

Approved 10/1/08

# MINUTES

**VILLAGE OF HINSDALE  
ZONING CODE REVIEW TASK FORCE  
WEDNESDAY, SEPTEMBER 3, 2008  
MEMORIAL HALL  
7:30 P.M.**

Task Force Member Finlay called the meeting to order at 7:32 P.M. Wednesday, September 3, 2008, in Memorial Hall Board Room, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

**PRESENT:** Task Force Member Finlay, Task Force Member Wood, Task Force Member Anglin, Task Force Member Tuggle, Task Force Member Jim Weil

**ABSENT:** None

**ALSO PRESENT:** Sean Gascoigne, Village Planner

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## Minutes

The Task Force discussed the minutes from August 6<sup>th</sup>, 2008 and August 21, 2008. Mr. Anglin motioned to approve the minutes as corrected from August 6<sup>th</sup>, 2008. Mr. Weil seconded. Mr. Anglin motioned to approve the minutes from August 21<sup>st</sup>, 2008. Ms. Wood seconded.

## Discussion

### **Public Comments**

John Bohnen, Hinsdale resident, introduced himself and discussed Northbrook's planned development process. He provided the contact information for Northbrook's Community Development staff and also mentioned they could be available to attend a future Task Force meeting to discuss their procedures.

Mr. Bohnen opened up a discussion regarding bonding contractors for new developments. He looked at the Ponzi schemes that are currently affecting the Hamptons of Hinsdale, 45 S. Washington, and also other non-Hinsdale projects. He questioned if certain steps or procedures should be inserted into the planned development process to avoid future issues and potential problems. He also discussed the current situation that is currently going on at the Hinsdale Club in which the developer has requested a major amendment to a planned development. He questioned if the developer ever had any plan to build what was approved and if they were planning this all along. He looked at what was now proposed and the potential impact of the development overall.

Mr. Bohnen provided information regarding the CBD parking study and questioned why it was rescheduled for the next Board of Trustees meeting. He stated the information and surveys that were used for the Task Force are flawed data. He also questioned what relationship this study had on the Zoning Rewrite Task Force and recited a statement he had read at a previous Zoning and Public Safety Meeting.

Mr. Finlay requested staff to research if a bond was required for both developers and builders. Mr. Anglin asked Mr. Bohnen to expand on the idea of developers being bonded. Mr. Bohnen elaborated

on the concept for the Task Force but indicated that he was not fully aware of the current requirements for developers to be bonded in different areas, as he has not been involved in this since the early 1990's. He stated certain measures must be taken to protect the Village from possible lawsuits that may arise from certain situations such as the development currently being constructed at the Hamptons of Hinsdale. Mr. Anglin agreed and indicated Mr. Bohnen's comments were consistent with his experience. Mr. Bohnen responded and expressed his concern with relying on lenders to fund large-scale projects. He stated the Village would suffer in the long run if litigation occurs and damages are ultimately paid out. Mr. Anglin discussed the appropriate areas for developer bonding but noted that writing it in the code may not be the best answer. Mr. Bohnen once again expressed his concern with the Village and noted the Village is not doing enough to institute safeguards for the Village. Mr. Finlay requested staff to provide what authority and to what degree research is done to assure that the developer is in good standing. Mr. Bohnen responded and stated changes to the procedure are necessary and due diligence is imperative.

Mr. Finlay summarized Mr. Bohnen's comments regarding the CDB Parking Task Force results and stated he was unsure if any of the findings would be codified. He also stated he would like to see a public hearing at the Plan Commission before any of these results from the Task Force would be inserted into the Village Code. Mr. Tuggle stated he has not heard a lot of input from any of the Trustees regarding the matter.

### **New Business/Old Business**

Mr. Anglin Stated he agreed with many of the comments made by Mr. Bohnen and stated due diligence is going to be very important for the Village. He also noted he was unsure on how the bonding process for the developers would work and if it is applicable and attainable. Mr. Finlay agreed and expressed his concerns with the need for due diligence. Ms. Wood agreed and indicated that more requirements be implemented into the planned development application process to ensure developers are in good standing. The Task Force looked at possibly requiring incoming developers to provide their net worth, although that doesn't mean that the money will be available, to ensure they have the required funds to complete a project.

### **Discussion on Article Nine, Section 11-603 Planned Developments**

Mr. Finlay expressed his thoughts regarding the memo and was concerned the definition of a planned development was not listed at the top of the memo. Mr. Tuggle expressed concern that the tech memo didn't adequately provide for public benefit in the process. Mr. Finlay summarized the pre-application process and wanted to make sure that all areas clearly state that an approval from the Village Staff does not obligate to Plan Commission or Village Board for any type of approval. General discussion ensued over the lack of statement that discusses the public benefit the planned development will provide.

Mr. Finlay opened a discussion regarding the concept plan. He expressed his concerns with the concept plan not being a public hearing. The Task Force all felt this should be a public hearing. Mr. Anglin expressed his concerns with the tech memos and noted this process may be more appropriate for larger developments. Sean Gascoigne, Village Planner, stated the idea of the concept plan was to get ideas from both the Plan Commission and the Village Board before the application process takes place. Mr. Finlay stated he felt the residents should have input the entire time including during the pre-application process. He discussed the possibility of including neighborhood meetings in the process as well for residents. He stated residents are more likely to come to a neighborhood meeting than a meeting at the Village Hall. Mr. Weil expressed his concerns with having a public hearing so early in the process. He felt the process already had a lot of public input and the process is already very lengthy. The Task Force agreed that public input was very important in the planned development

process but discussion on when public hearings would take place was still in question. Mr. Finlay stated some of the changes that he wanted to see in the tech memo. Mr. Tuggle suggested a sign should be placed on the property to give residents more notice than the newspaper.

Mr. Finlay questioned whether the rezoning of a property should take place after the concept plan. The Task Force engaged in discussion and agreed with Mr. Finlay after reviewing Camiros' report regarding the timeline for possible rezoning.

Mr. Finlay moved onto the Preliminary Plan for discussion and offered his suggestions. Ms. Wood recommended that a fiscal report should be provided with the plan. Mr. Anglin recommended that a third party should be hired by the Village and paid for by the developer. He gave examples of how other communities have handled this. Mr. Finlay stated the data would never be in question because the information would be coming from a third party and not from the developer who may try and play with the numbers to look in his or her favor. He discussed the feasibility of including these additional requirements within the recommended time frame listed. General discussion took place over the time these requirements would need to take place. A Hinsdale resident recommended that all info for a new development should be provided on the Village website as opposed to sending out a notification. He stated technology has changed greatly since the code was written in 1991 and dates, packet info, and any other information could be posted on the Internet and viewed from their homes. He noted this would save staff time and reach out to more than the just the surrounding neighbors of the development. Village Planner Gascoigne agreed and stated if for some reason the Village website was not capable of holding this information, the developer could create its' own website and be linked to the Village website.

Mr. Finlay opened a discussion regarding the preliminary plan procedure of a planned development. He stated site plan and exterior appearance are usually included in a planned development so an insert with those details would be beneficial. Mr. Finlay questioned if each application should be voted on separately. He used 1<sup>st</sup> and Garfield as an example because one application was approved but the others were not, which created confusion at the Board of Trustees meeting.

Discussion ensued regarding preliminary plans and standards. The Task Force looked at certain standards and offered their opinions of what changes need to be made and anything that could potentially be added. Mr. Bohnen looked at the financial viability standard and used the Foxford Development as an example. He indicated that financial viability should be addressed as part of the development agreement and its importance to the viability of a project. He stated there is no guarantee that the hotel may be built even though it was approved. He looked at the financial benefits that could be gained but the waivers the Village granted to the development. The Task Force discussed if and where a development agreement should enter the planned development process. They agreed it should come in the final process.

Discussion continued regarding the final plan. The Task Force discussed the meeting process and additional requirements that should be included in the final plan. They also looked at the conformance of the final plan process. Ms. Wood expressed the need to define "substantial conformance" as it relates to "action" bullet points. The Task Force also looked at the criteria for major and minor adjustments to planned developments the types of changes that developers might come in with before general construction begins. They also looked as to whether the Zoning Board of Appeals should have any input. The Task Force indicated that if minor changes are deemed to be major it goes back to square one. They questioned if standards should be established as to what can be approved by the Building Commissioner and also what needs to go back to the Plan Commission. Mr. Bohnen questioned if the project is at a certain dollar amount should the Village require a scale model and what section it should be inserted. Mr. Weil offered his thoughts and stated a scale model or a massing

model may be a good item to add to give residents a good idea of the project could look like. Mr. Finlay stated 3D CAD drawings could also be a suggestion if scale models are not going to be available. Discussion ensued over if a level of cost for the development should be implemented forcing larger developments to require these models.

### **Adjournment**

With no further discussion, Mr. Anglin motioned to adjourn at 9:32. Mr. Weil Seconded.

Respectfully Submitted,

Sean Gascoigne,  
Village Planner