

AGENDA
PARK FOREST PLANNING AND ZONING COMMISSION

Park Forest Village Hall
Board Room

7:00 P.M.

TUESDAY
August 10, 2021

1. Planning and Zoning Commission Call to Order
2. Review of Minutes
 - a. July 13, 2021, Regular Planning and Zoning Commission Meeting
3. Petitions - None
4. Audience to Visitors
5. New Business –
 - a. Public Hearing – Text Amendment to the Use Standards for Community Residences (Article III-3.F. of the UDO)
6. Old Business - None
7. Communications
 - a. Member Communications
 - b. Trustee Comments
 - c. Staff Communications
8. Adjournment

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Village Manager's Office at least 48 hours in advance of the scheduled meeting. The Village Manager's Office can be reached via telephone at (708) 283-5605 or via email at athurston@vopf.com. Every effort will be made to allow for meeting participation.

**Park Forest Planning and Zoning Commission
Meeting Minutes - Tuesday, July 13, 2021**

Present: Chair Vernita Wickliffe-Lewis; Vice Chair Marguerite Hutchins; Commissioners: Samuel Brooks, Cynthia Burton-Prete, Doug Price; Trustee Liaison: Maya Hardy

Staff: Hildy Kingma, Director of Economic Development and Planning

Absent: Commissioners: Kyle Brodnick, Kim Elmore-Perkins, Denise Poston

Visitors: Joyce Devries, Bruce Devries, Sandra Spann, Ronald Alexander, Phoebe Alexander, Asia Moore, Dion Moore, Gloria A Brown, Erin I. Slone, Sam Slone Jr., Sandra G. Slone, Katrina R. Chism

Call to Order: Wickliffe-Lewis called the meeting to order at 7:02 pm.

Review of Minutes March 9, 2021: On page two, first sentence, where Price is speaking it says “Is the issued”, but should be “Is the issue.” Under Communications/Trustee Comments, where it says “Trustee Hardy commended the Staff and the Commissioners for the work”, it should state “their work.” Motion to approve the minutes with changes was made by Price, and seconded by Hutchins. All approved.

Petitions - None

Audience to Visitors:

New Business:

- a. Public Hearing – Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) regarding the location of a fence at 133 Illinois Street

Kingma described the request made by Dion Moore for a major variation to permit a fence up to six (6) feet in the corner front yard of their property. Standards are set out in Article III-4.C.6 of the Ordinance, which states that a fence cannot be taller than three (3) feet in the front and up to eight (8) feet in the rear and interior side yards. The petitioner is requesting a variance to move the six (6) foot fence to the property line on Early Street starting at either the front or rear of the façade of the home.

Public Hearing was opened at 7:15 pm.

Asia Moore: We have resided in Park Forest for 16 years as of June 29, 2021. We respectfully request to install a six (6) foot privacy fence that begins at the front or rear of our home that will extend to the side and progress to the rear of our property. This will have no impact on pedestrians or driver’s visibility since the setback will remain the same. In addition, given the way in which the fence will be installed, the Water Department will not have any issues accessing the water line. We are requesting the variance so we can provide safety and security for our children and pets, uniformity with our neighbor’s property who also reside on the adjacent corner lot (201 Illinois Street), and have full utilization of our own property. The ordinance only allows for a three (3) foot fence on the side of our property. In our opinion, this will only be inviting unwanted guests onto our property and increase the litter from cars and the children walking from school, which is located across the street. In the past, our

neighbors have been burglarized three times. In the interim, another neighbor who lives directly behind us, left the neighborhood as a result of being burglarized. Because of these incidents, we purchased a dog and an alarm system to protect our property. Unfortunately, our dog can easily hop a three (3) foot fence, making it inadequate. In the entire 16 years we have lived in our home, our neighbors have had a six (6) foot privacy fence that extends from the front of their home, to the rear and the side of the property. In the 16 years, their property hasn't caused an accident due to poor visualization with them being on the corner, nor has it infringed on the Water Department's ability to work. Our neighbors have full utilization of their entire property and we have no complaints about that. In fact, their property has curb appeal and has won the beautification award in the past. Since we live on the corner, we do not have full utilization of our entire property although we are responsible for maintaining it. Granting the ability to extend our fence will grant us the same utilization that our neighbors have. As homeowners, we strive to keep the peace in our neighborhood and keep the community aesthetically pleasing. We have received 100 percent positive feedback for this request. There isn't one week that goes by that we aren't given a compliment on the transformation and the beauty of our property. In conclusion, granting us the variance will allow us to have better safety and security for our children and pets, provide uniformity with our neighbor's adjacent property, and allow us to have full utilization of our entire property.

Burton-Prete: Page 4 of the report mentions that the house is located on a collector road (Illinois Street). What is the definition of a collector road?

Kingma: A collector road connects to one or more arterial roads, and collects traffic from residential streets, which are less traveled streets. Residential street traffic "collects" on collector streets and moves to arterial streets, which in this case would be Western Avenue.

Burton-Prete: On page 5 of the report, it notes that the proposed fence will extend beyond the front side of 335 Early Street. So is that more of an aesthetic issue?

Kingma: Yes.

Burton-Prete: Under Hardship/Uniqueness/Reasonable Use of the Land, the report says "These setbacks, together with the five (5) foot wide easements on the interior side lot lines, limit the buildable area on the lot more than what occurs on interior lots." Is that considered the hardship or the uniqueness?

Kingma: It could be both. That would be an interpretation for the Commission to make, but most lots have five (5) or ten (10) foot setbacks on two side lot lines. This lot has a 30-foot setback on one side (the corner front yard).

Burton-Prete: For the petitioner - you mention some of your concerns in your letter. My question to you is, by having this six (6) foot fence where you want to put it, do you think that it will stop any of the activities that you described?

Dion Moore: Yes, it will. It will keep the dog walkers and the garbage off the lawn and on the sidewalk. It will definitely increase safety for the kids.

Burton-Prete: But, would a three (3) foot fence do just the same?

Dion Moore: No.

Asia Moore: Because we live on the corner, we continuously pick up trash no matter if it is across the street in the schoolyard or our neighbors' yards. It is an ongoing problem on the Illinois Street and Early Street sides. As far as the speeding, when you live in the middle of the block, the children can play safely. Because we live on the corner, we have traffic coming from north, south, east, and west. There is a yield sign on the Early Street side which the cars do not use. They never stop and are often doing 50 miles per hour. Two years ago, my husband was parked on the corner and a car hit one of his work vans so hard that it hit the next vehicle that was parked in front of it. They do not respect the speed limit. I call the police at least once a week to ask them to come out to patrol. We keep our

children safe in the backyard because in the front yard a car can hop the curb at any moment, and they have.

Burton-Prete: A six (6) foot fence will stop them?

Asia Moore: My children can at least play in the front yard and be safe. It could hit the six (6) foot fence but I believe that it will stop before it hits my children.

Burton-Prete: When the petitioner was referencing the different addresses that have six (6) foot fences, were they part of the 17 properties with grandfathered fences?

Kingma: Yes.

Price: Mr. Moore, are you asking for a variation adjacent to the rear side of your house or for a variation from the front side of your house?

Dion Moore: I am asking for the front but I will consider the rear. And I will make it where the water department will have access to the buffalo box.

Brooks: You mention the dog droppings and garbage on your lawn. Is this a daily occurrence?

Asia Moore: Yes, both are on the lawn as well as on the street. We go as far as picking up trash across the street in the schoolyard because we want to keep our neighborhood clean. It's not just garbage. We've seen people driving down the street throwing whole bags of food out.

Brooks: Are these your neighbors or people driving by?

Dion Moore: No, these are people driving by coming from Western Avenue.

Wickliffe-Lewis: The only question I have concerns the neighbor right behind you. Their driveway is right at the end where your fence line will be. I notice that there is a hedge there. My concern was that if that fence is extended, pedestrians that are walking south on Early Street may not be visible to the homeowner. If they are pulling out of their driveway, that person could get hit. But then I saw the bush and I thought, same difference.

Kingma: There is a vision triangle required for driveways as well. At intersections, it is 25 feet and 10 feet for driveways. We would make sure that it is addressed if the fence variation is approved.

Sandra Slone: I am one of the neighbors on Illinois Street and I want to say that both of the neighbors, both at 201 and the Moores, keep their property impeccable. When we are talking about walkability, I walk the neighborhood on a regular basis in the morning and I have more visibility trouble with the bush on the back of the other house than a fence on the Moore's property would have. That fence has always been there and there has never been a problem with visibility. I understand why the Moores would want the fence, especially with little ones. People are able to walk off the street right into their backyard. I see no problem with the fence as far as visibility is concerned. I think it will be an added bonus to the neighborhood.

Katrina Chism: I just want to add to what this neighbor said. I don't have a problem with it and I think it will be an asset for them and their children.

Gloria Brown: I have lived in Park Forest since 1984. I have seen the deterioration of the neighborhood. But when you get homeowners that are trying to keep up their property, they should get an award and be applauded because if you keep up your property and someone is moving out, that gives an incentive to potential buyers to move in that neighborhood because they see how well those homeowners keep up their property. I was here when they grandfathered in the fences. They are not trying to change anything but to fix-up what is old and needs to be replaced. I can see if they are trying to make a difference in it. They are trying to keep it exactly the way that it is.

As there were no other members of the public wishing to comment, a motion to close the hearing was made by Price, and seconded by Brooks. All voted in favor, and the public hearing was closed at 7:41 pm.

The Commissioners had an extended discussion about the findings for each of the Standards for Variations. Price moved to recommend denial of the petition for a major variation at 133 Illinois Street because all Standards for Variations could not be met. The motion was seconded by Burton-Prete, and all voted in favor.

Price made a motion to petition to the Board of Directors to immediately begin a comprehensive analysis of the UDO as it relates to corner lots and fences with an understanding that there is a uniqueness to these properties unlike any other properties in the Village. The motion was seconded by Burton-Prete, and all voted in favor.

As it was 8:59 pm, a motion was made by Burton-Prete to extend the meeting time past 9:00 pm, and seconded by Price. All voted in favor.

b. Public Hearing – Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) regarding the location of a fence at 201 Illinois Street

Kingma went over the request made by Phoebe DeLoach Alexander and Ronald Alexander for a major variation to permit a fence up to six (6) feet in the corner front yard of their property. The petitioners are proposing to replace the existing six (6) foot fence with a new six (6) foot tall fence constructed of wood. The fence already installed was grandfathered when the current fence standards were established in 1989.

Phoebe Alexander: My husband, Ronald Alexander, and I have resided at 201 Illinois Street for 16 years and we are trying to enhance our property. We started to repair the fence because it came up out of the ground during the storm. We couldn't replace it because it had to be three (3) feet. Our property has been compromised twice where they have come into the back window of our property and torn down the fence post that was deteriorating. Since we've been there, we have been able to enjoy our backyard where we have family gatherings. We have grandchildren that come over that can be safe in our yard without anyone compromising them or coming into our yard and kidnapping our grandchildren while they are playing outside. If we don't have a six (6) foot fence and because we are on the side street, they can just come in. We would be sitting in the backyard and it is wide open. There is a lot of traffic at night and a lot of people walking. Since I am now working from home, I get to see everything that's going on day and night. The neighbors all look out for each other. As far as the water (buffalo) box, when they came in a few weeks ago, they could not find it themselves. All of the years that we've been there, they have never come to look at this water box. When they came, we have an opening on our driveway that you can just slide the lock open and come around. Comcast, Nicor, and ComEd come in the same way.

Burton-Prete: In regards to the buffalo box, it is my understanding that if we recommend to the Board approval for a six (6) foot fence, you will put the fence where it's currently right now, at the edge of the sidewalk so that they will not have access to the buffalo box without going through your gate?

Phoebe Alexander: We will allow them to come into the yard where they can now. We want to keep the gate the way we have it now. We want to keep the fence at the edge of the property.

We will lose a significant amount of our yard that we've had for 16 years if we take it down now.

Burton-Prete: It's unfortunate that your house has been burglarized. But, by replacing a six (6) foot fence with another six (6) foot fence, what would stop a person from burglarizing your house again?

Phoebe Alexander: We were burglarized several years ago. They were able to pull down some of the deteriorating fence and jump over it. My neighbor saw them twice, which is the reason why they didn't get into the house. No security or fence is going to stop anyone from doing anything. We are looking

out for the safety of the community and ourselves. If someone comes in, it compromises our lives. But if we have a fence up, we have a better chance of stopping them from coming in and stopping us from hurting them or them from hurting us.

Sam Slone: I caught the people in their backyard. They had to come in from the other side. I'm tall and I can see over my neighbor's fence.

Burton-Prete: But you're tall and I'm not. I can't see any activity that's going on. Whereas with a three (3) foot fence if there is any criminal activity, anyone walking down the sidewalk can see that. But instead of building a fence to keep people out, why not secure your property? And you do not have to answer this question. It's just rhetorical. Another question I had for the petitioners was you stated that with a three (3) foot fence, people can see into your yard and then take whatever they want out of your yard. What about those individuals who don't have a fence at all? They are taking that same chance that you are whether you have a three (3) foot fence or a six (6) foot fence.

Phoebe Alexander: I would say that we've had the security of the fence for so long and other people that don't have fence at all, it is assumed that they never wanted a fence or are secure in their surroundings already. But we're not secure in our surroundings.

Dion Moore: In my backyard, I built a big deck with a bar, refrigerator, TV, etc. You can see it over a three (3) foot fence versus a six (6) foot fence. Also, there are dogs that get loose all the time in the neighborhood and we have to call the police. Dogs can get over a three (3) foot fence, but they can't get over a six (6) foot fence.

Sandra Slone: A perfect example of this is a house on Todd Street with a three (3) foot chain link fence that has a Rottweiler. Every time I walk past, the dog can step over their fence. He doesn't even have to jump. Also, we are getting younger people with children moving into the Village. If you are not going to allow people to put the fencing in that they want, I suggest that you have the realtors tell them about the ordinance. If I was coming in with younger children looking at a house on a corner lot, I wouldn't buy it. Because why should I pay for a property that I couldn't use?

Erin Slone (noted that she is a Trustee but commenting as a private resident): I grew up at 205 Illinois Street. There were vacant homes on the street. There were all types of vagrants hanging out in the yards, and they were literally going from the neighbors to my parent's yard by hopping the chain link fence. They were able to maneuver the fence boards. The neighborhood has definitely changed. If you are going to encourage people to be within the ordinance, then the next thing you are going to see is bars on the windows and wrought iron doors. I don't think that is a community we would want to see.

Joyce Devries: We live in West Lincolnwood. This is concerning to us because we own a property that is an adjacent to the corner lot. If our neighbor is able to put a fence up, we would have no sight line at all from the driveway. We would not be able to see the sidewalk until we were actually over the sidewalk. So, this is important to us because as Mr. Price talked about, every corner property has different characteristics. I looked at your property, and I can see where you could be able to put a fence up and it would not impede the sight line for anyone coming up to that corner. However, not everyone is in that situation. So to make a general broad change to the ordinance, where everyone can put up a six (6) foot fence along their sidewalk, is not going to work for everyone in the neighborhood. I think that needs to be taken into consideration.

Gloria: That fence has been in existence for 40 years and it has not been a problem in that time. The only problem is it is deteriorating now. What's the problem with them taking one board at a time and changing that board? That will not be a problem with me. If they take the whole fence, then it will become a problem.

As there were no further public comments, a motion to close the public hearing was made by Hutchins, and seconded by Burton-Prete. All voted in favor, and the public hearing closed at 9:21 pm.

Price moved to recommend denial of the petition at 201 Illinois Street for a major variation due to the fact that the seven (7) Standards for Variations could not be met. The motions was seconded by Burton-Prete. All voted in favor.

Old Business - None

Communications:

- a. **Member Communications:** None
- b. **Trustee Comments:** Trustee Hardy noted her appreciation to the petitioners for making this issue known and stated that this was not the first time it has been brought up. She is looking forward to addressing this with the other Board Members. The Board have their strategic planning session coming up on August 7th and she will bring up the safety issues made by the residents during that time. Trustee Hardy also informed everyone about the community survey. It can be found on the Village's website.
- c. **Staff Communications:** Kingma informed the Commissioners that the August meeting will include a petition to amend the UDO standards for community residences. Also, Staff have been waiting for over two years for a review from the Illinois Department of Natural Resources (IDNR) of the draft storm water management ordinance. Given this long delay, and the need to get the ordinance adopted, Staff proposes that the ordinance be considered for adoption as it is. If revisions have to be made after the IDNR review, they can be addressed at a future date. Finally, the Board of Trustees has asked each Commission to make a presentation about themselves. Kingma announced that she will be retiring on December 17th of this year.

Adjournment: A motion to adjourn was made by Wickliffe-Lewis, and seconded by Hutchins. All voted in favor. Meeting adjourned at 10:13 pm.

PLANNING AND ZONING COMMISSION MEMO

TO: Planning and Zoning Commission

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

DATE: August 3, 2021

RE: NEW BUSINESS – Planning & Zoning Commission Meeting August 10, 2021
Public Hearing to consider a Request for a Text Amendment to the Use Standards for Community Residences (Article III-3.F. of the UDO)

The Village Staff has been informed by the Village Attorney that certain use standards pertaining to community residences are potentially in violation of the Fair Housing Act (FHA), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. Therefore, the Board of Trustees has directed Staff and the Planning and Zoning Commission to consider an amendment to Article III-3.F (Use Standards for Community Residences) of the Unified Development Ordinance (UDO).

Public Hearing Requirements

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on July 25, 2021. No other notice is required for text amendments. As of the date of this memo, no comments have been received from the public. Any comments received prior to the Public Hearing will be reported on at the Planning and Zoning Commission meeting.

This request is being considered by the Planning and Zoning Commission (PZC) pursuant to Article VIII-3.E. of the Unified Development Ordinance (Zoning Text and Map Amendments), which provides that the PZC shall hold public hearings on all requests for text amendments and shall make its recommendations to the Board of Trustees. A text amendment may be granted by the Board only after the PZC and the Village Board have evaluated the application and made specific written findings based on the Standards for Zoning Amendments established by Article VIII-3.E.3. The required standards for zoning amendments are noted below, and a worksheet has been attached to assist the PZC in drafting its findings related to the requested amendments. Note that these standards are written to apply to both text and map amendments, and the standard for a recommendation for approval is “based on a balance of the standards”. This is a lower standard than that established for a recommendation for approval of a variation, which is “based on each of the standards”.

- a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
- b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
- c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

- d. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.
- e. The proposed amendment addresses the community need for a specific use.
- f. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
- g. The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.
- h. The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

Use Standards for Community Residences

The UDO defines “community residences”, commonly referred to as “group homes”, in the following manner:

Community Residence: A group residence consisting of a group home or specialized residential care home, which is licensed, certified, or accredited by the appropriate state or federal agencies. Such residence shall serve as a single housekeeping unit for the housing of unrelated people with functional disabilities who share responsibilities, meals, social activities, and other aspects of residential living. “Community Residence” does not include “Assisted Living Facility,” “Independent Living Facility,” “Nursing Home,” or “Residential Care Facility.”

Article III-3.F of the UDO establishes the following use standards for community residences

F. Community Residence.

- 1. Location. A community residence may not be located within 600 feet of another community residence, and more than one community residence shall not be located on a block.
- 2. Residential Character. The location and operation of the facility shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.
- 3. Number of Residents. In the R-1 and R-2 Districts, a maximum of eight residents per facility are allowed, including live-in staff. In the R-3 and R-4 District, more than eight residents per facility are allowed, including live-in staff.

Proposed Revision to UDO

In 2018, a Federal court in Springfield, Illinois, held that a very similar regulation in the Springfield Code of Ordinances was intentionally discriminatory and in violation of the Fair Housing Act, the ADA, and the Rehabilitation Act because it discriminated on the basis of disability. The Springfield Ordinance prohibited “family care residences” (essentially the same definition as Park Forest’s “community residences”) from being located within 600 feet of another pre-existing family care residence.

The State of Illinois’ Community Integrated Living Arrangements Licensure and Certification Act (210 ILCS 135/) establishes the standards for operation and the licensing process for community-integrated living arrangements for persons with mental

illness and with a developmental disability. The goal of the Act is to promote independence in daily living and economic self-sufficiency, and to permit these living facilities to be located in a manner that enables residents to participate in and be integrated into their community or neighborhood. There are 23 community residences in the Village at this time, and all are required to show they are licensed by the State before operating in the Village. The Village Attorney has noted that as long as the community residence is licensed by the State, and located in the appropriate zoning district, the Village should have no further land use-related regulation of the property. Therefore, the distance requirements and occupancy standards included in the UDO are potentially problematic from a fair housing perspective. However, regulations that are applied consistently to all single or multifamily structures, such as Building or Fire Codes, can be applied to community residences.

In order to ensure that the Village's Ordinances are not in any way inequitable, or violate the rights of any Park Forest residents to decent and safe housing, the following amendments to Article III-3.F. of the UDO are proposed by Staff. These revisions have been reviewed by the Village Attorney and found to address the concerns raised in his review of the existing Ordinance.

B. Community Residence.

1. ~~Location. A community residence may not be located within 600 feet of another community residence, and more than one community residence shall not be located on a block.~~
2. Residential Character. The location and operation of the facility shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.
3. Number of Residents. ~~In the R-1 and R-2 Districts, a maximum of eight residents per facility are allowed, including live-in staff. In the R-3 and R-4 District, more than eight residents per facility are allowed, including live-in staff.~~ The maximum number of residents allowed in each community residence, including live-in staff, shall be in accordance with the applicable versions of the International Building Code, International Residential Code, or the International Property Maintenance Code, adopted in Section 18-31 of Park Forest Code of Ordinances.

Planning and Zoning Commission Action: After conducting the public hearing, the Planning and Zoning Commission is asked to consider this request for a Text Amendment to Article III-3.F. (Use Standards for Community Residences), and make a recommendation to the Board of Trustees on this request.

**ZONING TEXT AND MAP AMENDMENT
STANDARDS FOR ZONING AMENDMENTS
WORKSHEET**

The Unified Development Ordinance requires that the Zoning Administrator, the Planning and Zoning Commission, and the Board of Trustees evaluate requests for zoning amendments based on a balance of the Standards established by the Ordinance. This worksheet is provided to assist the Planning and Zoning Commission with drafting a response to each of the standards for text amendments that will be sent to the Board of Trustees with a recommendation on the requested amendment. The standards are as follows:

- 1. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.*

- 2. The proposed variation is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.*

- 3. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.*

- 4. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.*

5. *The proposed amendment addresses the community need for a specific use.*

6. *The proposed amendment corrects an error, adds clarification, or reflects a change in policy.*

7. *The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.*

8. *The proposed amendment is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.*
