ft.
 5. Always looks for info that's backed by the USDA or a state extension (e.g. U of IL Extension).
 6. Residents can create their own structure, but the USDA might not reimburse it.
- vi. Talluto: Do manufacturers have different constructions for different regions? i.e. areas that need snow loads vs. those that don't
- vii. Calvert
1. No, most manufacturers are from Ohio or other areas with similar climates. Most variation that she sees are on the basis of size
 2. There's more risk with larger high tunnels, so you might see some differences in design. Gothic structures tend to do better with snow loads, but that's really not applicable to a small hoop house.
- viii. Honquest: Asked about her work with City of Chicago. Max size there is 575 sq ft. Are you trying to find something that fits into those community standards?
- ix. Calvert
1. Running a pilot program with people in Chicago. There also needs to be 3 ft or 5 ft setbacks from the property line or the alley. Needs to find hoop houses that meet those requirements and are relatively easy to install.
 2. Some manufacturers from Michigan and Ohio have smaller hoop houses that meet the regulations of urban and suburban communities.
- x. Honquest: Is there a "smallest" version that you'd say would still meet the thermal mass requirements?
1. Calvert: It depends on what the family wants or needs. 14x28 up to 14x40, which is over 500 sq ft. There are cost savings associated with larger hoop houses.
- xi. Honquest

1. How do we make this work while keeping general “peace among neighbors”? Doesn’t want a kangaroo court where we kick this down to ZPC, then reject it when it comes back to DPZ.
 2. There are four seasons. If you pre-fab, or buy from a manufacturer, then does the homeowner install it? Or does the vendor come over to install it?
- xii. Calvert: Homeowners install it themselves. However, you can pay a crew to come over to install it. Many manufacturers have a turnkey design, with instruction manuals and YouTube videos.
- xiii. Mulliner
1. These structures stay up year-round. That changes what we’re talking about. They’re not temporary structures. This is a critical question for us. We need to address the fact that experts think this would be a permanent structure.
 2. Kopp had mentioned that there were 120 days outside the growing season. Is this how long the hoop houses are used? Or are they actually used year-round? Is there a time that they cannot be used?
- xiv. Calvert: City of Chicago considers them temporary structures, unlike greenhouses or garages. Thinks the temporary vs. permanent distinction has to do with a foundation, whether there is electricity and water lines. Not so much on whether it’s erected year-round.
- xv. Mulliner: Are we looking at year-round growing, or only 120 days outside the growing season?
- xvi. Calvert: You can grow year-round. I’ve done that before. In Chicago, most people using this are growing year-round. Constantly being in use. Daylight length has more impact with vegetable growth than what temperature does. This is just enabling you to get an advance on the growing season.
- xvii. Honquest: We’re talking about the height. One of the problems with the smaller hoop houses is that the freeze will kill the plants. For a larger hoop house, we’d want people to walk in or out.

- xviii. Calvert: There are things you could do to prevent a freeze. You could put a row fabric, followed by a thick plastic, or a row cover. You really don't need to irrigate that much in the winter. There's not much need to go in or out on a regular basis in the winter.
- xix. Honquest: Distinction between a year-round hoop house vs. a greenhouse. Cost might be a consideration. If you're going to keep it up year-round, what are the differences?
- xx. Calvert
1. USDA defines greenhouse for plant propagation. Hoop houses are for season extension. Greenhouses have a foundation, electricity, and irrigation. Hoop houses don't have that.
 2. USDA reimbursement program cannot be used for a greenhouse.
- xxi. Talluto: In regards to timing of use, if DPZ were to say that we don't want hoop houses to be erected year-round, what would be a reasonable time period for it to be erected or taken down? We'd still want to achieve season extended.
1. Calvert: Does this mean that whole structure would be removed?
 2. Talluto: Yes. Ignore the onerous work involved to take it down.
 3. Calvert: Take it down when the risk of a frost day is over.
 4. Honquest: So, June? (Audience laughed.)
 5. Calvert: Perhaps May to mid-October? Even in the spring, you can put in your tomatoes and peppers, which are very sensitive.
- xxii. Honquest thanked Calvert for her testimony. (Calvert: I'm still happy to show you hoop houses in person.)
- xxiii. Honquest asked Virgils: For hoop house growing season, how long does it need to stay up?
1. Mr. Virgil: 6 months. Mid-late October to Early April
 2. Mulliner: When you take your structure down, it's the whole thing? (Mr. Virgil: Yes)
 3. Talluto: Was it onerous? (Mr. Virgil: It took only 2 hours. There are YouTube videos we followed.)
- xxiv. Honquest

1. Addressed Mr. Virgil's remarks. The structure needs substantial size to work. The problem we're having is the height requirement.
2. The reason we're struggling is that height impacts our neighbors. We live very closely together. We're trying to find common ground and a solution that would work.
3. Based on research, area would be 100 to 500 sq ft. There's no perfect answer. Experts have said that several factors come into play. It's important for us to discuss how far the setback is, temporary vs. permanent structure, etc.
4. (To Ms. Virgil) Can we look at a photo of the hoop house?
(Displayed photo from news article.)
 - a. Ms. Virgil: It's a distorted photo. Perspective is from a high angle, looking down. Instead, you can look at ElmhurstHooplah.com website.
5. Struggle is still with the height, not so much with the body or area.

xxv. Talluto

1. At the last meeting, we were prepared to send a report to City Council recommending some specific language to the ZPC. Trying to avoid a workshop in ZPC.
2. There were two follow-ups: optimal size, and timing of use.
3. Would like to further clarify in report is that it would be temporary, and that it would be taken down in summer months.
4. Appreciates Ms. Calvert's perspectives, but given our community, it's a nice compromise to require it to be taken down in the summer months.
5. Just because we're recommending it to ZPC doesn't mean that ZPC will agree. It will just be a starting point.
6. Has always thought of hoop house as a temporary structure, over the past 18 months that this has been an issue.

xxvi. Mulliner

1. Agrees with Talluto. Also thinks that we need to put timelines. October to April, for example. Tied to temperature, but also specified in ordinance.

2. Still need to fit all other building codes, such as setbacks or lot coverage. Also keep new stormwater requirements in mind.

xxvii. Talluto

1. I thought that's how we're proceeding. (Mulliner: Yes. I just want to reiterate)
2. At the last meeting, we talked about 6 ft height recommendation. Size would be a follow-up item.

xxviii. Honquest

1. Height should be higher than 6 ft. That's the sticking point.
2. Feedback we're getting is that hoop house needs a higher dome to function properly.
3. Fencing and setback requirements are other issues to consider.

xxix. Talluto: To address fence question, we previously agreed that we weren't in agreement, and would ask ZPC to look into it.

xxx. Honquest: We also need to look into what setbacks should be. Is it considered an accessory structure? (Kopp: If it's a temporary structure, it wouldn't count towards lot coverage. Accessory structures would.)

xxxi. Talluto: Do we need to give direction to ZPC that we want this to be considered a temporary structure or an accessory structure? I'd rather avoid bringing this back to DPZ to consider again.

xxxii. Honquest

1. All of our topics come back to whether it's an accessory structure. If so, then it would fit into the building codes. The problem is when it becomes a permanent structure.
2. When we send it to ZPC as an ambiguous question, we'll get ambiguity in return.

xxxiii. Franz: Temporary use permits are usually for 3 to 30 days. Temporary building is one that is not affixed to the land. But it's not clear what the requirements would be.

xxxiv. Talluto

1. Is there anything precluding us from saying that if we want it to be taken down, it would be temporary? As for bulk permits, can we

put requirements on temporary structures? Is there anything stopping us from doing that? (Kopp: No.)

2. Can we put lot coverage requirements on this particular type of temporary structure? (Kopp: You'd need to specify what temporary structure applies to this.) Okay, so if extended growing season temporary structures are allowed, we could say that they would meet the same regulations as accessory structures? (Franz: Yes.) That would be better than saying that it should be considered an accessory structure. Otherwise, we'd end up saying that accessory structures need to be taken down.

xxxv. Honquest

1. We'll need to make a determination or a non-determination.
2. 8-9 ft high may be too high. There are some people in town that may be unhappy with that.
3. At the same time, it needs to be sizeable enough for a person to walk in. Can we get the size and area that will keep hoop house supporters happy, while not upsetting other neighbors?
4. However, if this came back at 9 or 10 ft, then I wouldn't support it.
5. Similar concerns on fence.
6. Wants to restrict use to fall and winter months. Understands the difference between a greenhouse and hoop house.

xxxvi. Mulliner

1. Has same issue with height and what to do with it.
2. It needs to be at least 7 or 7.5 ft high, for someone to walk in it.
3. Public keeps saying that people aren't complaining, but people do come to the City with their concerns.
4. (Honquest: Wrap up your remarks. Will we move this to the ZPC?)
5. We need to move this to the Commission.

xxxvii. Talluto: Doesn't want this to be 12-15 ft high. Not as concerned as Honquest and Mulliner about height. Thinks that 7-9 ft can work. Send something within that range to the ZPC.

xxxviii. Honquest: We'll put together a report to discuss:

1. Designation as temporary structure

2. Timing of when it can be erected
 3. Building codes
 4. Footprint of property (up to 500 sq ft, provided still in compliance with lot coverage limits)
 5. (Talluto: And other things we discussed in prior meeting. e.g. use of structure, not for storing cars)
 6. Fence question will go to ZPC
 7. Setbacks
- xxxix. Kopp: There's also a code requirement that more than 40% of rear yard cannot be covered
- xl. Honquest: If you're willing to go to 9 ft, then why are we stopping at 9 ft? (Audience clapped in favor.)
 1. Talluto: I think 8 ft is a reasonable compromise?
 - xli. Honquest: Agreed to 8 ft height limit. Fence will be determined by ZPC. Report to discuss setbacks and area (up to 500 sq ft). Designate membrane structures as temporary structures, and establish timeline for temporary structures to be erected.
 - xlii. Talluto: Did we address whether a permit would be required? (Kopp: Yes, at the last meeting.)
 - xlili. Kopp: Will this come back to the next meeting? (Honquest: Let's just get the report done.)
 - xliv. Talluto: Motion to submit a report for the next Council meeting as per conversation tonight. (Approved, 3-0)
 - xlvi. Honquest: The report will be produced and contain the guidelines just discussed. It will be on the Council agenda next Monday, where it will be reviewed. If approved, it will turn into an application to ZPC.

The League Observer left the meeting after this agenda item concluded (roughly 9:30 pm). You may visit [BoardDocs](#) to read the minutes (when available).

e. Financial Incentives

6. Other Business

7. Adjournment