

FINDINGS OF FACT

PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

September 14, & November 9, 2010

RE: PLAN COMMISSION CASE #197-Zoning Code Amendments to single family housing regulations, including permissible encroachments in required yards, accessory structures, real estate signs, commercial vehicle parking and definitions.

We transmit for your consideration the recommendations adopted by the Plan Commission of the Village of La Grange on amendments related to the single family housing regulations of the Zoning Code.

I. THE APPLICATION

The Village Staff, with the assistance of Village Attorney Mark Burkland, has reviewed specified structures and uses in required yards, accessory structures, buffers and landscaping, residential real estate signs and definitions. (ZC Sections 3-110G, 9-101, 9-104, 11-106 and 16-102) and recommends amendments to those sections.

II. THE PUBLIC HEARING

After due notice given in accordance with law, the Plan Commission held a public hearing on September 14, 2010, in the La Grange Village Hall Auditorium. Present were Commissioners Nowak, Pierson, Paice, Reich, Weyrauch, and Williams with Chairman Kardatzke presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, Village Attorney Mark Burkland, and Village Trustee Liaison Bill Holder.

Chairman Kardatzke introduced the public hearing process and administered an oath to all persons in attendance who desired to give testimony during the hearing.

- On behalf of the Village, Staff presented proposed amendments to the Zoning Districts related to single family housing. Mr. Benjamin introduced the amendments including the process and staff recommendations. Ms. Mesaros then presented each of the recommendations as outlined in the Staff Memorandum dated September 14, 2010. She stated for each recommendation why the particular addition and/or revisions to the Code would be consistent.

Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives about the recommendations.

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- Commissioners Paice asked whether there were Codes in place for height and width of accessibility ramps. Answer: yes, the State regulates this through the Illinois Accessibility Code.
- Commissioners asked about the grade issue with patios. Staff explained that front patios are becoming popular and the Village has no current regulations on the amount of patio space permitted within the required front yard. Commissioner Reich requested a cross reference to the Village's grading and drainage ordinance.
- Commissioners discussed the appropriate time limit on temporary storage containers. They agreed that fifteen days seemed excessive for the amount of time required to move and store items. Staff stated that this recommendation was based on comparison of other communities' standards. Commissioners agreed to further restrict this time limit from 15 to 10 days at any one time, with 30 days total per year remaining in place.
- Commissioners discussed the sight triangle language proposal for hedges. Commissioners expressed a general concern about hedges on corners, sight lines based on the angle of the road, and the variation from intersection to intersection. Attorney Burkland stated that we would prepare language for landscaping as it related to driveway visibility.
- Commissioners discussed decorative columns and sculptures in required yards. Commissioner Weyrauch asked if the Village had an ordinance concerning spill light. Answer: Yes. Commissioner Nowak discussed the possibility of no further limitations on height in rear yards. Commissioners agreed.
- Commissioners discussed the potential for regulating length and width of arbors and trellises. Staff agreed to further analyze this and come back with a recommendation at the next meeting.
- There was general agreement about the proposed increase in the allowable encroachment or entry stairways from 3 feet to 4 feet.
- Commissioners agreed with the proposed recommendation for electrical generators.
- There was no discussion from the audience regarding the recommendations for the specific structures and uses in required yards.
- Accessory Uses and Structures were discussed. Commissioners felt the Village might further limit the height of gazebos - 15 feet might be too high and that we should potentially require that a certain percentage of the sides be open. Limitations based on lot size were also discussed.

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- Commissioners discussed height and location of solar panels. Staff was asked to further analyze this industry and best practices from other communities in order to draft recommendations for the next meeting.
- Commissioners briefly discussed wind turbines. Issues raised included noise and the potential to generate electricity on La Grange's small zoning lots.
- Commissioners agreed with the recommendation to increase the size of identification signs on commercial vehicles.

Chairman Kardatzke opened the public hearing for testimony and questions from all interested members of the audience:

- Kurt Hoigard, 345 S. 6th Avenue, commented about solar panels: he believes that the three feet limitation off the roof proposed by staff is good, that these units can be made to track the sun and change position and he also stated that in rural areas, he has seen them seasonally tracking the sun and located in yards. He further stated that regarding commercial identification signs, he believes the standard size is two square feet and would support that proposal. Finally, regarding gazebos, Mr. Hoigard asked the question whether they were not already limited by building coverage.

Following Audience comments, Commissioners asked questions concerning the recommendations for the single family housing standards:

- Chairman Kardatzke asked about potential visibility issues with locating real estate signs closer to the sidewalk than 10 feet. Staff stated that they would be limited by the sight triangle regulations. Commissioner Weyrauch affirmed that she has noticed several signs that do not comply with our current Code.
- Commissioners generally supported the definition for garage height. Staff explained that the dormer discretion has been difficult to regulate in recent years. Commissioner Weyrauch felt the wording as proposed needed clarification.
- Commissioners agreed with the reversed corner definition and directed Staff and the Village Attorney to develop restrictions for accessory uses and structures permitted within the reversed corner yard.
- Commissioners asked that the sight triangle language be revised and an illustration provided.

Chairman Kardatzke opened the public hearing for testimony and questions from the Commissioners regarding definitions.

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- Kurt Hoigard, 345 S. 6th Avenue, stated that he lives on a square 150 ft. x150 ft lot and asked in his case which side would be the corner yard, and whether we should consider the direction the house faces.
- Staff introduced three discussion items, including live entertainment in residential districts, outdoor kitchens and garage size and height. Commissioners were generally not in support of the concept of regulating live entertainment nor increasing garage size, however, they directed staff to develop proposed regulations for outdoor kitchens to present at the next meeting.

A motion was made by Commissioner Reich and seconded by Commissioner Nowak that the Plan Commission meeting be continued to November 9, 2010. The Plan Commission recessed at 9:49 p.m.

On November 9, 2010, at 7:30 p.m. the Plan Commission reconvened the hearing in the La Grange Village Hall. Present were Commissioners Nowak, Pierson, Paice, Reich, and Weyrauch with Chairman Kardatzke presiding. Also present were Assistant Community Development Director Angela Mesaros, Mark Burkland, Village Attorney, and Village Trustee Liaison Bill Holder.

Chairman Kardatzke called the meeting to order and introduced the public hearing process, administering oath to all persons in attendance desiring to give testimony during the hearing.

- On behalf of the Village, Staff presented revisions to the proposed amendments based on Commissioner and public comments from the previous hearing. Ms. Mesaros presented each of the revisions as outlined in the Staff Memorandum dated November 9, 2010. Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives and allowed public comments on each of the categories.
- Commissioner Reich asked whether or not an existing pergola and courtyard that is flush with the garage and living room in the front of the house on the corner of 41st and Drexel would be permitted under the new regulations. Staff answered that they would review the location prior to the Village Board meeting. *Staff has looked at the pergola in question and determined that this structure would not be permitted due to its location within the required corner side yard. This structure could remain as an existing nonconformity with normal repair and maintenance but could not be replaced.*

- Chairman Kardatzke asked about allowing decorative columns in the side yard. Answer: the five feet yard has been established as a protected, open space along the side lot line.
- Commissioner Weyrauch asked how the decorative columns would be supported. Answer: Columns and other similar structures would be reviewed by the building inspector and regulated under the building code.
- Joan Hoigard of 345 S. 6th Avenue stated that she feels that the provision for 20% of the lot width from every lot line is not appropriate for the rear setback. She believes that this dimension should be a function of depth rather than width. For example, on her property, which is 150 feet wide, the required setback as proposed for an outdoor kitchen, would be 30 feet off the back lot line, which is the same dimension as the required rear yard of her house. Therefore, outdoor kitchens and the like would be difficult to locate within her back yard. Commissioner Reich stated that he agreed with her comments. Commissioners discussed the general setback requirements for outdoor kitchens and agreed to set a limitation of not more than ten feet from the rear lot line and to keep a standard of 20% lot width from side yards.
- Commissioners discussed the proposed height limitation of 8 feet for outdoor kitchens. Commissioner Reich asked about further limiting the height to 6 feet. Village Trustee Liaison Bill Holder, 611 S. Waiola, stated that he has an outdoor fireplace with a grill that he uses year round. This fireplace has a seat wall that is twenty inches high with a fireplace on top of that, which is four feet tall and a box on top. All of these structures equal about eight feet in total height. It is his opinion that it would be difficult to design such a structure at less than eight or ten feet high, because it is built on top of the seat wall. Commissioner agreed that eight feet seemed like a reasonable height for outdoor kitchens.
- Commissioners discussed the height limitation of 15 feet proposed for chimneys. They expressed concern about smoke blowing towards the neighbors' house second floor window at this height. Commissioners agreed to recommend this height with a note of caution that they would like to see more examples.
- Commissioners discussed standards for solar panels. Without knowing the technology, Commissioners were not certain about the proper height limitation. Based on the belief that most rooftop solar panels are fixed in place and not adjustable, Commissioners agreed that panels should not extend at any point above the roof peaks. Staff agreed to research this issue prior to the Village Board meeting.
- Commissioners agreed and had no changes to the recommended proposed amendments for driveway clear sight area, real estate signs in residential districts, and all new and revised definitions.

There being no further questions or comments from the audience or Commissioners, a motion was made by Commissioner Reich and seconded by Commissioner Nowak that the Plan Commission recommend to the Village Board of Trustees approval of the recommendations as outlined in the Staff Memorandum dated November 9, 2010, with the revisions recommended by the Plan Commission at the November hearing, reflected in the Findings of Fact, and in the proposed adopting Ordinance.

Motion carried by a roll call vote:

AYE: Nowak, Pierson, Paice, Reich, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: Williams.

BE IT THEREFORE RESOLVED that the Plan Commission recommends to the Board of Trustees Approval of the amendments to the Zoning Code regarding residential housing standards as presented and described in Plan Commission Case #197 with the changes recommended by the Plan Commission.

Respectfully Submitted,

PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE



Wayne Kardatzke, Chairman

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