

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, December 4, 2018

7:00 PM

Elmhurst City Hall, Council Chambers

209 North York Street

Elmhurst, IL 60126

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Summary

- The Commission approved the text amendments concerning membrane structures as proposed by the City Council, with the following amendments.
 - The height is limited to 6 ft. and the area is limited to 100 sq. ft.
 - Hoop houses will be allowed from October 15 to April 15.
 - An annual permit will be required.
 - A fence will not be required.
- The Lennar conditional use permit and variations request was deferred until a subsequent meeting in January 2019.

Supplemental Information

- [18 P 15](#) (Text amendments concerning membrane structures)

A court reporter was present to transcribe several portions of the meeting.

Transcripts will be posted on BoardDocs via the link posted above.

Abbreviations

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

Meeting

1. Roll Call / Call to Order (approx. 7:01 PM)

- a. Members present: Susan Rose (Chairperson), Susan McCoyd, Lisa Callaway, Dave Garland, Kurt Warnke, Jordan Uditsky, Daniel Corrado, Kevin Byrnes (arrived at 7:05 pm)
 - b. Members absent: Frank Mushow
 - c. Other officials and staff: Mike Kopp (Assistant City Manager), Andrew Acker (Assistant City Attorney), Emily Egan (Assistant City Planner), Eileen Franz (City Planner), court reporter
 - d. Public: Around 61 people
2. Minutes from November 13, 2018 meeting (Approved)
3. Public Comment
- a. Debbie Sandstrom: Has attended many city meetings in which gardening on private property has been discussed. Talked about process and history of hearings in various committees and subcommittees in Elmhurst. During the September meeting, ZPC had strong opinions against hoop houses. Criticized ZPC's lack of effort in learning about the issues. Criticized concerns about aesthetics of hoop houses.
 - b. Dan Virgil: After prior hearing on hoop houses, felt that there was a need to better educate ZPC about how hoop houses work. Provided educational background info on hoop houses, and extending the growing season.
 - c. Elizabeth Ambrogi: Explained how a hoop house works, e.g. the use of solar energy, ventilation, temperature control. Explained why a hoop house is better than a greenhouse. Greenhouses cannot be disassembled, and get very hot during the summer. Greenhouses are also expensive, and the foundation prevents rainwater from flowing into the ground. Hoop houses are temporary and allow homeowners to experiment with having one.
 - d. Andrew Van Gorp: Explained the materials that form hoop houses. "Hoops" are plastic, PVC pipes. Plastic sheeting surrounding the frame. Spoke about the proper volume. Smaller devices could be used, but in the Fall, certain plants can be several feet tall (e.g. kale can be more than 4-ft tall.). Higher hoop houses have more thermal mass. Gardening during the winter requires low tunnels to be opened, which exposes plants to the elements, while higher structures are easier to access.
 - e. Lisa Gerhold Dirks, Chair of Elmhurst Cool Cities Coalition: Expressed support for hoop houses. Growing numbers of Elmhurst residents are seeking sustainable solutions and action against climate change. Public officials have

an obligation to promote sustainability. Spoke about the food supply, and growing interest in urban growing solutions.

- f. Elise Fulara: Cited the International Building Code, which defines ‘temporary structures’. Pointed out that membrane structures are commonly used, and addressed concerns that they are not aesthetically pleasing. Other structures have already been erected in Elmhurst, and have been permitted.
- g. Nicole Virgil: Current prohibition against membrane structures is in reference to permanent buildings, and shouldn’t apply to temporary structures. Indeed, City continues to issue permits for temporary use for other purposes. Hoop house is unfairly restricted by being treated as permanent structure.
- h. Susan O’Donnell-Warren: Displayed photos of membrane structures that have previously been erected in Elmhurst. Pointed out that they are hardly an eyesore. Also noted that during first hoop house hearing, Chairwoman Rose stated that ZPC does not regulate aesthetics. Also summarized previous testimony from other residents that the hoop house was not a nuisance, was not a flooding risk, and was not noisy. Therefore, it appears that people are purely concerned about aesthetics.
- i. Deb Crockett, Exec. Dir. of Angelic Organics Learning Center, a regional non-profit in Northern Illinois: Has educated various communities on urban agriculture. Explained how much land a family really needs in an urban environment. It depends on growing methods, and how much food they eat. It also depends on climate, soil quality, sunlight, and heat. A hoop house of 240 sq ft isn’t nearly enough to sustain a family.
- j. Laura Calvert, Exec. Dir. of Advocates for Urban Agriculture, a coalition that supports sustainable agriculture in Chicagoland: Has been involved in Elmhurst over the past year. This is her fifth visit to Elmhurst. Has also worked in Chicago to promote funding opportunities for backyard agriculture. In Chicago, hoop houses are allowed, up to 500 sq ft large and 12 ft high. Important for hoop houses to be sufficiently large for thermal mass and solar gain. USDA sets guidelines for minimum size requirements. Offers to be a resource for Elmhurst, to ensure that officials are properly educated.
 - Warnke wanted to ask Calvert a question, but Rose did not allow it, as this is a public comment period, rather than public hearing.
- k. Barbara Lonergan: Recently followed discussion about beekeeping in PAS Committee. Beekeeping referral has moved quickly through PAS, yet why has the hoop house issue stalled for 2.5+ years? City should treat hoop houses

with the same level of commitment as beekeeping. Hoop houses will be assembled by well-intentioned residents, and poorly constructed structures can be addressed as code violations.

- l. Vicky Fitzmaurice: A lot of people are here with ‘hooplah’ buttons. We’re trying to look forward. Hoop houses shouldn’t be so severely regulated as to prevent having a practical hoop house. Elmhurst has been ‘forward-looking’ in other areas, especially in areas that businesses have requested assistance with. Community is enthusiastic about hoop houses.
- m. Carol Snyder: Industrial design consultant. Supports extending the growing season, but opposes hoop houses as a means to do so. Criticizes the form of construction, and the materials used. Previously submitted written, expert testimony against hoop houses. Other (~19) residents also submitted written testimony against hoop houses. Claims that hoop houses are not sustainable. Other membrane structures may have been erected in Elmhurst, but they are different than hoop houses. Growing season may be extended with other alternatives that do not conflict with our community’s values.
- n. Nicole Garvis: At the last meeting, a commissioner said “We are not farmers, so why do we need hoop houses?” Explained that while we are not farmers, we need hoop houses for other reasons, like sustainability, public health, etc. We shouldn’t be concerned about aesthetics.
- o. Andriani Siavelis: Spoke at the Sept. 18 public hearing to object to hoop houses. Supports year-round gardening in vented greenhouses and other permanent structures. An exception to the ban on membrane structures to allow hoop houses would be unfair to those who want to use membrane structures for other purposes.
- p. Amy Sanders: Against hoop houses. Not sustainable, lowers property values, and causes water runoff. An exemption for hoop houses would be unfair to others who want to use hoop houses for other purposes.
- q. Bill Sanders: Opposes membrane structures. Fears that they’ll proliferate throughout Elmhurst. Reminds ZPC that over two dozen residents submitted testimony against hoop houses. Concerned about aesthetics, lowering property values, non-sustainability, safety hazards, water runoff issues, large-scale agricultural activities in neighborhoods, and difficulty of code enforcement.
- r. Bryan Doan: Opposes hoop houses. There would be runoff into other yards, and we need to be concerned about flooding in town. We need to enforce

zoning restrictions on how much you can build on your property. Proposed hoop houses would be too big, even if they're temporary. The membrane structures that are erected in town are on commercial property.

s. Ben Silver, Citizen Advocacy Center: At the October meeting, he expressed concern about the presence of unsworn written testimony. However, the discussion appeared to veer towards commentary and opinions heard outside the public hearing. The ZPC's deliberations must be based on the public record only. Also concerned that several residents in Elmhurst, along with Elmhurst College, have been forced to take down their membrane structures.

t. Tom Guimon: Doesn't understand why we can't have hoop houses. Sustainable gardening is a wonderful thing.

4. Case 18 P 15 – City of Elmhurst Text Amendments (membrane structures)

a. Introduction

i. Rose: ZPC is obligated to consider the public record only. Cannot consider any of the public comments said tonight. ZPC's responsibility is to review all applications based on land-use only. We don't make policy; the City Council and committees do. There is currently a motion to restrict the size to 100 sq ft and 6 ft high. Let's make sure the applicant is willing to accept that motion.

ii. Callaway: Is there possibility to impose other restrictions as well?

iii. Franz: Text amendment is based on DPZ recommendation.

iv. Rose: Would the City not entertain the motion to restrict size?

v. Franz: It's up to the ZPC to decide whether they want to amend the text.

vi. Rose: But does the applicant accept? (Franz: Yes.)

b. Motion on the table: Height be no more than 6 ft and the square footage be no more than 100 sq ft.

i. Byrnes: Looking at the info in the record, concerning the technical specifications of these structures, 100 sq ft would not be large enough to generate the thermal mass that is needed. The hoop house is collecting heat, not so much to warm up plants, but also as a heat sink for the soil underneath the structure. Would not get the plants through the night hours, while the heat is dissipating. Supports the 500 sq ft in the original text.

ii. Vote (5 – 3)

1. Yes: Uditsky, Warnke, McCoyd, Garland, Rose

2. No: Corrado, Callaway, Byrnes

c. Discussion

- i. Corrado: The size is not adequate for the purpose of having a hoop house.
- ii. Uditsky: It's a matter of opinion. It's subjective what the size should be.
- iii. Callaway: Could you please restate the question?
- iv. Corrado: Why are we proposing a hoop house that would not be large enough to work? It's not large enough for thermal mass.
- v. Callaway: The City Council could always modify the text amendment. We can still discuss the underlying issue.
- vi. Warnke: Would it not be beneficial for certain crops to have larger structures?

d. Callaway: Motion to accept the text amendment, but include a requirement for an annual permitting process. As for concerns about recycling, City could ask applicant to commit to recycle their materials.

- i. Rose: How would we evaluate this?
- ii. Callaway: Applicant would have to come in for a permit, then affirm that they'll recycle their materials.
- iii. Rose: Perhaps split this into two motions?
- iv. Uditsky: Point of order. Can we have a discussion about certain restrictions?
- v. Callaway: Let me withdraw the motion, then have discussion on what should be required.

e. Discussion

- i. Corrado: Wants to understand how we classify these structures. Does the City interpret them as temporary or permanent?
- ii. Franz: They are membrane structures, considered temporary structures currently prohibited. There are temporary permits allowed in certain districts for specific uses. Those are for up to 90-day periods.
- iii. Corrado: Doesn't think this would be problematic, unless it intrudes upon the beauty of the landscape. We're in the Midwest, things aren't that beautiful in the winter anyway.
- iv. Uditsky: Maybe it would be helpful to go through the recommendations? (Read through the recommendations posed by the City Council.)
- v. Rose: We need to think about implications on conditional use and variations. We consider land-use only. On the other hand, DPZ makes decisions on policy. I think it's actually less restrictive to have smaller hoop houses, since it means that more people could have them.

- vi. Uditsky: If we approve the DPZ's text amendment, we'd have large hoop houses (around 10 x 50 ft, and 8 ft high).
- vii. Byrnes: It really depends on the specific lot. Need to look at the context of the rest of the property.
- viii. Callaway: Speaks about coverage and setback requirements.
- ix. Corrado: Speaks about timeframe and seasonality. Six months might be too long.
- x. Rose: Don't frame it so much on aesthetics. Zoning law states that if you're impinging on your neighbor's enjoyment of their property...
- xi. McCoyd: Elmhurst Comprehensive Plan does mention aesthetics and high quality of life.
- xii. Callaway: A hoop house furthers the quality of life.
- xiii. Uditsky: Still, the aesthetics is very subjective.
- xiv. Rose: Let's keep our discussion on land use only.
- xv. McCoyd: But how does it affect your neighbor? Isn't it a matter of aesthetics?
- xvi. Garland: (To City Staff) Is heating allowed? (Franz: It's not allowed.)
- xvii. Callaway: What about lighting? (Kopp: Only if the structure meets the building code.)
- xviii. Uditsky: Concerned about people putting up lights in the hoop house, like Christmas lights and other electrical devices.
- xix. Rose: Code enforcement would have to review all hoop houses, right?
- xx. Kopp: New constructions would need to have a permit.
- xxi. Callaway: Could the permitting process also review restrictions on lighting?
- xxii. Uditsky: Would like to prohibit lighting on hoop houses.
- xxiii. Callaway: It depends on whether the light is outside or inside. It's reasonable for people to need a light inside.
- xxiv. Byrnes: Are there current restrictions on lighting in backyards? I don't think there are, so why are we restricting lighting in hoop houses? As for the enjoyment of property, written testimony included a letter from a real estate appraiser concerning the harm to property values. However, the realtor is from Naperville and doesn't seem to carry much weight in considering the Elmhurst market.
- xxv. Corrado: Talks about timing and seasonality again.
- xxvi. Warnke: Shorten the allowable season to November – March. Previously, it was October – April.

- xxvii. Byrnes: The timing was suggested based on expert opinion about the usual growing season.
- xxviii. Uditsky: October – April seems too long.
 - f. Corrado: Motion to propose timing restrictions as December – April.
 - i. Uditsky second.
 - ii. Vote (2 – 6)
 - 1. Yes: Corrado, Uditsky
 - 2. No: Byrnes, Callaway, Garland, McCoyd, Warnke, Rose
 - g. Garland: Motion to propose timing restrictions as October 15 – April 15
 - i. Vote (5 – 3)
 - 1. Yes: Garland, Callaway, Byrnes, McCoyd, Rose
 - 2. No: Corrado, Uditsky, Warnke
 - h. Discussion
 - i. ZPC comes to consensus that a fence should not be required.
 - ii. Rose: A fence is used for privacy or to prevent a danger. Not needed for hoop houses.
 - iii. Rose: No comment on lighting.
 - iv. Garland: Is there a presumption that electricity would need to meet the building code?
 - v. Kopp: Yes, a permit would verify that the structure meets the building code.
 - vi. Rose: A time restriction on lights would make sense.
 - vii. Corrado: We can barely regulate lights in the commercial districts, let alone the residential districts.
 - viii. Callaway: I would be okay with whatever the Building Code permits. Also feels that an annual permit should be required.
 - ix. Garland: Supports an annual permit as well. Hoop house is being raised and taken down every year.
 - x. Rose: Do we have other areas where we require annual permits? (Franz: donation boxes) Hoop houses seem similar enough to donation boxes.
 - i. Callaway: Motion to include an annual permitting process
 - i. Uditsky: Seconded
 - ii. Vote (8 – 0)
 - 1. Yes: Callaway, Uditsky, Byrnes, Corrado, Garland, McCoyd, Warnke, Rose
 - 2. No: None
 - j. Byrnes: Motion to require a fence for all hoop houses

- i. Vote (1 – 7)
 - 1. Yes: Uditsky
 - 2. No: Byrnes, Corrado, Callaway, Garland, McCoyd, Warnke, Rose
- k. Main Motion: Accept the proposed text amendment, with the following changes: Limit height to 6 ft, area to 100 sq ft, timing to Oct 15 – Apr 15, and require an annual permit process. The fence requirement is removed.
 - i. Vote (6 – 2)
 - 1. Yes: Corrado, Callaway, Byrnes, Garland, Warnke, Rose
 - 2. No: McCoyd, Uditsky
 - l. Closing
 - i. Rose: This issue will go back to DPZ committee, then to the City Council. Emphasizes that the deliberation was based only on the public record, and concerned about land-use only. DPZ and the City Council have the authority to modify the ZPC recommendations.
 - ii. Franz: On the DPZ agenda, probably January 14, 2019.
- 5. Case 18 P 21 – Lennar Conditional Use Permit and Variations
 - a. This item was removed from the agenda, at the applicant’s request. It will be discussed at a public hearing in January 2019.

The League Observer left the meeting after the deliberations on the Text Amendment concerning membrane structures.

- 6. Case 18 P 22 – Mladenoff Conditional Use Permit
- 7. Adjournment