

Approved:  
Moore/Crnovich

**MINUTES  
VILLAGE OF HINSDALE  
PLAN COMMISSION  
MAY 11, 2011  
MEMORIAL HALL  
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:35 p.m., Wednesday, May 11, 2011 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

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

**ABSENT:** Commissioner Johnson and Commissioner Sullins

**ALSO PRESENT:** Sean Gascoigne, Village Planner and Ken Florey, Village Attorney

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**Approval of Minutes**

The Plan Commission reviewed the minutes from the April 13, 2011 meeting. Commissioner Nelson motioned to approve the minutes of April 13, 2011 as amended. Commissioner Brody seconded. The motion passed unanimously.

**Findings and Recommendations**

**A-33-2010 – Doug Fuller – Text Amendment to Section 6-106, to Allow Real Estate Offices in the O-1 District as Special Uses.**

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 Kluchenek motioned to approve the findings and recommendations for the Text Amendment to Section 6-106, to Allow Real Estate Offices in the O-1 District as Special Uses. Commissioner Nelson seconded. The motion passed unanimously.

**A-34-2010 – 22 N. Lincoln Street – Special Use Permit to Allow a Real Estate Office, with a Maximum of 13 Personnel, at 22 N. Lincoln Street.**

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 Stifflear motioned to approve the findings and recommendations for case A-34-2010 – 22 N. Lincoln Street – Special Use Permit to Allow a Real Estate Office, with a Maximum of 13 Personnel, at 22 N. Lincoln Street. Commissioner Crnovich seconded. The motion passed unanimously.

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### **Scheduling of Public Hearings**

**A-11-2011 – Text Amendment to Article III, Section 3-110 of the Hinsdale Zoning Code as it relates to the Elimination of the Floor Area Ratio Requirement for New Single-Family Residences that Receive Design Review Approval from the Design Review Commission.**

Chairman Byrnes stated the public hearing would be scheduled for June 8, 2011.

### **Public Hearings**

**A-05-2011 – 10 N. Washington Street – Eden Supportive Living – Special Use for a Planned Development, Special Use for a Personal Care Facility and Exterior Appearance Site Plan Review.**

Chairman Byrnes introduced the case and summarized the Commission's discussions from April. He indicated that it was the Commission's position that this was a new Planned Development and that they should assume this as they discuss.

Mitch Hamblet introduced himself and began with a presentation of the information requested by Commission at the April meeting. He presented the proposed landscape plan and discussed several of the plant varieties that would be introduced to the site, as well as several areas they would clean up and improve. He provided the Commission with a presentation board containing picture samples of all the existing and proposed plant material.

Commissioner Moore complimented Mr. Hamblet.

Mr. Hamblet explained that they had a very good working relationship with the landscaping contractor and had used them on some of their other facilities. He then went on to summarize the existing parking conditions and then offered three different scenarios they had proposed. He then explained that any three of the scenarios would provide the 35 required spaces eliminating the need for a parking variation. Mr. Hamblet then asked if there were any questions.

Commissioner Nelson questioned how many spaces the applicant anticipated using.

Mr. Hamblet indicated 10-15 maximum at peak hours and the first used would likely be those under the building.

Commissioner Moore asked for clarification on deliveries and Mr. Hamblet identified where the existing loading space was. She then indicated that she preferred the parking option with all the parking spaces being at 45 degrees.

Commissioner Stifflear asked Village Planner Gascoigne his position on the best parking scenario.

Mr. Gascoigne indicated that in terms of circulation and the configuration of the lot, he agreed with Commissioner Moore that the 45 degree option seemed the most viable. He

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then clarified that the applicant will be required to provide two handicap spaces, but doing so would still allow them to be code compliant on the recommended parking scenario.

General discussion ensued regarding the location of the second handicap spot and Mr. Hamblet indicated they would locate it as close to the building as possible.

Commissioner Kluchenek asked how many employees they anticipated during peak hours.

Mr. Hamblet indicated they would estimate 12 and the most logical location for them to park would be under the building, leaving the parking lot for guests.

Chairman Byrnes asked Mr. Hamblet to revisit the concept of “private-pay” and to elaborate on the extensiveness of the required background checks.

Mr. Hamblet identified all the required background checks necessary for every potential resident within the facility.

Chairman Byrnes questioned the typical length of residency and the implications of residents running out of money.

Mr. Hamblet identified the multiple scenarios and indicated that the best option for them would be to locate them at another Edens that offered supportive living and different financial options.

Commissioner Brody asked additional questions of the proposed business model and what options the residents had in regards to aging.

Mr. Hamblet summarized the differences and identified various options.

Commissioner Brody questioned if Edens was the only agency with this niche.

Mr. Hamblet explained that the only other organization similar to theirs was specifically created for the blind.

General discussion ensued regarding the Eden’s business model and Mr. Hamblet explained that they are the only model that provides this level of service and is available to a certain number of individuals under the age of 55.

Commissioner Stifflear introduced the applicant’s cost report and identified an area of the report that broke down the resident’s percentage of private pay versus the percentage of financial aid the resident received and asked if the same would be required by the state here.

Mr. Hamblet indicated that they would not and stated that this facility would be assisted living, not supportive, 100% private pay and would not allow any financial aid. He then explained that what they were seeing was for one of their supportive living facilities, which under the licensing allows for financial aid, whereas here it would not.

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Commissioner Crnovich asked why the state had stopped issuing SLF licenses.

Mr. Hamblet indicated that it was largely due to money and the state's financial situation.

Commissioner Stifflear questioned how the Village would monitor the private pay concept.

Mr. Hamblet indicated that under their licensing, they wouldn't even be eligible for financial aid.

Mr. Kluchenek confirmed that in terms of the use, the state would have authority over that.

Mr. Hamblet stated that generally, the Village would maintain jurisdiction over the building and physical aspects of the site, while the state would maintain control and inspections of the operational and licensing aspects of the business. He then indicated that the state maintains very strict regulations and rigorous inspections and audits.

Chairman Byrnes questioned where the potential residents would be drawn from and if there was a demand for this type of use.

Mr. Hamblet indicated that there was a huge need for this use. He stated that they would start by marketing towards Hinsdale residents, but that no matter where they came from, it would likely be an affluent community due to the cost. He also indicated that some could come from Manor Care in Hinsdale and other similar facilities in the surrounding communities because they were only in those locations due to a lack of availability for the care that Edens provides. He then provided examples of other groups that would likely utilize this type of facility and the costs associated with living independently versus their facility.

Commissioner Kluchenek asked what the difference was between Eden's and a facility like Manor Care.

Mr. Hamblet indicated that Manor Care was skilled living similar to that of a nursing home where Edens insists on being more residential.

Commissioner Kluchenek asked what the typical cost of a room at Edens would be.

Mr. Hamblet stated it is generally between \$3,000 and \$4,500 a month, but could be more expensive if the resident had additional needs. He then indicated that while it seemed expensive, it would still be substantially cheaper than trying to sustain this level of care on your own.

Chairman Byrnes confirmed the potential demand for this type of use and explained that there have also been other proposals for this site.

Mr. Hamblet acknowledged Chairman Byrnes statement and indicated that they would not be investing the amount of money they had if they didn't feel there was a need for this.

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Beyond that, they felt that this site was a perfect fit and that the building was designed for their use.

Chairman Byrnes questioned if these could also be residents of surrounding communities such as Western Springs and Clarendon Hills.

Mr. Hamblet confirmed and indicated it would be reasonable to assume that most would come from this immediate area since most residents would want to keep their family near by.

Commissioner Crnovich asked about the Champaign and South Shore facilities and if they were assisted or supportive living.

Mr. Hamblet indicated they were both supportive living.

Commissioner Stifflear questioned if they could operate the facility with a reasonable economic profit at 70 units instead of the 82.

Mr. Hamblet indicated that it wasn't desirable.

General discussion ensued regarding the existing units, their approximate square footage and accessibility requirements.

Chairman Byrnes asked if anyone else would like to speak.

Dennis Parsons introduced himself and expressed his support for the project. He indicated that he was amazed at how perfectly this proposal would fit right into not only the existing building, but also the community. He stated that he had looked at several options for this site and the only option that worked with the zoning was three single-family homes. He indicated that there was no doubt in his mind that Edens would bring in quality residents and that Hinsdale should welcome this project.

Chairman Byrnes questioned closing the public hearing and Mr. Florey suggested keeping the hearing open until the Commission was ready to vote.

Commissioner Moore expressed her increased comfort with the existing facility now that staff was able to locate existing elevations.

Commissioner Nelson confirmed that the elevations were not changing and the only modifications were cosmetic and internal.

Mr. Hamblet confirmed.

Commissioner Stifflear applauded the applicant for the degree of progress they had made and the quality of the project, but stated that he still struggled with the inability for the applicant to dedicate open space.

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Mr. Hamblet indicated that short of tearing down portions of the existing buildings they could not provide additional open space. He felt that in exchange, they really tried to overcompensate with the level of landscape improvements. He then stated that this proposal brings far more to the Village in terms of benefits, than just another business. He explained other involvement these facilities have within the community.

Commissioner Crnovich expressed her concerns with this project satisfying the objectives for a Planned Development and summarized specific sections of the code.

Commissioner Moore appreciated the concerns but stated that she felt this was more of a reuse rather than a redevelopment. She then indicated that short of the open space requirement, which she didn't see how they could meet, she felt the applicant had satisfied the other requirements. She expressed her concerns with what could go in this location and thought that there was a way to make this proposal work because it was a good project.

Commissioner Kluchenek asked Commissioner Crnovich what her suggestion would be to bring the project into compliance.

Commissioner Crnovich indicated she didn't think there was one.

Commissioner Brody agreed that there wasn't a solution but that the applicant had presented a strong case for the use of the facility. He appreciated the guidelines but stated that at some point they needed to acknowledge the uniqueness of the situation.

Commissioner Kluchenek asked if the applicant had any suggestions.

Mr. Hamblet stated that there wasn't a lot short of tearing down the building.

Mr. Stifflear questioned if that was a feasible option and expressed concern that the Village was not getting near enough considering the standards that they would be relaxing. He stated that personally, he felt his hands were tied when applying the standards.

Mr. Hamblet suggested further improving a relatively non-accessible area of the site and opening it up for public use.

General discussion ensued and Commissioner Stifflear indicated that he did not feel that the applicant had gone far enough to meet the standards of contributing open space.

Mr. Parsons suggested that rather than demolition, the code provides the applicant the option of providing a fee-in-lieu of open space so why not have the applicant contribute to another landscape or reforestation project where the Village is cash strapped.

Suzanne Lennox introduced herself and stated that they lived a half a block away and were in support of the proposal. She identified several other vacant projects in town and expressed the need for this property to be used.

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Commissioner Moore indicated that she had read through the sections called out by Commissioner Crnovich and with the exception of open space, she could come up with a justification for each and every one of the criteria required by the code and that she felt they could get by the open space issue.

Commissioner Nelson agreed and added that not only are they preserving the existing open space, they are improving the quality of it. He felt that they needed to move this proposal forward as quickly as possible.

Commissioner Kluchenek agreed with Commissioner Moore and indicated that a certain level of pragmatism needed to be injected since they were using existing structures. He indicated that while he was comfortable with the project, he wanted the applicant to understand why some of the requests by the Commission were made and that they needed to exercise their responsibility to at least consider all options.

Chairman Byrnes offered his thoughts and expressed concerns with need for this type of facility, as well as the residents not being from Hinsdale. He expressed concerns with the location of the facility and the lack of contributions being received for the degree of waivers being requested.

Commissioner Kluchenek questioned whether there was anything that could be done to increase open space without tearing down the building, which wasn't even a consideration.

Joyce Skoog stated that while you wouldn't be creating more open space, removing certain portions of fence on the property that currently restrict access, would open up for more usable open space and would be available to the community.

Commissioner Crnovich indicated she is in favor of reuse of buildings but that they are still bound by the requirements of the code.

Chairman Byrnes confirmed that the Commission could proceed with the cash contribution route as well.

Jane Grimm indicated that since closing, several non-viable proposals have come to pass. She offered her thoughts on the future of the property and indicated that if this proposal did not pass, the site would sit vacant.

Commissioner Stifflear questioned the ownership and then stated that the current owner is an active developer who purchased the property strategically to redevelop it, so to say it will stay vacant, was not a fair statement.

Ms. Grimm indicated that the owner had originally had conversations with the Village and concluded that it was not economically feasible for them to redevelop the property. She indicated that since then, they have cooperated fully with both Washington Square and Edens, rather than going into foreclosure on the property.

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Carol Wroble indicated that she is the personal contact with HSA and that she could assure the Commission there was no plan on their part to redevelop the property because they could not get the density to make it financially feasible.

Chairman Byrnes appreciated the Commissions concerns regarding open space contribution and summarized the excerpt of the code pertaining to it. He stated that the concerns were on the record, but as the code states it's really the Boards decision whether to accept a cash contribution in lieu of the land contribution. He then summarized the votes that needed to be taken and confirmed with the Village Attorney that he was proceeding appropriately.

Chairman Byrnes summarized the standards and expressed interest in seeing the license criteria set forth by the applicant, included in the ordinance.

Mr. Florey indicated that it had already been noted and would be included. He also indicated that the additional concerns addressed would also be included in the ordinance.

General discussion ensued regarding clarification to the proposed ordinance changes and the motion.

Commissioner Nelson motioned for the approval of a Special Use Permit for a Personal Care Facility and a Special Use Permit for a Planned Development, as detailed in the draft ordinance as amended, for the property at 10 N. Washington. Commissioner Moore seconded. The motion passed 4-3 with the following vote: Ayes: Commissioner Kluchenek, Commissioner Moore, Commissioner Nelson and Commissioner Brody. Nays: Commissioner Stifflear, Chairman Byrnes, Commissioner Crnovich.

Commissioner Nelson motioned to disapprove the Site Plan subject to the parking lot striping plan which included all parking spaces at 45 degrees and a second handicap spot, for the existing facility located at 10 N. Washington Street. Commissioner Brody seconded. The motion failed 5-2 with the following vote; Ayes: Commissioner Stifflear and Commissioner Crnovich. Nays: Commissioner Kluchenek, Commissioner Moore, Commissioner Nelson, Chairman Byrnes and Commissioner Brody. The site plan was approved.

Commissioner Moore motioned for the approval of Exterior Appearance, for the existing facility located at 10 N. Washington Street. Commissioner Nelson seconded. The motion passed 5-2 with the following vote; Ayes: Commissioner Kluchenek, Commissioner Moore, Commissioner Nelson, Chairman Byrnes and Commissioner Brody. Nays: Commissioner Stifflear and Commissioner Crnovich.

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Mr. Gascoigne recommended that the Commission discuss scheduling for approval of the Findings and Recommendations, for both of the cases on tonight's agenda due to limited availability of certain Commissioners for the June meeting.

Chairman Byrnes requested that staff consider continuing the text amendment for the Design Review Commission to the July meeting to receive a better turn out from the Commission.

Mr. Gascoigne confirmed he would check with Robb, but that it shouldn't be a problem.

The Commissioners agreed that they would prefer to maintain the June 8<sup>th</sup> meeting since they were able to confirm a quorum with the members in attendance.

Mr. Florey reminded the Commission that they needed four affirmative votes for the Findings and Recommendations and they could potentially lose one of their affirmative votes given the responses for who would not be attending. He indicated that some Commissioners carry their vote from the motion on to the findings and some will switch their vote to approve the decision and he just wanted to account for both contingencies.

Commissioner Stifflear indicated that provided the findings properly reflected the Commission's decision, he would likely vote in favor of the findings.

Commissioner Crnovich agreed.

### **A-08-2011 – 149 E. Ogden (BP) – Design Review Overlay Permit, Special Use for Carryout and Exterior Appearance/Site Plan Review for a New Quick Serve Restaurant Facility.**

Chairman Byrnes introduced the case and asked if the applicant was present.

Mario Spina, representative for Parent Petroleum introduced himself and summarized the proposal.

Commissioner Stifflear confirmed the location of the existing and proposed garbage enclosures.

General discussion ensued regarding the dumpster locations and garbage pick-up

Chairman Byrnes asked if the existing green space to the west of the building would be maintained.

Mr. Spina indicated that it would be reduced as a result of the outdoor seating and additional parking spaces proposed.

General discussion ensued regarding the use and potential traffic congestion being a safety concern.

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Mr. Spina appreciated their concerns and explained that everything would be contained.

Commissioner Stifflear expressed concerns with the loss of green space to the west of the building and the fact that removing it would create the need for a variance.

Mr. Gascoigne clarified the variation requests for the Commissioners.

Chairman Byrnes reminded the Commissioners that the property was in the Design Review Overlay District. He felt that they had done a nice job with the brick work and design, but just wanted to make that clarification for the Commissioners.

Mr. Spina summarized the remainder of the improvements being proposed for the site.

Chairman Byrnes asked why they proposed three additional spots when the current layout meets the requirements.

Mr. Spina indicated that it was for the purpose of improved circulation.

Commissioner Kluchenek asked if there was any thought given to protecting the outdoor seating area from vehicles.

Mr. Spina indicated they certainly could.

General discussion ensued regarding examples of buffers that were appropriate.

Commissioner Stifflear asked Mr. Gascoigne to detail the variations the applicant would be requesting.

Mr. Gascoigne explained all of the necessary variations and why they would be required.

Commissioner Stifflear asked if the proposed trash enclosure would be the same size as the existing.

Mr. Spina indicated it would significantly smaller since the current one contains a lot of storage they didn't need. The proposed enclosure would be just for a garbage dumpster and would be located behind the building.

Chairman Byrnes asked Mr. Spina if they were associated with BP.

Mr. Spina indicated that the extent of their association is selling BP gas.

Chairman Byrnes questioned the likelihood of eliminating the three additional parking spots and maintaining the green space.

General discussion ensued and the Commissioners agreed that they would prefer to eliminate the three spaces and maintain the existing green space.

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Commissioner Moore expressed her satisfaction with the improvements to the monument sign but expressed concerns with the number of colors.

Mr. Gascoigne indicated that this would be treated like any other monument sign and each sign would be treated like a tenant panel which would allow three colors for each sign.

Commissioner Stifflear questioned the need for a separate sign for America's Dog.

Mr. Spina indicated that this would be a leased space and he believed that it would be important to them to have a corporate identity on the main monument sign.

General discussion ensued regarding general signage requirements.

Mr. Gascoigne indicated that generally and theoretically speaking, any tenant occupying a space on the site would be permitted to locate their sign on the larger monument sign however in situations like this it would come before the Plan Commission, ultimately making the approval regarding the number and size of the signs, their discretion.

Commissioner Kluchenek expressed his satisfaction that the sign would now be in compliance with the removal of the words "diesel" and "beer and wine".

General discussion ensued regarding how the existing sign compared to the proposed.

The applicant indicated that nothing in terms of the sign was changing other than replacing the internally illuminated box sign with brick and reducing the overall massing of the box.

Commissioner Crnovich confirmed the height of the existing sign and questioned if the proposed sign would require a variation.

Mr. Gascoigne explained that because the base of the sign was remaining and the only portion to be replaced was the box and they were only changing the material, the applicant has taken the position that this is a direct replacement of the sign portion. He then explained that if the Commission agreed with the applicant's position, they could approve the sign as a direct replacement. If they did not, and felt this was a new sign, they would have to obtain a variation for the height of the sign in addition to their other variation requests.

General discussion ensued regarding the illumination, materials and colors of the sign.

Chairman Byrnes expressed that overall he was very pleased with the improvements but expressed concern with the three additional parking spaces.

Mr. Spina appreciated the concern and was willing to remove the spaces but expressed interest in maintaining a drive aisle for garbage pick up.

Mr. Gascoigne indicated that if the Commission was comfortable with the drive aisle that could potentially satisfy the loading space requirement as well. He indicated that a

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variation would still be required for the location of the space, but at least they would have a loading space.

The Commission indicated they would rather see more green space and not have the drive aisle, but that they understood the applicant's position and would be open to the site plan with or without the drive aisle.

Commissioner Kluchenek motioned for the approval of A-8-2011 – 149 E. Ogden – BP for Design Review Permit for the construction of a quick serve restaurant and associated site improvements subject to the following conditions:

- The applicant shall remove the three parking spaces proposed for the west side of the parking lot.
- A loading space shall be provided on the west side of the parking lot, if necessary.
- A decorative and protective barrier shall be provided, separating the outdoor seating from the parking lot.
- The proposed modifications to the existing sign shall include the removal of the identification for “diesel” and “beer and wine” being for sale and shall not exceed the existing height of the current sign.

Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Moore motioned for the approval of a Special Use Permit to allow a Carryout Facility, at 149 E. Ogden Avenue. Commissioner Kluchenek seconded. The motion passed unanimously.

## **Adjournment**

Commissioner Nelson moved to adjourn. Commissioner Moore seconded and the meeting adjourned at 10:05 p.m. on May 11, 2011.

Respectfully Submitted,

Sean Gascoigne  
Village Planner