

Approved:
Brody/Moore

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
SEPTEMBER 8, 2010
MEMORIAL HALL
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:30 p.m., Wednesday, September 8, 2010 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Byrnes, Commissioner Stifflear, Commissioner Crnovich, Commissioner Nelson, Commissioner Johnson, Commissioner Moore and Commissioner Brody

ABSENT: Commissioner Kluchenek and Commissioner Sullins

ALSO PRESENT: Sean Gascoigne, Village Planner

Approval of Minutes

The Plan Commission reviewed the minutes from the July 14th, 2010 meeting. Commissioner Brody motioned to approve the minutes of July 14th, 2010 as amended. Commissioner Crnovich seconded. The motion passed unanimously.

Findings and Recommendations

18-20 E. First Street (Nabuki) – Exterior Appearance/ Site Plan Review Approval for Façade Improvements for a New Restaurant.

Chairman Byrnes provided a brief summary of the discussion that took place on this agenda item at the last Plan Commission meeting and highlighted the findings and recommendations that were included based on these discussions. Commissioner Crnovich recommended a clarification to the findings. Commissioner Stifflear motioned to approve the findings and recommendations for case 18-20 E. First Street (Nabuki) – Exterior Appearance/Site Plan Review Approval for Façade Improvements for a New Restaurant. Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Crnovich expressed concerns regarding applicants starting work without permits. Mr. Gascoigne duly noted her concerns.

Scheduling of Public Hearings

A-25-2010 – 777 N. York Road (Gateway Square) – Exterior Appearance/Site Plan Review in the Design Review Overlay District.

Chairman Byrnes stated the public hearing would be scheduled for October 13, 2010.

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Sign Permit Review

52 S. Washington – Green Goddess – One Wall Sign

Elyce Rembos, applicant and owner of Green Goddess, provided a brief description of the proposed sign. She stated her purpose for coming back and requesting a different sign from what was previously approved for this site. Commissioner Moore motioned for the approval of signage for 52 S. Washington Street – Green Goddess – One Wall Sign. Commissioner Johnson seconded. The motion passed unanimously.

130 W. Chestnut Street – Hinsdale Bank and Trust – One Ground Sign

Lynn Colby, representative for Hinsdale Bank and Trust, provided a brief description of the proposed sign. She stated that the general intent was to perform maintenance on the sign structure and then replace the existing sign with an internally illuminated sign, rather than providing ground lighting as currently exists. General discussion ensued regarding the specifics of the sign. Commissioner Brody motioned for the approval of signage for 130 W. Chestnut Street – Hinsdale Bank and Trust – One Ground Sign. Commissioner Nelson seconded. The motion passed unanimously.

500 W. Chestnut – First Merit Bank – One Wall Sign and One Ground Sign

Guy Dragisic of Olympic Signs introduced himself as the representative for First Merit Bank and stated that for the purpose of rebranding, First Merit Bank was looking to replace a wall sign and the face panel on one ground sign from Midwest Bank to First Merit Bank. Commissioner Brody requested clarification regarding the location of the wall sign. Mr. Dragisic clarified the location of the proposed wall sign and indicated that they would be removing an existing box sign on the south side of the building and were proposing a new wall sign, consisting of channel letters, on the north side of the building. Commissioner Johnson motioned for the approval for the replacement of a wall sign and the face of one ground sign at 500 W. Chestnut Street – First Merit Bank. Commissioner Brody seconded. The motion passed unanimously.

108 W. Chestnut Street – Fodeo – One Wall Sign

Valarie Moody, representative for Fodeo, introduced herself and a provided a brief description of the business and the proposed sign. General discussions ensued regarding the existing signage in the shopping center. Commissioner Moore motioned for the approval of signage for 108 W. Chestnut Street – Fodeo – One Wall Sign. Commissioner Crnovich seconded. The motion passed unanimously

Exterior Appearance/Site Plan Review

18 S. Blaine Street – New Privacy Fence in the O-1 District

Chairman Byrnes introduced the case and asked if the applicant was present. Mary Alice and Dennis Fitzpatrick, applicants and owners of the property, introduced themselves and

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summarized the request. Discussion ensued regarding the specifics of the request. Chairman Byrnes confirmed that while this was a single-family residence, the reason they needed site plan/exterior appearance approval was because they were in the O-1, Specialty Office District. Village Planner Gascoigne confirmed and indicated that while single-family residences are permitted in this district, any exterior changes require Plan Commission approval. He went on to indicate that if this was residentially zoned, Plan Commission approval would not be required. Commissioner Moore confirmed, for a point of reference, specifics regarding fence allowances in the residential districts. Mr. Gascoigne confirmed and indicated that while they are afforded an 8-foot tall fence, the applicants are only requesting the approval for a 6-foot fence.

Commissioner Brody motioned for the approval of Exterior Appearance for a New Privacy Fence in the O-1 District at 18 E. Blaine Street. Commissioner Moore seconded. The motion passed unanimously.

Commissioner Nelson motioned to disapprove the Site Plan for a New Privacy Fence in the O-1 District at 18 E. Blaine Street. Commissioner Brody seconded. The motion failed unanimously and the site plan was approved

19 E. Chicago Avenue – Village of Hinsdale – New Decorative Fence Surrounding the Existing Generators

Chairman Byrnes introduced the case and asked if Mr. Gascoigne was going to present the application. Mr. Gascoigne confirmed that he would be presenting the application on behalf of the Village and the Public Works Department. He summarized the proposal and explained that while the material was permanent in nature, the fence was intended to be a temporary solution until the Village could secure funds to install a permanent masonry fence. He indicated that the need to put up a fence such as this was driven by health and safety issues as more and more people were going around and over the existing cloth fence and getting in behind the generators thereby creating unsafe conditions and additional liability for the Village.

Commissioner Crnovich questioned how tall the existing generators were. Mr. Gascoigne stated that he was not certain, but it was likely between 7 and 8 feet. She then asked if the Village had any intentions of screening the fence. Mr. Gascoigne indicated that he did not believe so and that their intention at this point was to get the fence in before the ground froze, but that he would speak with Mr. Franco and encourage him to provide whatever landscaping they could.

Commissioner Crnovich asked if the Beautification Task Force had provided any input. Mr. Gascoigne indicated that he would have to ask Mr. Franco, but he did not believe so as the main initiative was to provide a safe environment and get the fence up as quickly as possible. She then indicated that she would like to see the Historic Preservation Commission get a bit more involved even though this request is not required to go in front of them. She referenced Section 11-303 in regards to referral of cases, and specific to this request, the Historic Preservation Commission. Mr. Gascoigne acknowledged her concerns and indicated that 11-303 is applicable for public hearings and additionally when the criteria for a Certificate of Appropriateness had been met subject to the conditions in the Village's Municipal Code. He indicated that neither applied here. He also identified that even if all these conditions had been met, the Historic Preservation Ordinance provides an exemption for a Certificate of Appropriateness, if the

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request poses an issue concerning health, safety or welfare. He stated that even while approval from the Historic Preservation Commission was not required, once the need for the fence was apparent the Village made every attempt to extend the courtesy of including the Historic Preservation Commission in the process. However due to the timing of the meetings and the urgency to get the fence in place before winter, it was not possible. Mr. Gascoigne also indicated that when the Village came back with the masonry fence, the same exemptions would apply but the Village had every intention of sending the request through the Historic Preservation Commission for their input at that time.

Mr. Gascoigne also stated that discussions regarding the Historic Preservation Commission's scope of authority on properties within the downtown as well as throughout the Village would be a topic of discussion at upcoming HPC meetings.

General discussion ensued regarding the screening of the generators and several Commissioners indicated they would like to see some screening installed around the fence as it could be a while before the Village is able to secure enough funding to do a masonry wall.

Commissioner Stifflear duly noted the Commissioners concerns and indicated that he appreciated the Village coming before the Plan Commission to request approval and that he agreed that due to safety concerns something needed to be installed immediately. He then offered suggestions on landscaping as well as recommending conditions to avoid having a temporary fence become permanent.

General discussion ensued regarding screening and while several Commissioners expressed interest in determining how long it would be before the Village could secure funds for the masonry fence, they generally agreed that it could not be determined at this point.

The Commission agreed that six months would be an appropriate time frame to allow the Village to install four-season screening and that they would leave it to the Village Board to determine the extent to which it should be landscaped.

Commissioner Brody motioned to disapprove the Site Plan for a New Decorative Fence Surrounding the Existing Generators at 19 E. Chicago Avenue. Commissioner Crnovich seconded. The motion failed unanimously and the site plan was approved.

Commissioner Nelson motioned for the approval of Exterior Appearance for a New Decorative Fence Surrounding the Existing Generators at 19 E. Chicago Avenue, subject to the condition that the Village installs four-season landscape screening within six months of final approvals. Commissioner Moore seconded. The motion passed unanimously.

Public Hearings

A-13-2010 – 420 E. Ogden Avenue (Continental Motors) – Special Use Permit for a Planned Development and Exterior Appearance/Site Plan Review approval for Façade Improvements to the Existing Car Dealership.

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Chairman Byrnes opened the public hearing for case A-13-2010. Doug Capocci of LaMantia Construction and representative for Continental Motors identified himself and summarized the request.

Commissioner Moore requested clarification from Mr. Capocci in regards to what had changed between when the original proposal that was approved in 2007, and what they were looking at tonight. Mr. Capocci addressed Commissioner Moore's questions and confirmed the changes being sought.

Chairman Byrnes questioned if all materials proposed were going to match existing. Mr. Capocci confirmed they would be.

Commissioner Stifflear asked about signage and Mr. Capocci indicated they would remain as is. He then asked Staff to walk the Commission through what happened in 2007.

Mr. Gascoigne summarized the applicant's request in 2007 and explained that the applicant went through the process to obtain the necessary approvals in 2007. It wasn't until staff underwent the due diligence required to amend, what they thought was an existing Planned Development in this current proposal, that they realized the PD approval had somehow been inadvertently removed from the final approvals in 2007. This now required the applicant to essentially reestablish a Planned Development approval as part of the current request. He then went on to explain that all correspondence and conversations in 2007 included the Planned Development request however it was never formally adopted as part of an ordinance. Mr. Gascoigne indicated that due to the nature of some of the repairs, and the fact that they posed serious safety concerns, the applicant had already appeared in front of both the ZPS and Village Board, to obtain conditional approvals to begin work and repair the façade conditioned upon the applicant coming back and obtaining approval for the Planned Development and the proposed alterations.

Commissioner Stifflear questioned if there would be waivers requested as part of the Planned Development. Mr. Gascoigne indicated there would be and they were listed out in the Certificate of Zoning Compliance.

Commissioner Moore expressed her concerns with the application and discussion ensued amongst the Commission with regards to how to proceed forward.

Commissioner Johnson explained that Continental Motors had been there a long time and a lot of the waivers that are requested now, were those that would have also been requested in 2007 due to the age of the building.

The Commission agreed that it was a nice proposal and generally felt that there was no reason to force them into a non-compliant status by denying the request.

Commissioner Crnovich then went on to reference sections of the specific text amendment passed in 2007 that would have supported the actual Planned Development approval.

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Commissioner Johnson motioned for the approval of a Special Use Permit for a Planned Development for the Existing Auto Dealership at 420 E. Ogden – Continental Motors. Commissioner Crnovich seconded. The motion passed unanimously.

Commissioner Moore motioned for the approval of Exterior Appearance for Façade Improvements to the Existing Auto Dealership at 420 E. Ogden – Continental Motors. Commissioner Brody seconded. The motion passed unanimously.

Commissioner Nelson motioned to disapprove the Site Plan for Façade Improvements to the Existing Auto Dealership at 420 E. Ogden – Continental Motors. Commissioner Brody seconded. The motion failed unanimously and the site plan was approved.

A-17-2010 – Village of Hinsdale – Text Amendment to Provide Limited Authority to the Village Board for Variations.

Chairman Byrnes opened the public hearing for case A-17-2010. Mr. Gascoigne summarized the request and opened it up for public discussion.

Chairman Byrnes clarified the proposal with Mr. Gascoigne.

Commissioner Stifflear asked Mr. Gascoigne if there was a specific situation that prompted this request.

Mr. Gascoigne indicated that there were at least a couple of instances where this has come up and that one set of homeowners were actually here to speak to one of the instances.

Jill and Harvey Seybold introduced themselves to express support for the proposed text amendment. Mrs. Seybold went on to explain how changes in their area have directly affected their property, causing severe drainage and flooding problems. She also explained that due to the current limitations as to which types of variances can be requested from the Zoning Board of Appeals, their only option for zoning relief at this time was to appear in the Wheaton court system.

Bill Haarlow, Chairman of the Zoning Board of Appeals, introduced himself and explained how this text amendment would alter the requirements and allowances of the existing Zoning Code. He then explained that using the Seybold's situation, the Zoning Board of Appeals is not currently permitted to hear the Seybold's request as it falls out of the scope of the Zoning Board's authority. He explained that overall, he feels these restrictions are a good thing, but that the Seybold's have highlighted where in certain situations, it is a good idea to provide more authority to the Zoning Board and Village Board to hear these requests without having to go straight to Wheaton without first being heard by a Village Body. Mr. Haarlow specifically addressed the language of the proposed text amendment and explained how a request would move through the process.

Chairman Byrnes questioned whether other municipalities follow similar procedures.

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Joe Abel, Planning, Zoning and Economic Development Consultant and representative for the Seybolds, introduced himself. Mr. Abel summarized his background, including his familiarity with local zoning codes. He went on to explain how other municipalities handle such situations and indicated that the text amendment being proposed is very conservative and because this was the Village's intention, he felt the proposal was legitimate and very reasonable with the number of safeguards that have been put in place.

Commissioner Moore clarified questions regarding the application of standards and then questioned if there was a down side to this text amendment.

Commissioner Nelson stated that his concern as a resident would be getting turned down for a request at the Zoning Board of Appeals and the desire to have one more court of appeal in which to make a case before going to Wheaton.

Commissioner Moore respected Commissioner Nelson's position but had concerns with the fact that the Board may not have the zoning background that the ZBA did to appropriately consider these appeals.

Mr. Haarlow also responded to Commissioner Nelson's concern and provided background as to why he believed the process was established in this way. He stated that he felt the ZBA should remain quasi-judicial and that is why he supported the amendment as written.

Commissioner Johnson concurred with Mr. Haarlow and explained why she supported the ordinance as written.

Mr. Abel responded to Mr. Haarlow and Johnson's comments and explained how sending these items on to the Village Board could potentially create issues.

Commissioner Stifflear asked if the term "recommendation" was defined.

Mr. Haarlow indicated that they were treating this as needing four affirmative votes, thereby matching the standard of a variation.

Discussion ensued regarding the specific language in the ordinance and the Commission reached an agreement that the term should be defined to match the standard of the ZBA, thereby requiring a positive vote of a minimum of four members of the ZBA.

Commissioner Crnovich motioned for the approval of case A-17-2010 – Village of Hinsdale – Text Amendment to Provide Limited Authority to the Village Board for Variations with the revised language. Commissioner Nelson seconded. The motion passed unanimously.

A-09-2010 – Village of Hinsdale – Text Amendment to Section 5-110G as it relates to existing non-conforming structures in the B-2, Central Business District.

Chairman Byrnes summarized the request and explained that the public hearing for case A-17-2010 was still open as a result of the continuation from the July meeting. Chairman Byrnes asked if anyone had comments and asked for a motion.

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Commissioner Brody motioned for the approval of case A-09-2010 – Village of Hinsdale – Text Amendment to Section 5-110G as it relates to existing non-conforming structures in the B-2, Central Business District. Commissioner Moore seconded. The motion passed unanimously.

Adjournment

Commissioner Johnson moved to adjourn. Commissioner Brody seconded and the meeting adjourned at 9:06 p.m. on September 8, 2010.

Respectfully Submitted,

Sean Gascoigne
Village Planner