

MEETING AGENDA

ZONING BOARD OF APPEALS/PLAN COMMISSION

**Thursday, February 18, 2021, at 7:30 pm
Village Hall, 1 N Prospect Avenue**

NOTICE: Due to the COVID-19 Pandemic, physical attendance at this public meeting is limited to no more than ten individuals, with Village officials, staff, and consultants having priority over members of the public. Therefore we are requesting that Public comments and any responses that one would like to read into the public meeting record be submitted by completing the Public Meeting Comment Form prior to 5 pm the day of the meeting. The form is located on our website at www.clarendonhills.us/PublicComment.

Residents may listen to the meeting by participating in a telephone conference call as follows:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 630-884-8086](tel:+16308848086), [871984752#](tel:+1871984752) United States, Big Rock

Phone Conference ID: 871 984 752#

Above Meeting Restrictions per the Open Meetings Act, the CDC directive (no more than 10 persons in attendance at group meeting) and Illinois Governor Executive Order 2020-07 dated March 16, 2020 and as amended and extended by Executive Orders 2020-18, 2020-33, 2020-39, 2020-44, 2020-52, 2020-55, 2020-59, 2020-71, 2020-73, 2020-74, 2021-01, and 2021-04.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES** – December 17, 2020
- IV. **NEW BUSINESS**
 - a. **Case No 500** / Village-initiated text amendment to Article 10 – 10.9 Commercial and Recreational Vehicle Storage. The proposed text amendment provides regulations regarding the storage of commercial and recreational vehicles on private property. [PUBLIC HEARING]
- V. **OLD BUSINESS (see page 2)**

V. OLD BUSINESS (CONTINUED)

- a. **Case No Z497** / Appeal to the Zoning Administrator's interpretation of Section 20.16.2E (fka Section 20.17.2) Regarding the Discontinuation or Abandonment of a Nonconforming Use as it relates to the reestablishment of a personal service business in the B-1 Retail Business District on the Subject Realty commonly known as 18 S Prospect Avenue. [PUBLIC HEARING CONTINUED]

AT THE PETITIONER'S REQUEST, THIS CONTINUED HEARING HAS BEEN POSTPONED UNTIL THE STATE EMERGENCY ORDER REGARDING THE COVID-19 PANDEMIC HAS BEEN LIFTED. THE PUBLIC HEARING NOTICE WILL BE REPUBLISHED AT THAT TIME PER VILLAGE ORDINANCE.

VI. COMMENTS FROM THE AUDIENCE

VII. DISCUSSION ITEMS – None

VIII. ADJOURNMENT

ZONING BOARD OF APPEALS/PLAN COMMISSION

MEETING MINUTES

Thursday, December 17, 2020, at 7:30 pm
(Virtual Meeting via MS Teams)

Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois

I. **CALL TO ORDER.**

Chairman Kuhn called the Zoning Board of Appeals/Plan Commission meeting to order at 7:30 pm.

II. **ROLL CALL.**

Present: Chairman Greg Kuhn, Karin Hanke, Krista Casper, Andriy Striltschuk, Jeff Keiner and Tom Szurgot

Absent: Martha Kanter (resigning as of December 31, 2020)

Others Present: Community Development Director Dan Ungerleider

III. **APPROVAL OF MINUTES.**

February 20, 2020 – Chairman Kuhn thanked Mr. Ungerleider for drafting the minutes, noting that there is also a recording of the meeting posted on the Village website. Ms. Hanke made a motion, seconded by Mr. Striltschuk, to approve the minutes from the ZBA/PC meeting held on February 20, 2020. The motion passed by a unanimous voice vote.

IV. **NEW BUSINESS.**

a. **Case No Z497 / Plat of Subdivision for Mycroft Row Subdivision at 221-231 Burlington Ave.**

Mr. Ungerleider summarized the request for a approval of a plat of subdivision for Mycroft Row Subdivision, a plat of subdivision consolidating six (6) lots into a two-lot mixed-use commercial subdivision at 221-231 Burlington Avenue. The development, currently underway, includes demolition of the existing 2-story office building (fka HR Associates at 223 Burlington Avenue) and to make way for the construct of two (2) new mixed-use buildings. Each building will contain 2,252 square feet of dividable commercial tenant space facing Burlington Avenue, and six (6) multi-level, 2,750 sf residences behind and above the commercial space. Outdoor parking for the commercial spaces and individual two-car garages serving each home will be accessed behind the building by an extension of the existing public alley running along the railroad tracks. The development received Downtown Design Review Approval on September 16, 2019 (Resolution 19-39). No additional zoning approving approvals are required.

Mr. Ungerleider noted that the plat also reconfigures and creates public rights of way and easements for an alley along the BNSF railroad tracks and entranceway between the two new buildings. The plat also dedicates an ingress/egress and public utility easement to allow future access to and maintenance to the Burlington Avenue Water Tower.

Mr. Ungerleider reported that the mixed-use project is consistent with the comprehensive plan designation for the property, and that the Village Engineer has confirmed that the Plat conforms with the Village's Development Standards and the State Plat Act.

The Commission discussed the case.

Mr. Keiner made a motion to recommend plat of subdivision APPROVAL for Mycroft Row Subdivision, a plat of subdivision consolidating six (6) lots into a two (2) lot mixed-use commercial subdivision at 221-231 Burlington Avenue, as depicted on the attached Plat of Subdivision, prepared by Haeger Engineering, dated 9/25/2019. The motion was seconded by Mrs. Hanke and unanimously passed by a vote of 6-0.

V. **OLD BUSINESS**

a. **Case No Z497 / Appeal to the Zoning Administrator's interpretation regarding 10 S Prospect.**

At the petitioner's request this continued public hearing has been postponed until the state emergency order regarding the covid-19 pandemic has been lifted. The public hearing notice will be republished at that time per village ordinance.

VI. **COMMENTS FROM THE AUDIENCE. None**

VII. **DISCUSSION ITEMS.**

Mr. Ungerleider thanked the Commission Members for their dedication and time serving the Village these past several years. He reported that there are exciting public and private projects coming in 2021. Chairman offered a virtual cup of eggnog and wished everyone happy holidays.

VIII. **ADJOURNMENT.** A motion was made by Mr. Szurgot and seconded by Hanke to adjourn the meeting at 8:15 pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,



Dan- Ungerleider, Community Development Director

MEMORANDUM

TO: Village President and Board of Trustees
Village Manager

FROM: Dan Ungerleider, Community Development Director

DATE: February 18, 2021

RE: **Case No 500 / Village-initiated text amendment to Article 10 – 10.9 Commercial and Recreational Vehicle Storage. The proposed text amendment provides regulations regarding the storage of commercial and recreational vehicles on private property. [PUBLIC HEARING]**

Last October, the Village adopted a comprehensive amendment to the Village's zoning regulations. This amendment reorganized and modernized the entire Zoning Ordinance, resulting in a legally-sound user-friendly development tool that will serve the community well for many years. It was brought to my attention that the regulations regarding the storage of recreation and commercial vehicles had inadvertently not been transferred from the old to the new Zoning Ordinance. These regulations were originally contained in each of the Articles regulating the use of properties zoning R-1 Single-Family, R-1A Single-Family Dwelling Residential and Limited Office District, R-3 Medium Density Multiple-Family Residence District, and R-4 High-Density Multiple-Dwelling Residential District. Consistent with the format used in the new Zoning Regulations, these regulations were supposed to have been relocated and consolidated into Article 10 Off-Street Parking and Loading of the new Zoning Regulations. These regulations were unintentionally omitted.

Currently, there are between 10 and 20 recreational vehicles stored on properties throughout the Village. A question has been raised about whether the Village wishes to continue regulating or prohibiting the storage of recreation and commercial vehicles on residential property. Last February, the Village Board directed Staff to work with the ZBA/PC to restore these regulations in the Zoning Ordinance.

Three exhibits are attached with this memorandum.

- Exhibit A provides the typical regulatory text previously found in each residential section in the former zoning code. Much of this language is now addressed in the Village Property Maintenance Code, and therefore, no longer needed.
- Exhibit B provides the recently adopted language regulating commercial vehicles, contained in 20.10 Off-Street Parking and Loading. The approved language provided for a modern and legally-sound approach for regulating commercial vehicle storage. This new section was to have contained a section addressing both the storage of Commercial Vehicles and Recreational Vehicles as defined.
- Exhibit C provides the language proposed to replace the text contained in Section 20.10.9 in its entirety. The new language now regulates the storage of commercial and recreational storage as originally intended and already defined. No contextual changes are proposed for the commercial vehicle language, with the exception of adding organizational titles: Residential and Non-Residential.

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The proposed language sets limits for the bulk, location, parking surface, number, screening, use, and condition of the recreation vehicles. When applied with regulations in the Village's Property Maintenance Code, this language provides similar standards as its predecessor.

Requested Action: Approval of a motion recommending the text contained in Exhibit C of this report be adopted by ordinance to replace Section 20.10.9 in its entirety.

- att. Exhibit A – Regulations Prior to Comprehensive Amendment to The Zoning Code
- Exhibit B - Current Definitions & Regulations
- Exhibit C - Proposed Text Amendment to Section.10.9

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EXHIBIT A
REGULATIONS PRIOR TO COMPREHENSIVE AMENDMENT TO THE ZONING CODE

20.5.7: TRAILERS, BOATS, AND RECREATIONAL VEHICLES: Except when located in a garage or fully enclosed structure, trailers, boats, and recreational vehicles may be parked or stored only in the rear yard of any zoning lot provided the following conditions also are met:

- A.** Temporary Office: A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time when construction or development is actively under way.
- B.** Yard Requirements: Trailers, boats, and RVs may be parked or stored on a zoning lot provided they are parked or stored so as to meet all yard requirements for accessory structures on the premises where parked or stored, and provided they are not used or occupied for living, sleeping, housekeeping, or business purposes.
- C.** Bulk Regulations:
 - (1) Permitted travel trailers, pickup coaches, motorized homes and camping trailers constructed as temporary shelter for travel purposes shall not exceed eight feet (8') in width, eleven feet (11 ') in height, and thirty feet (30') in length including bumpers and hitches; and
 - (2) Permitted boats shall not exceed twenty feet (20') in length, eight feet (8') in width, or eleven feet (11 ') in height. (Ord. 93-04-04)
- D.** Loading Or Unloading: Any trailer or boat may be parked anywhere on the premises for a forty eight (48) hour period for loading or unloading purposes. Any temporary storage container may be placed on a driveway for no more than seven (7) days in any consecutive thirty (30) day period for loading and unloading purposes. (Ord. 93-04-04; amd. Ord. 10-09-27)
- E.** Licenses: State license plates and village vehicle licenses shall be current and properly displayed.
- F.** Use: A recreational vehicle, boat, or commercial trailer shall not be used as a dwelling, or as a storage or accessory building, or as part of any business enterprise.
- G.** Flammable Liquids: The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, let stand or store such boat, boat trailer, commercial trailer, or recreational vehicle; and shall not leave flammable liquids aboard other than in Illinois department of transportation or United States department of transportation approved containers.
- H.** Parked In Unsafe Or Dangerous Manner: The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, store, or permit to stand such boat, boat trailer, commercial trailer, or recreational vehicle in such a manner as to create a dangerous or unsafe condition on the property where parked, stored, or permitted to stand. Parking, storing, or standing in such a fashion that the boat, boat trailer, commercial trailer, or recreational vehicle may tip or roll shall be considered a dangerous and unsafe condition.
- I.** Maintained In Mobile Condition: A stored, parked, or standing recreational vehicle or boat trailer shall be maintained in mobile condition.

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- J.** Major Construction Or Repair: No major construction or major repair of a recreational vehicle, boat, or boat trailer shall be permitted in a residential district.
- K.** Temporary Parking And Use: Temporary parking and use of recreational vehicles shall be permitted when a permit has been issued by the building commissioner when a recreational vehicle is used for lodging purposes on a lot containing a dwelling, provided it is not parked or used thereon more than seven (7) days in any consecutive thirty (30) day period. (Ord. 93-04-04)

**EXHIBIT B
CURRENT DEFINITIONS & REGULATIONS**

20.2.3: DEFINITION OF GENERAL TERMS:

COMMERCIAL VEHICLE: Commercial vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle meets one or more of the following:

- 1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.
- 2) Is designed or used to transport more than eight (8) passengers (including the driver) for compensation.
- 3) Is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation.
- 4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

RECREATIONAL VEHICLE: Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

20.10.9: STORAGE OF COMMERCIAL VEHICLES:

- A.** No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- B.** All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.
- C.** For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. (Ord. 19-10-26)

EXHIBIT C
PROPOSED TEXT AMENDMENT

20.10.9: COMMERCIAL AND RECREATIONAL VEHICLE STORAGE**A. Commercial Vehicles****1. Residential Lots**

- a. No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- b. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot.

2. Non-residential Lots

On non-residential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

B. Recreational Vehicles

1. Recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard if it is eight feet or less in height and 20 feet or less in length. Recreational vehicles or trailers that exceed these dimensions cannot be stored in the front or corner side yard.
2. Recreational vehicles must be stored within the interior side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer that is more than six feet in height as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.
3. The area devoted to recreational vehicle storage must be on a hard, improved surface as required for vehicle parking areas.
4. There is no limit on the storage of recreational vehicles within fully enclosed structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.

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5. No recreational vehicle may be used for living, sleeping, housekeeping, or home occupation purposes in any district and may not be hooked up to any public utilities.
6. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.