

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, September 10, 2018**

7:00 pm

Conference Room #1

209 N. York St.

Elmhurst, IL 60126

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Summary

1. Cargo/Storage containers as accessory structure: Such structures are already allowed in industrial districts. Committee does not support this for residential districts. The main focus is on commercial districts, where a "container bar" would be placed on a bar's property, to serve drinks to customers out of a storage container. Committee has instructed staff to conduct more research.
2. Zoning code for food trucks: Committee agrees with staff recommendation for residential and industrial districts. As for commercial districts, Committee is concerned about food trucks competing against brick-and-mortar establishments, and the City's ability to collect tax revenue. Staff has been requested to come back with more recommendations.
3. Economic development consultant contracts: Committee approved the renewal of the contracts at the same rate and maximum number of billable hours.

## Meeting

1. Call to Order (7:06 pm)
2. Roll Call
  - a. Members present: Mike Honquest (Chairman), Noel Talluto (Vice Chairman, arrived late at 7:08 pm), and Mark A. Mulliner
  - b. Members absent: None
  - c. Other officials: Mike Kopp (Assistant City Manager), Eileen Franz (City Planner), Emily Egan (Assistant City Planner), Donald Storino (City Attorney), Erin Jason (Economic Development Coordinator)
  - d. Public: 3 people, including Tom Paravola (Executive Director of City Centre)
3. Public Comments (1 speaker)
  - a. Edgar Pal spoke about renewing contracts for two consultants: Charles Van Slyke and Ken Bartels. Van Slyke sits on DuPage County Board of Review. Potential conflict of interest was reviewed in 2012 and cleared, but Pal wonders whether it needs to be reviewed again. Ken Bartels handles communications and economic development, but those roles have now been taken over by full-time staff. Pal wonders whether Bartels's contract is still needed.
4. Business Before the Committee
  - a. Minutes of the August 27, 2018 meeting of the Development, Planning & Zoning Committee
    - i. Approved, 3-0
  - b. Review of Zoning Code for cargo or storage containers
    - i. Egan: Not looking into using storage containers as building material. (Oak Park does this.) In Elmhurst, simply concerned about storage containers being used for storage only. Currently allowed in industrial districts, or on temporary basis for construction or a move in residential zones. Requests to be able to put storage container on site as accessory structure.

1. Kopp: If you allow it on a bar's property for the entire year, it might become a storage container.
  2. Egan: Considering text amendment to specifically allow this type of accessory structure. Is this what we want?
- ii. Honquest: What does the business community want?
1. Kopp: Nobody is really against having them. But people are wondering how they can be used. Can they be used during winter? Can they be used for storage?
  2. Franz: We've been asked by another business to do this as well.
  3. Talluto: One person is using it currently as temporary use. Another has inquired into it. Open to doing this for industrial district. But for commercial districts, are there even that many properties that can accommodate this?
  4. Kopp: Any property with a beer garden can do it. Several bars in town do this. Club patrons seem to like it.
  5. Talluto: Does it provide protection in the rain? Or is it just "cool" to have?
  6. Franz: It's just a bar. The top flips up, and people are served drinks from the container bar.
  7. Talluto: Is there an alternate solution for people who want an outdoor bar? (Kopp: Build a permanent building.)
  8. Talluto: Can a bar owner just build a tent and use it? (Franz: This would be a temporary use permit, for a membrane structure.)
- iii. Mulliner: We're talking about doing this for commercial districts, right?
1. Franz: Yes. We already allow this in industrial districts.
  2. Mulliner: Concerned that it may eventually become permanent, and used as a storage facility.
  3. Talluto: Agree with preventing its ability to become a storage unit.
  4. Honquest: Is this under the same permit structure as a temporary tent? (Franz: Yes)
- iv. Talluto: Less regulation is better. I'd rather let people do what they want to do, if it's going to help their business be successful. But I think

we'd have to make them remove it at the end of the season. Maybe tie it to their beer garden permit, or create a unique timeline for these storage containers.

- v. Paravola (City Centre): City Centre Board hasn't addressed this yet. There have been comments from area restaurants/bars as to what "the club" is allowed to do. What rules are "the club" subject to? Several area merchants don't want to cause trouble, but they feel that "the club" is doing things not necessarily permitted by rules. Will place this item on City Centre Board's agenda for discussion at a later time. When a band performs in "the club", the noise reverberates throughout the entire downtown area, so other businesses do notice.
- vi. Egan: Other communities simply regulate this in the same way as a structure for storage purposes. If it's a permanent structure, then other communities look for compliance with energy and building code, which becomes cost prohibitive.
  - 1. Kopp: We're considering this only as a temporary structure.
  - 2. Mulliner: Concerned about safety and other code requirements. Is there a fire hazard?
  - 3. Talluto: Is electricity allowed? (Kopp: Yes. It complies with the code requirements.)
  - 4. Mulliner (to Kopp): Do you see a fire hazard with this? (Kopp: There's steel. Plus, it's small enough to require only one egress point. As for electricity, water, and sewage, all of those do comply with our codes.)
- vii. Talluto: Is there enough oversight of the structure and building quality of these containers?
  - 1. Kopp: These are \$50-60k containers. They're high quality.
  - 2. Talluto: But our code might end up allowing poorer quality.
  - 3. Mulliner: Okay with not wanting more regulation, but it needs to be safe.
- viii. Honquest: Seems that none of us wants this in residential areas. Usage in industrial areas is already allowed by code. Our only focus is commercial areas. Doesn't see much precedent in nearby

communities. Container bars seem to be popular in Texas, California, and other warm-weather areas. Maybe let's look at regulations in those regions.

1. Staff requested to conduct additional research.

c. Review of the Zoning Code as it pertains to food trucks

- i. Egan: Food trucks are already allowed for non-profits. (e.g. churches, schools, etc.) Currently allowed for special event use only, etc.

1. Main change is to allow food trucks in residential districts, for things like block parties.

2. Guidelines would include safety considerations, like not blocking the entire street to allow passage of emergency vehicles.

3. Would create new food truck permit, to distinguish them from canteens. (We already regulate canteens similar to ice cream trucks.)

- ii. Egan: For commercial zoning districts, there was some concern about the need to protect brick-and-mortar restaurants. Food trucks won't be allowed in commercial zones, unless they have a special event temporary use permit. For industrial use, we can allow them to be present for 2 more hours than what code would ordinarily require.

- iii. Honquest: Are food trucks regulated by the health department? (Egan: Yes. All mobile food vendors must have a health certificate.) Then they must come to the City for two permits? (Egan: Yes. A background check is also required.)

- iv. Franz: This change would not go to Zoning and Planning Commission. Only to City Council.

- v. Paravola (City Centre): City Centre Board opposes food trucks at any time in any way in the downtown area.

- vi. Mulliner: How do we collect taxes on these? (Committee and staff: Technically we charge a municipal tax on food and beverage, but it's not well enforced.) We need to give priority to brick-and-mortar businesses in Elmhurst that also have mobile trucks. Doesn't have a problem with industrial uses, but does have concerns about

commercial uses. Just like anything else in the downtown area, we have to be flexible.

1. Kopp: In Chicago, there are restrictions on how close you can be to another food business.
- vii. Talluto: Agrees with ideas for residential districts. Opens up opportunities for non-profits. Also agrees with proposal for industrial districts. As a consumer, likes the ideas of food trucks, but as a public official, wary of not being able to collect taxes.
1. Talluto: In Naperville, food trucks allowed to operate after restaurants close. (10 pm – 1:30 am) Mainly for rowdy teenagers that need something to do. However, this doesn't solve the sales tax problem.
  2. Egan: Naperville also limits the location.
  3. Talluto: Right. We can designate a place in Elmhurst as well, while limiting the impact on brick-and-mortar restaurants. Our local restaurants are paying SSA taxes. If we found a way to allow food trucks in commercial districts, could we have a graduated permit fee that is tied to the number of days they are allowed to operate? Maybe charge an extra sales tax, knowing that we might not be able to collect all of it anyway?
  4. Kopp: How you structure it is really important. Food trucks will come June – August. Make them pay the property tax and SSA tax, but annualize the permit fee.
  5. Paravola: The Chicago food truck ordinance is being challenged in the Illinois Supreme Court by Courageous Cupcakes.
- viii. Honquest: Proposal for residential and industrial districts is okay. However, commercial regulations are still causing anxiety. Let's take a look at how we would monetize or normalize food trucks. It's mainly a summer-only business model. Look at monthly or annual permits.
1. Honquest: Has a hard time finding a place in downtown that would be safe, large enough for food trucks, and non-competitive with City Centre business.
  2. Staff asked to come back with more recommendations.

- d. Economic development consultant contract renewal
  - i. Kopp: Looking to renew the contracts for Van Slyke and Bartels. Keep same hours and no increase in pay.
    - 1. Refocus Bartels' work. Communication was around 10% of work. We have full-time communications manager now. Maybe use him as an MC for programming.
    - 2. Bartels has been the liaison to Economic Development Commission. Now, Erin Jason is taking over that role. Could focus Bartels more on project-specific development (e.g. industrial parks, strategic planning)
  - ii. Honquest: Contract is hourly? We don't have to use all of the hours in their contract? (Kopp: Correct.)
    - 1. Mulliner: Fine with it. DuPage Board of Review conflict of interest has already been cleared.
    - 2. Storino: Confirmed. We've also added an extra requirement for them to let the City know of potential conflicts.
  - iii. Talluto: Since an economic development role has been added to City staff, are we comfortable that there will be enough for Bartels to do?
    - 1. Kopp: There is longer-term project work that can still be done.
  - iv. Honquest: Supports moving this forward.
  - v. Approved: 3-0.

5. Other Business

6. Adjournment (8:06 PM)