



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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PLAN COMMISSION MINUTES • MARCH 2, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Absent	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Dec 8, 2020 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Patrick Noonan, Plan Commissioner
AYES:	Hansen, Dwyer, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Robins, Kolososki

III. PUBLIC HEARING

1. Various text amendments to Appendix A of the Village of Palatine Code of Ordinances, including Article 3 - Rules and Definitions, Section 3.02 Specific Definitions, Article 6 - Section 6.01 (accessory structures), Article 7, Section 7.04 - design and maintenance of off-street parking areas; manufacturing and business district screening, and Article 12, Section 12.01 (f) permitted uses in the manufacturing district, all of the Village of Palatine Zoning Ordinance

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on February 11, 2021.

The following petitioner's exhibits were introduced:

1. Draft Text Amendments
2. NWMC Garage Survey
3. Other Municipal Accessory Structure Ordinances
4. Public Notice

Sworn in staff - Mr. Vyverberg

Mr. Vyverberg states that this hearing is in regards to proposed text amendments to Appendix A of the Village of Palatine Code of Ordinances. Periodically, on an as needed basis, staff completes review of what are deemed to be necessary text amendments due to unforeseen occurrences within the zoning ordinance that was not contemplated previously. In this instance, the ability to clarify existing language as it relates to that.

Mr. Vyverberg discusses Article 3 Rules and Definitions and relates that there was a discussion with village council in regards to detached structures that exceeds square footage.

Mr. Vyverberg explains that in all instances that were reviewed over the past 5-7 years, when a request for a detached structure exceeds height limitation or square footage it was always in conjunction with another form of relief that was necessary such as lot coverage variation or setbacks that didn't meet requirements. Also, Staff found themselves in discussion with Village Council adding conditions to prohibit habitation in a detached structure. There is nothing specific in our code that prohibits habitation in a detached structure. The goal is to unify the language in the zoning ordinance that prohibits habitation or performing home occupation activities in detached structures. The thought is to add the language to the existing zoning ordinance.

Mr. Vyverberg talked through existing zoning ordinance related to Accessory Structures/detached structures.

Mr. Vyverberg stated in the year 2000, Village staff worked on many requests for

detached garages. These requests did not have a square foot limitation for detached structures. Code now states that the height of the detached structure cannot exceed the height of the principal structure. The goal is to bring clarity to proposed amendments.

Mr. Vyverberg talks about the relevant definitions in the Village of Palatine Zoning Ordinance.

Mr. Vyverberg suggests to clarify the code and instead of having a maximum measure to a midpoint height, it would be measured as indicated in the suggested definition of maximum height.

Mr. Vyverberg noted another review in 2007 amended the lot coverage of building requirements in residential districts. The definition of story and half-story was inserted and clarification added to eliminate the (1) story and clarify the maximum height that was intended to be measured to a midpoint. It was suggested that the mean height would have a maximum accessory height of 23'.

Mr. Vyverberg noted that the Community Services Department was surveyed on the number of detached structure building permits that had been issues in recent years. It was discovered, depending on if it was an 8' garage door height (which is typical) and in some instances there was a 7' garage door, having a maximum height of 23' encompassed the majority of the garages that were built and constructed and part of the review. There is no form base code that staff operates under within the village.

In instances, for purposes of design where they are looking to have a roof pitch that aligns with the principal structure - if you want to exceed the height, you would go through special use process and check if the special use standards are not impacting surrounding properties.

Mr. Vyverberg discusses language from the Barrington ordinance that contemplates, based on the pitch of the roof, different maximum heights for garages as it relates to that structure. One item noted under accessory limitation within the Village of Palatine under residential properties there is lot coverage restrictions, building cover restrictions, set back and bulk standards as it relates to that.

Mr. Vyverberg also discusses that one thing common from review is NW Municipal Conference information regarding garages and accessory structures. It seemed typical that there was a limitation of one garage, whether it's attached or detached, permitted on a single residential lot. This is attempting to not rely on the lot coverage calculation to prohibit that.

Mr. Friedman asks if there are circumstances where an existing attached garage is part of the home but not an accessory structure? If an individual has a home with a single attached garage and they don't have the width to add a 2nd car is the rule that they cannot do a detached garage behind them because they already have 1 garage? Is that the intent?

Mr. Vyverberg replies that as written, in this circumstance, it would need to be reviewed as to whether it's a substandard garage.

Mr. Hansen talks about a neighbor being a car collector that took the back wall out of his garage and built an attachment - not freestanding but a deeper garage.

Mr. Vyverberg states he is aware of permits issued for building a tandem garage.

Mr. Vyverberg is ready to move to next section of addendum and ask Mr Dwyer if he would like to move to next topic or discuss.

Mr. Dwyer asks if there are any questions about accessory structures. None noted - discussion about typo and wording on document.

Mr. Vyverberg talks about next item on Agenda that relates to the addendum which is gazebo's and pergola's. He states that residents are purchasing these items from big box stores. Code states it must be placed 10' from the main structure. One way to address this is to go through a minor special use request. It has been an economical and straight forward process and these structures seem to be a common item. There was also a discussion with the Director of Fire Prevention and it was determined that there is not a fire impact relative to the structures and has gone through a building department review.

Mr. Vyverberg states that there is no present definition of gazebo's and pergola's. The article now adds standard definition that indicates they are not required to provide a setback for open air gazebo's from the principal structure. It also eliminates anyone from having to go through the process of a building permit.

Mr Fedota asks if the gazebo's are completely covered. He also states that outdoor structure notes that 12, 16 or 24 on center would be a pergola.

Mr. Friedman asks if the 2 definitions can be combined. Is there a need to distinguish from a zoning stand point that a gazebo having a solid roof and a pergola open to above with open slats. He asks if there is any risk or impact of visual massing?

Mr. Vyverberg states that it was not taken into consideration and noted that he looked at other examples of the municipal ordinance that were combined as it relates to this. If plan commission would like it further evaluated he states he would be happy to do that. The bigger point was the disconnect in the code that requires the structure to be 10' away from the principal structure and the fact that it's not useable.

Mr. Fedota states that he is surprised that fire safety wasn't a concern for a wooden structure located next to building and refers to a BBQ

Mr. Bennenhausen also talks about owners having a BBQ in the gazebo and the

risk it could pose.

Mr. Vyverberg responds and states that having a gazebo on the patio next to the house did not raise concerns but adding different elements to the structure like fire pits or grills would then have to be reviewed under building permits.

Mr. Vyverberg moves to next item on the amendment. States that code changed several years ago in regards to commercial properties that directly abutt to residential properties. Text amendment was approved to allow commercial properties to have an 8' fence for additional aesthetic screening and noise control. They did not contemplate at the time that if you're in an existing commercial use perhaps permitted by right or new fence as it relates to that is only 6'. This code did not allow the same deference for the residential property that it abutts against. The amendment is intended to clean up the language to allow residential properties that are abutting a commercial property to have the same allowance that a commercial property has which is to allow an 8' fence on residential property rear yard or interior side yard which is the same limitations afforded to the commercial property.

Mr. Vyverberg presents Addendum - Article 6 - Section 6.03. Fences
Code clean up in manufacturing district aligning the manufacturing district and commercial properties to 8' for screening and fencing which is allowed by code. Clean up so code is not different in 2 different places.

Mr. Fedota asks if it is limited to solid board on board fences or could it also be a chain link fence.

Mr. Vyverberg notes circumstance of new development. Current code contemplates if you are abutting a residential property or if you have a commercial parking lot abutting a residential property it would have to be a solid screening. Chain link fence would not provide a barrier.

Mr. Vyverberg states there is last bit of clean up and refers to Article 12 - Section 12.01 - Manufacturing District (Permit Uses)

He states that if there is a manufacturing property that wanted to do a special event, staff would look at amending the zoning ordinance to be consistent with other business properties. He notes that there is not an abundance of parking at manufacturer properties and businesses would have to go through process that they could provide parking. This is a reasonable request from staff perspective.

Mr. Fedota notes that it could be any temporary use. He asks if there needs to be more clarification.

Mr. Vyverberg states it is being reviewed under umbrella and the event has to be related to the underlying use.

Mr. Dwyer asks about storage principal structure.

Mr. Vyverberg worked with director of community services to put definitions together. Can clarify question with him.

Mr. Dwyer - Point 1 is unnecessary and Point 2 establishes when a basement will be a story.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendments to Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances - Article 3 - Rules and Definitions - Section 3.02 Specific Definitions; Article 6 - Section 6.01 Accessory Structures and Section 6.03 Fences; Article 7 - Section 7.04 Design and Maintenance of Off-Street Parking Areas - Manufacturing and Business District Screening; and Article 12 - Section 12.01 (f) Permitted Uses in the Manufacturing District.

Mr. Hansen made a motion to close the public hearing; seconded by Mr. Noonan. The motion was unanimously approved

DISCUSSION:

Chairman Dwyer notes the items remaining to address at the next meeting is the definition of "story" related to the basement.

Mr. Vyverberg states that he will review the original amendment for clarification and check with the Director of Community Services.

Mr. Noonan states that language is to be reviewed in regards to separation of Pergola and Gazebo

Mr. Vyverberg states that this will need to be further reviewed and will clarify the language at the next meeting.

Mr. Noonan made a motion to accept Case #21-08 with (2) contingencies, seconded by Mr. Fedota.

Contingencies:

- 1) Staff review of the definition of story and basement, in light of proposed amendment;
- 2) Reconfirmation of Fire Prevention's lack of concern with eliminating the setback from the principals structure. There was also an inquiry as to whether pergola/gazebos needed separate definitions.

The motion was unanimously approved.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 8-0.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Kolososki

IV. ADJOURNMENT