

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

Zoning and Planning Commission of the City of Elmhurst

Tuesday, October 16, 2018

7:00 PM

Elmhurst City Hall, Council Chambers
209 North York Street
Elmhurst, IL 60126

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Summary

- The Commission approved a variation and subdivision for townhomes on N. Larch Ave., a conditional use permit for a massage business on N. York St., and a conditional use permit and variations for a Culver's on N. York St.
- The Commission began deliberations on a proposed text amendment to regulate membrane structures. The Commission discussed whether hoop houses should be allowed at all, whether they should proceed with further deliberations, and if so, the manner in which they would continue to deliberate. The Commission could not reach a conclusion on any primary or amendatory motion, and postponed further deliberations until December 4.
- The League Observer did not observe the discussion on the subarea plans.

Supplemental Information

- [18 ZBA 10](#) (Larch townhomes variation and subdivision)
- [18 P 17](#) (Zhang massage business conditional use)
- [18 P 18](#) (Culver's conditional use and variations)
- [18 P 15](#) (Text amendments concerning membrane structures)
- [18 P 16](#) (Subarea plan)

A court reporter was present to transcribe several portions of the meeting. Transcripts will be posted on BoardDocs via the links posted above.

Abbreviations

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

Meeting

1. Roll Call / Call to Order (approx. 7:05 PM)
 - a. Members present: Susan Rose (Chairperson), Susan McCoyd, Lisa Callaway, Dave Garland, Kevin Byrnes, Kurt Warnke, Jordan Uditsky, Daniel Corrado
 - b. Members absent: Frank Mushow
 - c. Other officials and staff: Mike Kopp (Assistant City Manager), Emily Egan (Assistant City Planner), Eileen Franz (City Planner), court reporter
 - d. Public: Around 30-40 people
2. Minutes from October 2, 2018 meeting (Approved)
3. Public Comment
 - a. Ben Silver – Spoke about hoop houses, and also spoke during public hearing at a previous meeting. Expressed concern that a realtor provided a written statement to the ZPC, yet the realtor wasn't sworn in. ZPC is required to provide due process by accepting testimony given only under oath. Public doesn't know the ZPC's policy on sworn testimony or written testimony, as bylaws are not readily available on Elmhurst website. Makes for murky process. Urges strong, transparent process to promote due process.
 - b. Elizabeth Ambrogi – Supports temporary hoop house. Policy on construction should be based on "temporary" nature. ZPC should consider only facts, not speculation. Plastic membrane doesn't catch on fire. Hoop houses will not cause water runoff. Concerns about aesthetics are not warranted. Owners should not have to erect a fence based on the preferences of a neighbor. Objecting neighbors (Mr. and Mrs. Sanders) have a high backyard patio that gives them a view of surrounding neighbors. Perhaps they should have a ground-level patio? Hopes that neighbors would have resolved this informally, and urges a fair outcome from ZPC.
 - c. Nicole Virgil – Her children's garden stand should have nothing to do with the hoop house. Addressed concerns raised at public hearing. Before children started garden stand, took her kids to Than Werner, former Zoning Administrator. Werner said that the City doesn't regulate children's businesses. Visited Werner on two separate years as a civics lesson to her kids. Nothing was formally written down, but Werner said it was a "glorified

lemonade stand”. Code enforcement officer pointed out the “garage sale code” and said that as long as there isn’t too much traffic, it shouldn’t be a problem. This discussion is unrelated to the hoop house.

- d. Debbie Sandstrom – There were questions about the plastic construction of the hoop house during the public hearing. How do we balance the use of non-recyclable materials vs the benefits that they provide? For example, electric cars, other eco-friendly cars, and solar panels have single-use items that can’t be recycled. Yet we recognize their value to the environment. Elmhurst should be looking to promote sustainability.
 - e. Daniel Kusack: Yorkfield resident. Talks about subarea plans. When Elmhurst hospital was built, there was little neighborhood participation in the process. This year, there was a small focus group that some residents were invited to. Unincorporated residents were asked to provide input, but not everyone participated. Resulting subplans didn’t reflect residents’ input. Attorney was not allowed to complete his questioning during the hearing. Feels ZPC is not interested in listening. Complained about their closed hearing.
 - f. William Sanders: His name has been brought up twice this evening, in regards to the hoop house. Appreciates the deliberation. Initially didn’t come to DPZ meetings because his family was shamed and bullied. Social media and public sentiment were rough on his family. Doesn’t appreciate that his name was mentioned. He’s just a resident like anyone else. Thanked ZPC for their consideration.
 - g. Doug Slinkman: West Yorkfield resident. Neighborhood has changed a lot over the years, but subarea plans is harming their quality of life. Concerned about multi-family buildings planned for neighborhood.
4. Case Number 18 ZBA 10 (Larch townhomes variation and subdivision)
- a. Staff Overview
 - i. Egan: Encroachment (1 foot) of corner and side yard. Request is due to error dating back to 19th century. Applicant intended to meet all setbacks. Northern boundary is correct. Request for approval of final plat for subdivision.
 - ii. Rose: This is a technical survey error made over 100 years ago? (Egan: Correct)
 - iii. Discussion among Byrnes, Rose, Corrado, and Egan
 - iv. Egan: Intent was to make the project fully compliant with zoning code.

- v. Corrado: Any pushback from neighbors? (Egan: No. They were happy that the problem didn't lie in the properties to the north.)
 - b. Public Hearing
 - i. Applicants were sworn in by the court reporter.
 - ii. Real estate attorney: Client bought the lots in 2017. Went by the iron piping as a "monument" marker. Client didn't realize that the monument marker had moved. Surveyor came in and caught the error. There is a 1-foot difference between the iron piping and the real boundary. Defers to the surveyor for technical questions.
 - iii. Surveyor: Licensed civil engineer. Not a licensed surveyor, but on the way towards certification. Plat was recorded in 1869. Spoke about the history of the subdivision and the plat from Chicago Title and Trust.
 - c. Deliberations
 - i. Rose: Would like to be able to deliberate tonight. (Commissioners consented.) Okay, so we'll move into deliberations.
 - ii. Corrado: Error dates back to 1869. Should have been corrected a long time ago. Won't impact neighbors' well-being. No objections were raised during public hearing.
 - iii. Callaway: Relieves hardship on the applicant. Will not alter character of neighborhood. Can't require townhomes to come down and be rebuilt simply due to a minor error.
 - iv. McCoy comments.
 - v. Rose: This error occurred nearly 150 years ago. Supports variation.
 - vi. Byrnes: No passerby would ever think that there's an encroachment.
 - d. Motion to approve the variation (Approved, 8 – 0)
 - e. Motion to approve the subdivision (Approved, 8 – 0)
 - f. Rose: This will go to DPZ next Monday, then to City Council.
5. Case Number 18 P 17 (Zhang massage business conditional use)
- a. Staff Overview by Franz: Request for a massage establishment. Foot massage and full-body massages. Applicant will have an interpreter for testimony. Owner of the property is available as well.
 - b. Public Hearing
 - i. Applicant had a Chinese-language interpreter. Applicant and witnesses were sworn in by the court reporter.
 - ii. Applicant: Provides professional foot and body massage services. Also licensed in Chinese medical acupuncture. For Chinese medicine,

acupuncture point massage is good for the body, relieves pain and stress. Foot massage is reflective of full bodily health. Professionals understand the reflection of foot to the bodily organs.

- iii. Callaway: Does owner have other businesses in Chicago area?
- iv. Applicant: Naperville and Streamwood
- v. Rose: What is the name of establishment in Streamwood?
- vi. Applicant: "Sun Massage"
- vii. Corrado: How many people will perform the massages? (Applicant: 2)
- viii. Corrado: Both are licensed and certified? (Applicant: Yes. If masseuse needs to perform body massage, they have a license.)
- ix. Callaway: Is there a license for acupuncture?
- x. Applicant: It's not needed. It's a hand massage.
- xi. Rose: So there are no needles? (Applicant: No needles.)
- xii. Garland asked a question. (Observer didn't hear)
- xiii. Rose: So this would be the third establishment owned by the applicant? (Applicant: Yes.) Will there be a manager on duty? (Applicant: Each store has an individual manager.)
- xiv. Uditsky: Is there a buildout plan?
- xv. Building owner: Has not received specific buildout, but architect has looked at space planning. There will be two rooms: reception and kitchen area.
- xvi. Uditsky: Would the massage be done in individual rooms?
- xvii. Applicant: First and second rooms used for foot massage, don't have doors. Third room is private room for body massage. Fourth room for storage.
- xviii. Uditsky: Is person doing the foot massage still licensed? (Applicant: Foot massagers have license, but doesn't know specific requirements for Elmhurst.)
- xix. Rose (to Franz): We have not previously approved closed rooms for massage, correct?
- xx. Franz: Some businesses do have closed rooms. Full body might happen in private room. Open areas might have foot massage.
- xxi. Rose: That doesn't go against our code? (Franz: No.)
- xxii. Uditsky: Licensing requirements? (Franz: If you're doing arms, legs, etc. then you need a license.)
- xxiii. Byrnes: What will your hours be? (Applicant: 9:30 am – 9:00 pm, Mon – Sun).
- xxiv. Garland: Have there been violations at other locations? (Applicant: No.)

- xxv. Warnke: How long have you owned Streamwood and Naperville businesses? (Applicant: Naperville, 4 years. Streamwood, 3 years.)
 - xxvi. Rose: Do the Commissioners wish to deliberate at another day, or tonight? (Commissioners: Let's deliberate this evening.)
 - xxvii. Another witness indicated her interest in speaking. She was sworn in by the court reporter.
 - xxviii. Anne Quigley: Wondering if they've ever had an establishment closed down in the past?
 - xxix. Rose: I believe we've already asked, but we can ask the applicant to answer.
 - xxx. Applicant: No. Our neighborhood enjoys coming to our shop. If they have a problem, we help resolve it.
 - c. Motion to open deliberations (Approved)
 - d. Motion for consideration of conditional use (Approved)
 - i. Byrnes: Massage industry is heavily regulated in Illinois. Applicant appears to be experienced. Assuming that requirements are met, would support this conditional use.
 - ii. Uditsky: We've approved this before. It's highly regulated. Petitioner seems experienced.
 - iii. Rose: Yes, they've run two other establishments in other areas. Would support this.
 - iv. Garland: There are only 2 employees, 2 stations for foot massage, 1 station for foot massage. Very little impact on parking.
 - v. Rose: There's no parking regulation in this part of Elmhurst, correct? (Franz: Yes.) The presumption is that the City would provide enough parking.
 - e. Conditional use approved (8 – 0).
 - f. Rose: This will go to DPZ next Monday, then to full City Council.
6. Case Number 18 P 18 (Culver's conditional use and variations)
- a. Staff Overview by Franz: Conditional use permit and sign variations. Variations: setback from property line, height, and area.
 - b. Public Hearing
 - i. The applicant and witnesses were sworn in by the court reporter.
 - ii. Area franchisee: Culver's is predominantly a hamburger establishment. Food is cooked to order (i.e. not made in advance). Goal is to fulfill drive-thru orders within 4 minutes, dine-in orders within 5 minutes. Drive-thru and dine-in business is split roughly 50-50. Hires a lot of local employees. Expectation is that most will walk to work.

- iii. Rose: Conditional use permit is required for any drive-thru.
- iv. VP Operations: Looking for conditional use. Lot was previously a Burger King. Making two site improvements. Wanted to preserve south curb-cut currently used for ingress/egress; now will be egress only. Traffic will enter through north curb-cut. Queue about 5 cars through drive-thru. Designed the curb-cuts for ingress/egress, and also taking pedestrian traffic into consideration. Culver's operates around 8 restaurants in Chicagoland area, and knows what is needed to achieve vehicle flow. Typically uses pole sign to direct flow. Modified this to a "monument sign" to meet Elmhurst standards for sign design. Needed to exceed sign height for monument sign.
- v. Rose: All variations are for signage, yes? (Applicant: Correct.)
- vi. Garland: Could the applicant use the pole sign that's there today? (Franz: Yes, but they can't make it any larger.)
- vii. Byrnes: You'll be open from 10 am to 10 pm. There's a residential neighborhood to the west. Can you talk about the call box? Also, will you do a soft open? Will you anticipate a long queue when you open?
- viii. VP Operations: Installing a new 8-ft fence to establish a buffer for noise. Menu board is different in the sense that the speaker is at door level, so sound will bounce into the vehicle rather than into the neighborhood. As for soft opening, we will have people come in waves, to control traffic on opening week. We opened one store in Chicago (near Irving Park Rd), and it broke records for traffic during grand opening, yet we were able to control it. We'll always have an owner on-site to make sure we're being a responsible neighbor to the community.
- ix. Garland: You have 3-car stack from order point to the corner?
- x. VP Operations: Around 4 cars can be queued.
- xi. Garland: At around noon, how many cars are going through?
- xii. Franchisee: Around 500-600 transactions per day, peaking at lunch and dinner time.
- xiii. Calloway: Fence is just on the western part of the property, adjacent to the residential neighborhoods (Franchisee: Yes)
- xiv. McCoyd: How many employees? (Franchisee: Total around 50. Around 9 at any given time.)
- xv. Corrado: Site plan doesn't specify where monument signage will be placed. (VP Operations showed a photo with the location of the sign indicated.)
- xvi. Calloway asked more questions about the variations.

- xvii. VP Operations: Monument sign has electronic signage and a logo. Typical sign is a high pole, but we're bringing the sign down to monument size to integrate with Elmhurst design guidelines from Comprehensive Plan. We've done a monument sign in Oak Lawn before.
- xviii. Calloway: There's a revised fire truck turn analysis. Is there sufficient turnaround to meet City requirements? (Franz: Yes.)
- xix. Garland: Why did you close that south egress point?
- xx. VP Operations: IDOT prefers one curb-cut, but Culver's Corporate prefers two. We did this to resolve visibility issues.
- xxi. Another witness expressed interest in making a comment, and was sworn in by the court reporter.
- xxii. Rex Irby: If the sign has lights on it, then it's going to have a brightness factor at nighttime. We have a similar sign at York in Valette district. Ability of the sign to change was a violation of City code, but didn't hear any questions about that tonight.
- xxiii. Franz: Recently changed the code. A few years ago, you could have only amber text on black background. Now you can have full color. You can't flash or scroll. Timing is in 5-second intervals.
- xxiv. Rose: It's hard for us to enforce this. We try to monitor as closely as we can. My experience is that other Culver's don't do too much flashing.
- xxv. Franz: When a business is closed, signs need to be turned off.
- xxvi. Rose: Before a permit is issued, all of that will be checked by City engineers.
- xxvii. Corrado: If anyone is proposing a monument sign, will we have a drawing of how it would interfere with traffic or sightlines? Applicant's exhibits really don't give us the full picture. In the past, we've received a drawing. Have the requirements changed?
- xxviii. Franz: Applicant did provide some elevations.
 - c. Motion to begin deliberations
 - d. Motion for Conditional use to operate a drive-thru
 - i. Corrado: Drive-thrus are common. This isn't unique. Previous tenant also had a drive-thru. Not aware of any stacking or traffic problems.
 - ii. Uditsky: Thinks that Culver's far outpaces Burger King (audience laughs), but still doesn't have concerns about traffic. Supports this.
 - iii. Approved: 8 – 0
 - e. Motion for height variation, 5 ft to approx. 9.5 ft

- i. Garland: Businesses tend to be impulse-driven. The applicant going down from a pole sign to a shorter monument sign is a fair trade-off.
 - ii. Rose: We previously spoke about illumination. A pole sign would be more intrusive than a monument sign. So this is better.
 - iii. Corrado: Not a huge fan of monument signs, mainly due to height and size.
 - iv. Discussion among Garland, Uditsky, Byrnes.
 - v. Approved (7 – 1, Corrado against).
 - f. Motion for variance from setback requirement, 6 ft to 1.75 ft.
 - i. Byrnes: Building to the north also has a monument sign, with roughly the same setback. There are other signs in the vicinity with small setbacks. This is primarily a vehicular corridor, with not much affect pedestrian traffic.
 - ii. Garland: Becomes problematic to set back further, since sign would encroach on traffic inside the lot.
 - iii. Approved (7 – 1, Corrado against).
 - g. Motion for square footage variance, 25 sq to 40 sq ft.
 - i. Byrnes: Since we just approved the height, the square footage just follows.
 - ii. Corrado: So the height and size doesn't matter?
 - iii. Byrnes: It does matter, and that's why I looked at visual depiction. It seems acceptable to me.
 - iv. Garland and Franz continued discussion.
 - v. Corrado: Years ago, we approved a monument sign for Harris Bank. That sign was so large.
 - vi. Approved (7 – 1, Corrado against).
 - h. Rose: This will go to DPZ on Monday, then to City Council.
7. Case Number 18 P 15 (Text amendments concerning membrane structures)
- a. Franz introduced the case: Text amendments to Zoning Code, concerning requirements for membrane structures. Info from staff report was based on recommendations from DPZ.
 - b. Rose: We are deliberating the approval of the text amendment. There are a number of components, as enumerated in the staff report. We'll try to address each of this separately. We'll try to achieve consensus, or take a roll call vote, before sending to DPZ.
 - c. Motion to approve the text amendments
 - i. Rose: First item for consideration is whether allowable timeframe will be no longer than 6 months, e.g. October through April

- ii. Uditsky: Are we discussing what we recommend on this item, even if we're not in favor of hoop houses?
- iii. Kopp: Perhaps you could decide first, whether you want to allow them at all, then go into the individual requirements?
- iv. Rose: I suppose we could do that, but it doesn't give commissioners room to express dissent on individual parameters.
- v. Uditsky: As we start discussing individual items, doesn't that preclude us from not being in favor of hoop houses at all?
- vi. Rose: No. As we discuss further, you could change your mind.
- vii. Uditsky: Not in favor of hoop houses at all, but will still participate in the vote.
- viii. Rose: If ZPC wants, we could start with a discussion of whether we want this at all.
- ix. Corrado: Maybe we should continue the public hearing. If we can't decide what we want, we should allow the applicant to respond in regards to what we like or don't like.
- x. Kopp: ZPC is making a recommendation to DPZ, not to City Staff.
- xi. McCoyd: If we're not in favor of it at all, then why would we deliberate the individual items first?
- xii. Uditsky: We should express our opinion on hoop houses generally, then go into specifics.
- xiii. Rose: We can do that, if that's what the commissioners want. Shall we do the larger vote first?
- xiv. Garland: If the ZPC votes against hoop houses, we still need to go through the text amendments. Our charge was to review this text amendment and to send it back to DPZ. (Rose: Yes, that's correct.)
- xv. Kopp: You could tell DPZ that you don't recommend text amendment.
- xvi. McCoyd: We previously made a decision against membrane structures several years ago. Now, we're discussing whether to treat hoop houses differently.
- xvii. Rose: But now, DPZ has started this case by saying that they are willing to consider a new ordinance.
- xviii. Byrnes: This is a text amendment application. City is the applicant in this case. (Rose: Sounds like you're suggesting that we take a broad vote first.)
- xix. Byrnes spoke further about the technical requirements of an application.

- xx. Uditsky: I didn't mean to start a problem, but I would like to know, before we spend a lot of time on this, if we're in support of hoop houses generally.
- xxi. Rose: We can ask for consensus, but I'll ask first, whether we're in support of the text amendment in its current form.
- xxii. Uditsky: But if someone votes against the motion, then it's not clear whether you oppose it generally, or specific aspects only.
- xxiii. Corrado: Willing to make a motion on whether we support it generally.
- xxiv. Rose: A formal vote isn't necessary, but rather we can seek informal consensus.
- xxv. Garland: We could hypothetically recommend to DPZ no changes to the text, if we don't support hoop houses at all. Otherwise, we can provide suggested text amendments, if DPZ wants to move forward with hoop houses anyway.
- xxvi. Byrnes: Uditsky seems to be posing a fairly clear question. Why not have a motion on whether ZPC is open to considering the establishment of hoop houses?
- xxvii. Rose: There may be some among us who are entirely against hoop houses. The law currently prohibits hoop houses. The question is whether we're willing to revisit this. Does it make sense to frame the question in this way? As an informal vote?
- xxviii. Franz: There is already a motion to consider the text amendment. You'd have to withdraw that first.
- xxix. Rose: Or we could just amend the motion.
- xxx. Exchange among several commissioners and staff on procedural motions.
 - d. Uditsky: Motion to amend the original motion, that before discussing the terms of the text amendment, a vote is taken on whether the ZPC is in favor of hoop houses at all.
 - i. Byrnes: Let's just make it a motion on whether to enter into deliberations on the proposed text amendment.
 - ii. Corrado: Point of order. There's still a motion on the floor to approve the text amendment as written.
 - iii. Exchange between several commissioners and staff on procedure.
 - iv. Franz: The motion on the table is to amend the original motion for the ZPC to enter into deliberations on the proposed text amendment.
 - v. Garland: Thoroughly confused. Let's just withdraw all motions.
 - vi. Motion withdrawn.

- e. Rose: Shall we have a motion to approve this or not?
 - i. Byrnes: What differentiates this case from the three cases we just previously discussed? In the other three cases, there was a motion to consider the case, and a motion to begin deliberation.
 - ii. Rose: We still need a motion to begin deliberation. If you don't like any part of this, you vote against it.
- f. Corrado: Motion to accept the text amendments as presented.
 - i. Corrado: Our society is moving forward. Everything is about the ecology, the earth, the sun. More than likely, things change. This came to light because citizens brought it to our attention. They would like the ability to grow a garden and use the earth to feed their families. These are suggestions that we should not take lightly. I don't think we should say "yes/no" right away. It's imperative that we discuss this. How do you make a sound decision unless we share our opinions first?
 - ii. Callaway: Agrees with Corrado. We should not get caught up with the fact that ZPC previously banned membrane structures. Things have changed. This is worthy of discussion.
 - iii. Uditsky: Totally against it. How have things changed? These are membrane structures that could fall into disrepair. How can you police them? These are not in character with our community to allow these structures. We've dealt with membrane structures before, in 2010, and I'm not convinced that the world has changed that much.
 - iv. Callaway: How is this different from a shed in your backyard? You still have to get a permit for a shed.
 - v. Uditsky: The difference is that these are membrane structures with plastic tubing. These are not durable. I wouldn't want my neighbor to have a large plastic structure in their backyard.
 - vi. Corrado: Those are good points, but hoop houses are temporary. We can regulate that. We're here tonight to set those parameters. This is part of someone's livelihood.
 - vii. Uditsky: Have you heard from people in your community? Several people have said to me, in-person, that they are against hoop houses.
 - viii. Byrnes
 - 1. I've lived in Elmhurst for 24 years. Has also discussed this with long-time residents. Most of them like the idea. Of course, this is anecdotal. One group might feel one way, another group may feel the other way. We're

seeing more and more community gardens. Many locations in other towns do have membrane structures.

2. This also has to do with property rights. There's a default sense that you can do whatever you want on your property. Of course, as a zoning commission we have police power. I personally don't mind whether there's a hoop house on my neighbor's yard. We do have some say over how this zoning ordinance will regulate hoop houses.
- ix. Uditsky: This isn't a grey area at all. Current ordinances ban hoop houses.
- x. Byrnes: We don't have to treat the current code as incapable of being amended. It's not like "stare decisis" in the courts. Otherwise, we'd have no function as a commission. (Audience claps in agreement. Rose reminds the public to refrain from clapping.)
- xi. Rose: We do have a standard for conditional use that considers whether the character of the neighborhood is impacted.
- xii. Byrnes (to McCoyd): When ZPC last discussed whether to ban membrane structures in 2010, did you consider gardens?
- xiii. McCoyd: No. We were just talking about cars, boats, etc. Not gardens. The concern was that those structures were unsightly.
- xiv. Callaway: Things have changed since then. We are capable of considering an amendment to this ordinance.
- xv. McCoyd: This is a big structure in your backyard. Why can't you have cold frames? Is an 8-ft hoop house really necessary? Are people growing corn?
- xvi. Rose: What DPZ has suggested is really large. If you look at a 500-sq-ft structure, three or four bedrooms can fit inside. How many homes could ever have a 500-sq-ft hoop house in their backyard? The "do-it-yourself" structures don't appear to be that large. The intent here is for personal use. While we may be able to support this amendment, I'm currently concerned about the size.
- xvii. Callaway: Addressing Uditsky's concerns, would there be an opportunity to require annual permits for these things? (Franz: Yes, we could do that.) According to this proposed text amendment, this could be up to six months. If someone needs to come in for an annual permit, and violates the requirements later, then we can deny the permit upon renewal.
- xviii. Rose: How many people have put up a hoop house? How many have applied? (Another commissioner interjected that an application would have been pointless. Franz: We've never had a formal application or a request.)

- xix. Corrado: These may be unsightly, but in our world of compromise, we should consider something that can somewhat satisfy everyone.
- xx. Byrnes: A greenhouse would have been permitted? (Franz: Yes.)
- xxi. Rose
 - 1. City is proposing that a hoop house would be considered as part of the lot coverage. Most new houses are already at 29% lot coverage, so these wouldn't be allowed. Older homes with a garage also might not be able to accommodate hoop houses. I understand Byrnes' point about property rights. However, we do comment on aesthetics all the time, and we can continue to do that.
 - 2. Don't have to be 8 ft tall. A lot of "do-it-yourself" kits are 6 ft tall. 500-sq-ft area is too large. But wouldn't go as far as Uditsky to ban hoop houses outright.
 - 3. We still need to consider whether hoop houses are outside the character of the neighborhood.
- xxii. McCoyd: If we have community gardens, would hoop houses be allowed? (Franz: No, not under the current code.)
- xxiii. Corrado: Propose Uditsky's original suggestion on whether we would like to consider changes to the ordinance.
- xxiv. Callaway: We already have a motion on the table on whether to accept the text amendments.
- xxv. Garland: Shares concerns with Rose about the size, but thinks this text amendment is worthy of deliberation. Times have changed.
- xxvi. Rose: Even if this were denied, the application would still move forward to DPZ.
- xxvii. Callaway: If we have a specific issue with this, then we suggest an amendment to the motion. I would agree that 500-sq-ft seems excessive, but doesn't know what the right number would be.
 - g. Rose: Motion to amend. Height limited to 6 ft, and area limited to 100 sq ft
 - i. McCoyd: And there's a fence requirement, too?
 - ii. Franz: DPZ wanted ZPC to consider whether to require a fence. Current wording of the text amendment includes the fence requirement.
 - iii. Byrnes: The 6-ft height max seems small to me.
 - iv. Rose: We're not a farm.

- v. Byrnes: Going back to greenhouses. Difference is really about the design and construction. Couldn't you have a 500-sq-ft greenhouse? (Franz: Yes, if your lot allows it.) What is the major distinction from a hoop house?
- vi. Rose: Permanence, aesthetics, maintenance.
- vii. Byrnes: But aesthetics differentiate a hoop house from a greenhouse. Permanence is not tied to the square footage.
- viii. Corrado: It's apples and oranges. Looking at square footage, setbacks, etc.
- ix. Byrnes: Text amendments would apply the lot coverage and setback requirements, similar to other structures. However, I didn't see anything relating to materials. What is the thickness requirement?
- x. Kopp: Building code says that membrane would have 6-mm thickness. There are other requirements and exceptions.
- xi. Byrnes: And if we approved hoop houses, then all of those requirements would apply? (Kopp: Yes.)
- h. McCoyd: Motion to postpone to a date certain. It's 9:45, and would like to go home.
 - i. Callaway: Is there additional information that people think they need? If we're going to continue, then we should tell City staff whether we need additional information.
 - ii. McCoyd: I just want to go home.
 - iii. Rose: We have an open evening in two weeks. Maybe October 30? (Franz: Only if commissioners are available. November agenda looks full.)
 - iv. Commissioners would not agree to meeting on October 30.
 - v. Rose: Are we required to have a date certain? (Franz: Yes.)
 - vi. Kopp: Technically you could set the "date certain" to November, then postpone again to another date if your caseload is full.
 - vii. Rose: I'd prefer doing it in the first meeting in December.
 - i. Motion to postpone to Dec 4. (Approved, 7 – 1, Garland against).

The League Observer left the meeting at around 9:50 pm.

8. Case Number 18 P 16

9. Adjournment