

**Village of La Grange
Plan Commission
Regular Meeting of January 12, 2021**

**DUE TO THE GOVERNOR' EMERGENCY ORDER VILLAGE HALL
WAS CLOSED AND THE MEETING WAS CONDUCTED VIA
GOTOMEETINGS**

A regular meeting of the Plan Commission for the Village of La Grange was held at 7:30 p.m. on Tuesday, January 12, 2021 via teleconference.

I. CALL TO ORDER AND ROLL CALL OF THE PLAN COMMISSION

Chairman Paice called the meeting to order at 7:30 p.m.

Verify Quorum

Upon roll call the following were:

Present: Egan, Hoffenberg, Mosher, O'Connor, Wentink, Schwartz, Paice

Absent: None

Community Development Director Charity Jones, Village Planner Heather Valone, Village Attorney Mark Burkland, and Village Trustee Lou Gale were also present.

II. APPROVAL OF MINUTES – DECEMBER 8, 2020

Commissioner Schwartz made a motion, seconded by Commissioner Wentink to approve the minutes from December 8, 2020 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

III. PUBLIC HEARINGS

**A. PC CASE #258 – 215 S. BRAINARD AVE. RESUBDIVISION (FINAL PLAT),
TOM MCNULTY**

Staff Presentation

Heather Valone, Village Planner, said the applicant, Tom McNulty, is looking to re-subdivide the property at 215 S. Brainard Ave. into two lots and is not seeking any variations from the zoning code. The property is currently zoned R-4 Single-Family Residential District. It requires a minimum lot width of 50 feet and a minimum lot size of 6,000 square feet. The two new lots widths will be 50 feet and have a lot sizes of 6,778

square feet. The existing home on the lot will be demolished and two new single family homes are proposed to be built.

The La Grange Code of Ordinances does require that public land be dedicated when additional building sites are created as part of a Final Plat. Based on the Code of Ordinances just a fraction of an acre would have to be dedicated. If the area for dedication is less than an acre, the Plan Commission can make a recommendation to the Village Board to waive the requirement. A dedication of 1,306.8 square feet would be required for dedication for this application. The current and proposed lots are accessed via Brainard Avenue which is a 66' wide right-of-way. Additionally, the applicant is dedicating a five foot easement in the rear of the lot for public utilities and drainage.

Mrs. Valone said the Village Engineer and consulting engineer reviewed the proposed plat and commented that the plat meets requirements. If the Plan Commission determines that the plat of re-subdivision meets the requirements and should be recommended for approval then staff suggests the following condition to be included into the motion.

1. Waiving of the land dedication requirement, because no additional right-of-way is needed along the east side S. Brainard Avenue.

Chairman Paice asked the applicant Tom McNulty to raise his right hand and then he administered the oath. He then asked if any of the Commissioners had any questions for staff or the applicant.

Commissioner O'Connor asked how did the lot end up with three pin numbers.

Mrs. Valone stated these lots were part of a much larger subdivision originally platted in 1895. Over time the lots on this block have been chopped up and reconsolidated. What she can see from Cook County records is that this lot has been that way since the 1960's when the current owner purchased the property. All the lots on the block were 50 feet wide in the original 1895 plat. The subject property's middle lot, lot 18, is still in the original configuration. At some point before the 1960's someone bought 32 feet from Lot 19 and 18 feet from Lot 17.

Commissioner O'Connor asked if the extra lots were bought at the same time or separately.

Mrs. Valone said it had to happen prior to the 1960's and with Cook County being closed there is no way to determine when the actual separation was.

Commissioner Wentink asked if the other lots had the easement in the rear.

Mrs. Valone stated a lot of the lots in La Grange do not typically have a dedicated easement in the rear. The standard platting procedure now is when new lots are created the Village gets an easement in the rear of the property.

Chairman Paice asked if there were any further questions from the Commissioners for staff or for the applicant. None responded.

Public Comment

Chairman Paice asked if there were any public comments submitted to staff or is anyone on the meeting that wanted to speak in regards to this case.

Mrs. Valone said there were no comments submitted for this case and there is no response on the meeting of anyone who wants to speak.

Plan Commission Discussion

Chairman Paice asked if there were any further comments from the Commission. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Egan made a motion, seconded by Commissioner O'Connor to recommend to the President and Board of Trustees approval of PC Case #258 – 215 S. Brainard Avenue, Resubdivision (Final Plat) with one condition:

1. To waive the land dedication requirement, because no additional right-of-way is needed along the east side of south Brainard Avenue.

A roll call vote was taken:

Ayes: Egan, O'Connor, Hoffenberg, Mosher, Wentink, Schwartz, Paice

Nays: None

Motion passed

B. PC CASE #259 – TEXT AMENDMENTS RELATING TO ARTICLES III THROUGH IX, XIV AND XVI OF THE LA GRANGE ZONING CODE PROPOSED BY VILLAGE STAFF

Staff Presentation

Mrs. Valone said as part of the annual review of the Village Zoning Code, staff has identified several sections of the Code for amendments. She would like to start with the amendment to the administrative adjustment fee first. The fee is written in the Zoning Code as a flat fee regardless of the costs incurred by the Village to process the application. Because there have been some changes with how Cook County charges for things to be recorded the cost of the cost of processing these applications has increased. In response to the increased costs, the Village needs to increase the charges to recoup those costs. Staff is proposing to increase the fee from \$100 to \$250.

Commissioner Hoffenberg asked if there was a way to pass along those charges to the applicant closer to when something needs to be recorded so you do not have to potentially suffer a loss.

Mrs. Valone stated the way they currently charge fees for applications such as special uses or plan developments is similar to what Commissioner Hoffenberg is suggesting. Those applications have to submit an initial escrow but they are still required to pay all costs with the application. The fees for Cook County have not changed for quite a while. They try to make the escrow somewhat relevant to the actual cost of the application to go through the process. Even if they changed it to match the fee structure for other entitlement application she would still recommend that the escrow be set at \$250 to cover the cost of mailing the letters and staff's time to process the applications and then the for it to be recorded. Usually when people are applying for an administrative adjustment the applicant will reach out to staff first to review their application. The actual number of these that have been turned down is relatively low because of the pre-application consultation.

Commissioner Hoffenberg said he has heard that Cook County is going to revisit their recording platform and charges, due to the massive changes that have happened over the past 8 months. He was trying to avoid having to do this twice.

Mrs. Valone stated it is unique to have the fee in the Zoning Code rather than in the Village's fee schedule. When they take a look at revamping the entire fee schedule they can take a look at this and include it in the fee schedule so they do not need to amend the Zoning Code every time they need to change the fee.

Chairman Paice asked if all the Commissioners were in agreement with this amendment. All Commissioners agreed.

Mrs. Jones said next recently the Village Board adopted regulations to Chapter 102 Code of Ordinances related to small wireless facilities. Separately in the Zoning Code we have regulations for personal wireless services. She showed examples of personal wireless services and small wireless facilities. Staff had to go through these amendments and make several clarifications because at the time the Zoning Code was written small wireless facilities were not around. Also in the Zoning Code they regulate antennas, satellite dishes, and amateur (HAM) radio antennas which they made a few changes to. A lot of the changes are just to add references and to make things more clear in the code.

One of the first amendments is in the single-family district staff is making it clear that when they are talking about general antennas that it is not antennas for commercial uses and not including small wireless facilities. In the R-8 multi-family districts when located south of 47th Street, they currently allow personal wireless services with certain conditions. Staff did research and could not find any permit history of any existing facilities and did a visual inspection and could find no existing facilities. Staff is proposing to strike this as a use in the multiple family district.

Commissioner Schwartz asked if this was brought up by anything or was it just by general review.

Mrs. Jones stated staff noticed it as part of the comprehensive review of all of the regulations. There is a small area south of 47th Street that is zoned R-8 and there is a cell tower across the Village line in Countryside. Perhaps at that time the Villa Venice subdivision was looking to maybe have that cell tower on their building for profit. She is not really sure and is not sure why the code was written the way it was.

The next change is in the commercial districts. Currently in the C-1 they allow for personal wireless services as a permitted use with conditions. Staff is looking to change that from a permitted use to a special use. Staff felt it was appropriate given the aesthetic considerations and height. She asked if they had any questions.

Commissioner Schwartz asked if this would impact any current structures.

Mrs. Jones said she is not aware on any personal wireless services in the C-1.

Commissioner Hoffenberg asked if there was a size restriction for the small wireless facilities.

Mrs. Jones stated they are regulated in Chapter 102 and an antenna over a certain size is not a small wireless facility by definition. Staff had made changes to some cross references. There was a loophole in the code for some of the other antennas. If the antenna had a surface area of less than ten feet there was not a maximum height set on those, but they had one for larger antennas. She read through some of the other changes to the cross references and definitions. She asked if there were any questions to this section.

Commissioner Schwartz asked if any of these changes would impact anyone currently.

Mrs. Jones said if there was an existing wireless antenna on a building it would just become nonconforming.

Chairman Paice asked if there were any further questions regarding this section. None responded.

Mrs. Valone said the next amendment for discussion is trellises and arbors. She showed on the screen pictures of a trellis and arbor. There was a variation request that came up in which someone wanted to use a number of trellises directly next to one another. The Zoning Code does not specifically say there is a minimum of separation between the trellises. All it states is in the front yard there is a maximum horizontal length of six feet. It does not state it could not be placed directly next to another six foot horizontal item. She showed on the screen what the applicant had requested. The Zoning Board of Appeals did review it and did not agree with the applicant. The Zoning Board of Appeals did agree that it would be helpful to have it clarified. Staff is proposing to clarify that there is a minimum separation of six feet required between these trellises.

Chairman Paice asked where were the trellises being placed in regards to their property lines.

Mrs. Valone stated the actual proximity of the trellises to the property line was compliant.

Mrs. Jones said this restriction only applies in the front and corner side yard.

All Commissioners agreed with change.

Mrs. Valone stated the next change is to solar energy systems. The Village had not seen many solar panel installations prior to 2018. Since then they have been an increase in the number of requests and in 2020 they received 13 permit applications. Because of this increased number of applications have learned that there is some language in the code that needs to be clarified. She showed on the screen what the solar panels are generally intended to look like when installed. The intent is to expand the ability for owners to have solar panels on their roofs in two ways. The first is to account for people who have flat roofs and to address the roofs that have multiple peaks.

She showed on the screen an example of a permit they received that was not approved as shown. The home had some flat roofs and areas that were higher than others. Staff is proposing to clarify that solar panels cannot extend above the tallest point of the overall roof structure to which they are attached and the panels cannot extend more than six inches above the roof to which they are attached. The reason why they are seeing more of these is because there are certain tax credits that make them very affordable for people to install solar panels. Secondly, Staff is proposing to add that people can put these solar panels on accessory buildings as well with the same six inch requirement and maximum height requirement. They have received a number of requests to put panels on detached garages. Generally detached garages are located in the rear of the building so they will allow the solar panels to face the front lot line only when they are located in the rear 30 feet of the lot.

Commissioner Hoffenberg asked if there was a reason as to why they would limit the front line restriction exception to only south as opposed to west for people who might have a west facing front line that might want to take advantage of this.

Mrs. Valone said most of the lots in La Grange are east to west lot which could be the intent. It also allows for those who have a south facing lot line or corner lots to still have the ability to put their panels there. She has not had many people raise issues to the west side and it has mostly been the south side.

Commissioner Hoffenberg asked if you would be able to put the panels on the front if you had a west facing home.

Mrs. Valone stated you would not be able to. The intent is to prevent them from being visible from the street.

Mrs. Jones said when the code was written they did not want the panels to be on the side that is street facing, but the southern elevation is the one that gets the most energy from solar panels. They made an exception if it was the southern elevation that was the front facing elevation. If they allowed it on the west then they would be allowing for more panels on the front of homes since they have more homes that face west.

Commissioner Hoffenberg asked if someone can come and ask for a variance.

Mrs. Valone stated there are only certain variations that can be granted and this is not one of them.

Commissioner Schwartz asked about a house on Ashland and 48th that has solar panels.

Mrs. Valone said they received a permit in 2008 which was before any requirements were in the Zoning Code. It is currently a nonconforming use. Staff did receive a letter regarding solar panels and asked if she could read it and include it into the record. The letter is from Tom Schooder, a resident in La Grange. He was questioning as to why solar panels could not extend above the peak of the roof to which it is attached. This makes his ability to put solar panels on his flat roof very challenging and not economically feasible. There are several non-solar temporary fixtures like antennas or satellite dishes on homes that go against these rules. He further explains the benefits a homeowner gains by using the solar panels. He also states that the flat part of the roof is 25% more efficient in generating solar power versus any other area of the roof.

Commissioner Schwartz asked if a home only had a flat roof then would they not be able to have solar panels at all.

Mrs. Valone stated if it was a straight flat roof they would not be able to have them. Most of the homes in La Grange do not have a one single flat roof.

Commissioner Schwartz asked what if it had a brick perimeter around the roof.

Mrs. Jones said it cannot extend above the maximum height of the building. So if there was a parapet wall that extends past the roof then those panels could be mounted on top of the flat roof behind the parapet wall. The top of the parapet wall will be the maximum height of the building.

Discussion continued in regards to parapet walls.

Commissioner Mosher asked if commercial buildings are covered elsewhere.

Mrs. Valone stated single-family homes are the only ones that are subject to these requirements for reflection, height and facing the front line. The other districts are not held to the same standards and would be held to the standards in their district.

Commissioner Schwartz asked if this covered multi-family buildings that had two to three units.

Mrs. Valone said the single family restrictions would not apply to multiple family units.

Mrs. Jones stated when staff was crafting this amendment they realized they need to go back and do some additional research on what is appropriate and makes sense on regulations for multi-family, commercial and industrial properties. They really have not seen a demand for solar panels on those types of buildings. Currently they are only subject to the general bulk requirements for those districts.

Chairman Paice asked if the Commissioners agreed with this amendment. All Commissioners agreed.

Mrs. Jones said next they would like to revisit the definition of porches. In 2018, they had added a definition for the first time and now would like to just sharpen the definition. The Comprehensive Plan talks about the desirability of porches and would like to encourage this. Open front porches are excluded from the calculation of floor area ratio and the first 160 square feet of an open front porch is excluded from lot coverage calculation. There are a lot of incentives that the code provides for people to have traditional front porches. She then read the current definition.

There was an application where someone had run duct work to a porch and then after the final inspection was completed they enclosed in the front porch with windows. There was no way they could have stopped this from happening even though they knew this is what they wanted to do. The current definition allows for the porch to be closed in except for one wall open. She then read the new definition. She asked if there were any questions.

Commissioner Hoffenberg asked how does this apply to porches that have screening on a portion of the sides.

Mrs. Jones stated a lot of those screens are removable and would be allowed. However, what they do not want to see is framed in windows. People will replace those screens with windows eventually.

Commissioner Schwartz asked for clarification on unconditioned space.

Mrs. Jones said they do not want it climate controlled.

Commissioner Egan asked if this would apply to the front or back.

Mrs. Jones stated it applies to anything being defined as a porch. The allowances given in the code are only for front porches.

All Commissioners agreed to this amendment.

Mrs. Valone said the last amendment is to mechanical equipment. She showed on the screen what our code currently allows for mechanical equipment. Currently, on a 50 foot wide lot if the home sits directly on the five or seven foot required interior side yard the mechanical unit cannot be located on the side of the house. Mechanical units can only be put on the side of the house if the house does not sit directly on the required yards and there is sufficient area before the required yard for the unit. So on a 100 foot wide lot it would have two required interior side yards at 10 feet each. The units could not be located within the required 10 ft. interior side yard. She showed an example.

Staff is looking to address some of the concerns from a resident. Staff they received a concern from a resident who had moved his air conditioner without a permit into the interior side yard. The resident had done some investigating on their own on his block and based on the current requirements thinks that there are many residents not in compliance. Staff is looking to clarify some parts in the existing code and then also address some of the non-conformities that may exist. The requirement for the combined 12 foot interior setback was added later in the code. Originally the Zoning Code required 5 feet or 10% of the lot width for each yard. There was not a combined total of 12 ft. between the two yards. There could be in theory some air conditioning units before the combined 12 ft. requirement was enacted that do not meet the current code requirement.

Mrs. Valone stated staff is proposing the air conditioning units cannot be within five feet of the interior side lot line. Any units that were installed before January 1, 2005 would be a legal nonconformity and can be replaced as is. The intent behind the 2005 year is because the Village started using an online permitting system so the records are more comprehensive from that date forward.

Mrs. Jones said the current code has been in place since the code was adopted in 1991. The depth of the interior side yard was altered after the original adoption of the code. Staff did go back and did a lot of research on the permit history and found that the Village has enforced our code requirements that have been in place since the 90's. They don't believe that there is a lot that is nonconforming based on the permit review that they have done. As mentioned, they are proposing going forward to have all units installed five feet off of the lot line so there is no confusion and then use the grandfather clause.

Commissioner Schwartz asked if the rule was in place because of aesthetics, noise control or is it a safety issue.

Mrs. Jones stated there are screening requirement for air conditioning units so she would think it is more about the noise. If you have a unit that is right up on the property line and if there is a neighboring driveway next to the unit there is the issue of a car that could hit it or blowing snow onto it.

Commissioner Egan asked how would this effect a property that currently has a unit in a nonconformity place and it was replaced in 2010.

Mrs. Jones said if they can show that there was an air conditioning unit in that location in 2005 than they would allow replacement in that location.

Commissioner Egan asked what if the Village does not have any records.

Mrs. Jones stated it would be up to the homeowner to produce the records or they would have to comply with the current regulations. They could look at a different date. When Western Springs and La Grange Park adopted their ordinance they chose the date of the ordinance adoption. There could be equity concerns if they choose the date of the adoption of this amendment as the allowable replacement date. There have been people who have built new homes since 1991 that had to comply with the current regulations and they also had people who were required to move their air conditioning units to come into compliance. The typical life span of an air conditioning unit is 15-20 years.

Commissioner Egan said she feels holding someone to 15 years is harsh especially when they didn't realize that they would need proof that it was in existence 15 years ago.

Commissioner Hoffenberg stated he agrees. If he had to move his air conditioning unit from the side to the back it would be very hard and costly. He thinks they need to put a little more thought into the timeline.

Mrs. Jones said the code has been in place since 1991 so any air conditioning unit installed or replaced since 1991 should be in compliance with the current regulations.

Commissioner Egan asked if there is any option to apply for a variance from this provision.

Mrs. Jones stated you could seek a variance.

Mrs. Valone said in the past four years they have made four people move their air conditioning units because there was no record of them being there. Additionally two other homeowners have had to adjust the size of their units to comply. There are two options to moving mechanical equipment. Either you can redo the configuration inside the home or you can insulate the lines and trench them to the new location. They mostly see the second option. Staff did survey about 170 lots and about a third of them they could not see what was happening in the side yard. Out of the remaining 120 about 80% were in compliant with code.

Staff did receive two comments from residents that she would like to enter into the record. The first is from a resident named John Janowski. He stated that on his street 70% of the units are side mounted and it does not deter from the beautiful neighborhood that they have. The newer A/C (air conditioning) units are much smaller and can be easily hidden with bushes. The newer units are much quieter compared to older models. He and his neighbors would not want to hear them as they are in the backyards with their children. If the neighbors are a concern they can have the neighbors sign waivers. The side mounting also keeps the kids away from playing around or climbing on them. In

many homes it is the best option to side mount and many of the lots are not standard lots in La Grange. If they were a cookie cutter community these rules would be easy but they are not which makes their town diverse and desirable.

Mrs. Valone stated the other letter is from Mr. Janowski's neighbor Ravi Ramana. He agreed with Mr. Janowski. He states our community's leadership needs to be engaged and willing to change prior and potentially out of date ordinance as times and technology change. His concern is safety to his home and surrounding neighbors. He wishes to live in a neighborhood that allows him to maximize their lot space to enjoy outdoor time with friends and neighbors.

Chairman Paice said those are opposing views on what they are proposing and some of the concerns are valid. He is willing to keep it as proposed but he is not sure about the date.

Commissioner Mosher stated she appreciates the comments from the residents. Unfortunately, we do not all get along with our neighbors and cannot assume everyone will work it out with their neighbors. The A/C units are getting more efficient and improving. They need to remember this also includes generators. Generators are noisy and they have to cycle through once a week.

Commissioner Egan asked if they could include something about grandfathering in the nonconformities because not everyone has a standard 50 to 100 foot wide lot. She feels the 2005 date is too far and feels it should be at 2010.

Commissioner Hoffenberg asked what if they are not able to trench because of concrete or pavement being there. He likes the idea of Commissioner's Egan suggestion for a nonconforming exception to allow for a hardship circumstance.

Mrs. Jones stated anything installed within five feet of the interior lot line was either done so illegally or was done so with a permit that was issued in error. This is an older regulation so what they are doing they are setting a date that is later than 1991 and deeming them as nonconforming, although they may have been installed not in compliance with the regulations at that time.

Discussion continued as to what date they would like for the amendment.

Commissioner Schwartz said he agrees with having it at January 1, 2021.

Commissioner Hoffenberg also agreed.

Commissioner Egan stated if they have a current nonconforming location that was properly installed by a permit, even if it was issued in error, it should be grandfathered in. If she had to go with a date then she would go with the 2021 date.

Commissioner O'Connor said he also agreed with Commissioner Egan.

Mrs. Jones stated she wants to clarify if they are changing it to existing or properly permitted from that date.

Commissioner O'Connor and Commissioner Egan said they were referring to properly permitted from that date.

Mrs. Jones said then you will be providing less relief to people than how it is currently drafted. Because the number of people that they have issued a permit to in error would be the only people that could replace their unit in the current location.

Discussion continued in regards to documentation proof that would need to be provided.

Chairman Paice stated he feels that they do not have a unified decision on this amendment at this time.

Mrs. Jones said they can bring it back and give the Commission time to digest all the discussion. Staff can look at some census data and bring that back.

Mr. Burkland, Village Attorney, stated they can vote on all the other amendments except this one.

Commissioner Schwartz made a motion, seconded by Commissioner O'Connor to recommend to the President and Board of Trustees approval of PC Case #259 – Text Amendments Relating to Articles III through IX, XIV, and XVI, of the La Grange Zoning Code as proposed in staff's report, except for proposed amendment 3-110G5(1) Mechanical Equipment. The proposed amendment to 3-110G5(1) will be continued to the February 9 meeting. A roll call vote was taken:

Ayes: Schwartz, O'Connor, Egan, Hoffenberg, Mosher, Wentink, Paice

Nays: None

Motion passed

IV. GENERAL DISCUSSION

None

V. PUBLIC COMMENTS

None

VI. ADJOURNMENT

Chairman Paice called for a motion to adjourn the meeting.

Commissioner Schwartz made a motion, seconded by Commissioner Mosher to adjourn the meeting at 10:02 p.m. A voice vote was taken:

*Ayes: All
Nays: None
Motion passed*

Minutes prepared by Peggy Halper