

SPECIAL PLANNING AND ZONING COMMISSION MEETING

VILLAGE OF HOFFMAN ESTATES
COUNCIL CHAMBERS
1900 HASSELL ROAD
HOFFMAN ESTATES, IL 60169
JUNE 21, 2023

1. CALL TO ORDER: **6:00 P.M.**

Members Present

Chairperson Eva Combs	Daniel Lee
Vice Chairperson Adam Bauske (arrived at 6:06PM)	Minerva Milford
Tom Burnitz	Nancy Trieb
Lon Harner	Denise Wilson
Lenard Henderson	John Wise
Patrick Kinnane	

Members Absent

None.

A quorum was present.

Administrative Personnel Present:

Jenny Horn, Director of Planning & Transportation; James Donahue, Senior Planner; Phil Green, Transportation & Long Range Planner; Kevin Anderson, Associate Planner; Daisy Dose, Assistant Planner.

2. NEW BUSINESS - PUBLIC MEETING – ZONING AND DEVELOPMENT CODE UPDATE: EXISTING CONDITIONS, FINDINGS, AND RECOMMENDATIONS WORKSHOP.

Phil Green introduced the zoning and development code update open house.

Michael Blue (Teska Associates)
Andrew Dunham (Teska Associates)
David Silverman (Ancel Glink)
Dan Bolin (Ancel Glink)

Michael Blue presented an overview of the findings.

Commissioner Burnitz is in agreement with a new code which can easily be read.

Commissioner Trieb likes the fact that the code is laid out in a common sense way.

Commissioner Harner stated the code is old and needs revisions. Commissioner Harner stated that graphics would be great, but there are no graphics in the report that they have presented to the commission tonight.

Commissioner Harner stated that the Planning and Zoning Commission (PZC) and Planning, Building and Zoning Committee (PB&Z) are not the same and it is confusing to have “Plan and Zone Commission” referenced in the findings.

Commissioner Harner stated in Finding #5, what was given to the Commission is not the same as what was presented tonight in the bullet points on the presentation. Commissioner Harner asked how would you change a zoning district that is based on a court case. Mr. Blue stated the bigger issue is the flexibility, because you are so locked in to what

the district allows. One of the things looked into is the long term redevelopment of the Village and how that is going to take shape, which cannot occur with the specialized specific districts.

Mr. Green stated that there is an opinion from Corporation Counsel that the agreement that those zoning districts were born from are now null and void. So those zoning districts have been a holdover in the code, that the Village is now in a position to move past those in this update. Mr. Blue stated their practical concern in that situation is that there have been a lot of things built to those requirements (houses, businesses, etc.). Mr. Blue further stated that they are not bound by those old zoning districts, but they do not want to undo it to the point where there is hardship to residents.

Commissioner Harner stated a "zoning official" is referenced, which is not a current title in the Village. Chairperson Combs stated there is also a "zoning administrator" referenced. Mr. Blue stated they are essentially the same person. This "zoning official" would be assigned by the code. In some villages, it is the Director of Community Development or Village Manager, but typically it is the Director of Community Development. Mr. Blue stated they have not written a word of the code yet, even the recommendations before the Commission are draft recommendations. Mr. Green stated the existing Hoffman Estates code calls out an Assistant Village Manager-Development Services. That job title does not exist anymore, so there is no official named zoning administrator.

Commissioner Harner asked if there is any provision in the zoning regulations that can prohibit profanity in flags. Mr. Silverman stated this is not permitted and would violate first amendment rights.

Commissioner Henderson stated his expectation is to see less of where the same type of request occurs. Commissioner Henderson is concerned that what comes before the Commission makes the Commission vulnerable to uses that they do not want in the Village. Commissioner Henderson is hoping to make what the Commission has to do easier, and sees that they are proposing that in their findings. Mr. Blue stated that the intent is that the applications that are by-right and up to code do not need to come before this Commission.

Mr. Green stated once it is time to open the public hearing for the variation, the recommendation is for a motion for this meeting to be tabled until after the meeting that begins at 7:00PM, then the Commission can continue the item, and continue after the variation is heard. Ms. Dickson stated that she would recommend a recess for this meeting, open the public hearing at 7 pm and reopen after that meeting has been closed. Mr. Green stated this meeting will be recessed, open the next meeting, then reopen this meeting.

Commissioner Wilson agreed that the current code is confusing to residents and developers. Commissioner Wilson requested that the commission has more clarity on their process and she would like to see more graphics in the code to help guide residents and developers.

Commissioner Wise stated that he sees that the weaknesses in the code have been identified, and anticipate seeing changes in the future.

Commissioner Lee stated that he believes for developers and residents, predictability and readability will be phenomenal, and these two items will give the power back to the residents.

Commissioner Milford asked what is excluded in the new code versus what is excluded in the current code, and can they provide examples of what data was collected that indicates a change has to be made in the code. Mr. Blue stated it is based on their experience working with codes, drafting codes, and things that they see in other communities. Commissioner Milford asked are the proposed changes to the code based on the needs of the Village. Commissioner Milford is concerned about using graphics in the code because pictures lead to different interpretations. Mr. Blue stated they are not replacing the depth of the text with a picture, they will be using a graphic that helps convey the depth of the text. If there is a question, the text prevails.

MOTION: Chairperson Combs moved (seconded by Commissioner Henderson) to recess the current hearing and then reconvene after the next meeting. Voice Vote: 11 Ayes. Motion Carried.

MOTION: Chairperson Combs moved (seconded by Commissioner Henderson) to reopen the hearing on the Special Planning & Zoning Commission. Voice Vote: 11 Ayes. Motion Carried.

Commissioner Kinnane asked how can the Village continue to make sure that what the revisions we are making are representative of what is existing. Mr. Blue stated that as part of the process, there is public engagement (open house, website) and then there are Comprehensive Plans and sub-area plans of the Village to look at, and then to talk to the Commissioners.

Commissioner Milford asked if there are any other costs to the Village besides the contract with Teska. An example for costs to the Village would be installing bicycle racks in new developments. Mr. Blue stated added bicycle racks in a new development would be a cost to the developer, not the village.

Commissioner Milford asked after the new code is adopted, how long will Teska be working with the Village to make any changes. Mr. Blue stated they have not started writing the code and have a year to spend doing that. Mr. Blue stated that codes are always being made with text amendments. In terms of the Teska contract now, it ends at the adoption of the new code.

Mr. Green asked Commissioner Milford to clarify if she wanted to know the cost of the contract with Teska or long term cost. Commissioner Milford stated she wanted to know about the long term cost.

Vice Chairperson Bauske had no questions and agrees that a new code would be helpful. He expressed gratitude for the time and work put in to the project thus far. He is aware that a lot of staff time goes into helping applicants understand the code.

Chairperson Combs stated she was under the impression that 99% of what the Commission does will be shifted to staff level and that the Commission will be used as an appeal body. Mr. Silverman stated that is not going to happen. Chairperson Combs asked when a new development comes into the Village, will the Commission be involved. Mr. Silverman stated yes. Mr. Silverman stated that Teska will make certain recommendations that certain items are delegated to an administrative review. The Commission will still be responsible for all the public hearings related to zoning (variations, special uses, plan developments). The Commission will also be an appeal body from adverse decisions of the zoning officer. Mr. Silverman stated the code imposes a lot of costs on applicants because they have to go through a lot of processes and have to come before the Commission for things which maybe could be better and economically handled by staff. Mr. Blue stated the Commission's time is better spent dealing with the public hearings surrounding the recommendation of granting of zoning relief for applicants before they go to the Village Board.

Chairperson Combs is concerned that staff will be given more authority to handle reviews. As commissioners, they have a requirement to live in the Village, however, staff does not have that same requirement. The Commission has better knowledge of specific problems that may not be apparent to staff. Chairman Combs would like enough safeguards in place that the Commission has input and that the Commission may know things behind the scenes that staff will never know about.

Chairperson Combs stated the code allows for a super majority vote of Village Board when the Plan Commission votes to deny or there is a challenge by nearby owners. Chairperson Combs stated the Commission had challenges in the past but does not remember going to the Village Board and having anyone say there has to be a super majority vote. Mr. Blue stated if a map amendment or text amendment is affecting properties in a certain way, if 20% of the property owners that are across the street/alley sign a petition that is filed with the Village Clerk a certain number of days before the public hearing, that triggers a super majority requirement of the Commission to approve that amendment. This does not happen often.

Chairperson Combs asked about the signs content. The Commission does not allow general advertisement on private signs. Mr. Bolin stated per the Supreme Court, if you have to read the sign to understand how to regulate it, that is a content restriction, and that is unconstitutional. Mr. Bolin stated that provision of the code may go there, and the

Commission could conceivably face a First Amendment challenge. Mr. Bolin stated that Teska will move the Village's code as far away from those types of things as possible to get to content neutrality.

Chairperson Combs asked will the new code have a limit to the number of people residing in a single-family home. Mr. Silverman stated the Village's current definition for family does not have a limit on the number of unrelated people living together. Mr. Blue stated they will be looking at direction from the Village. Mr. Blue stated the only way regulate the community residence in a non-discriminatory way would be to have a limit on the number of unrelated people that are living together as a family.

Chairperson Combs stated the townhome definition allows 6 units currently and asked why that would be a problem. Mr. Blue stated 6 units is not a problem - it is a choice.

Chairperson Combs stated the Commission was told that they have no jurisdiction on school or park district projects, and they can appear before the Commission as a courtesy. Mr. Silverman stated the Commission has jurisdictional zoning authority over the school and park districts. Mr. Silverman further stated that the Commission can exempt other governmental units from the Village's regulations.

Chairperson Combs stated that buildings that are 3 stories and over require elevators and they have heard proposals of 3 story apartment buildings not requiring elevators. Mr. Blue stated that is more of a building code issue than a zoning code issue.

Chairperson Combs suggested that when Teska gives material to the Commission that is in bulk, the Commission would appreciate as much advance time as possible for review.

Mr. Green stated that staff is working on upcoming training opportunities for the Commission with a slightly different format and will be bringing in some guest speakers. They currently have sessions scheduled with the Assistant Corporation Counsel, Director of Building & Code Enforcement and Building Official, and Director of Economic Development.

Commissioner Harner stated his reason for not going further into the recommendations in the memo is he has comments on so many items that need explanation. Commission Harner hopes that Teska does not intend to come out with a complete set of these are the changes that we have in mass and would like to see changes come in small pieces. Commissioner Harner stated that it would be easier if the Commission dealt with the changes to the code in pieces. Commissioner Harner also relayed to staff that the website does not get updated and would like to get more information on the website.

3. PUBLIC COMMENT

Chairperson Combs swore in Robert Steinberg, 4158 Portage Lane. Mr. Steinberg stated that in a previous case that went to court, the park district does have autonomy and should not be controlled by the Commission.

Mr. Steinberg stated the Village Board makes a final determination and he commends the Teska consultants.

Mr. Steinberg stated the code is hard to understand and would like to see changes to a lot of the code and remove a lot of the wording that is redundant.

Mr. Steinberg stated that variations are one of the worst things that are allowed in the zoning code and destroys property values of the neighbors,

Mr. Steinberg stated he would like to see the Commission prepared in coming to a meeting like this one and stated to Commissioner Harner that if he thinks it is overwhelming, maybe Commissioner Harner should not be on the Commission.

Chairperson Combs stated the purpose of this hearing was for Teska to get input of the Commission's feelings. The actual code is forthcoming and that is when the Commission will get into the nitty-gritty.

Mr. Steinberg stated that he would like to see a requirement for elevators in buildings that are greater than two stories.

Mr. Green stated that the building code is not part of the scope of this project so anything related to elevators inside of buildings is a building code issue and not part of the zoning code.

4. MOTION TO ADJOURN

Commissioner Harner moved, seconded by Commissioner Henderson, to adjourn the meeting at 8:01 p.m. Voice Vote: 11Ayes. Motion Carried.

Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant.

Chairperson's Approval

Date Approved