

**SPECIAL MEETING  
VILLAGE OF HINSDALE  
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES  
THURSDAY, JULY, 23, 2008  
Memorial Hall  
7:30 p.m.**

**Present:** Chairman Smith, Trustee Orler, Trustee Cauley, Trustee Follett

**Absent:** None

**Also Present:** Village Manager David Cook, Chief of Police Bradley Bloom, Fire Chief Michael Kelly, Community Development Director Tim Bleuher, Building Commissioner Robert McGinnis

**Minutes**

The Committee discussed the minutes of March, May and June meetings and noted typographical corrections to the June minutes. Trustee Cauley motioned for approval with corrections. Trustee Orler seconded. Motion passed unanimously.

**June 2008 Monthly Reports**

Deputy Chief Kevin Simpson discussed the Police Department's monthly report for June 2008 with the Committee. In addition, he highlighted the favorable final report that had been received from the Commission on Accreditation for Law Enforcement Agencies (CALEA) summarizing the successful re-accreditation efforts of the department back in April. Chairman Smith echoed the favorable comments on the report adding that the Hinsdale Police Department had been recognized by CALEA as a "Flagship" agency, an honor bestowed on only two (2) percent of all agencies that become accredited.

Chief Kelly reported on the June Monthly Report highlighting the fire department's participation in the Safety Village Program. Safety Village teaches a variety of safety lessons to Kindergarten and 1st grade children and was again a great success this year.

Director Bleuher highlighted in his monthly report that Tim Scott, Community Development Strategist, had moved from the Village Manager's office into the Community Development Department as many of his job duties run parallel to those of Community Development.

Chairman Smith asked Director Bleuher to elaborate on his acceptance into Lambda Alpha International where Director Bleuher responded by stating it was a large group of local officials who work in the field of land economics and that it provided educational and networking opportunities related to community development that could prove beneficial to the community.

Trustee Follett asked Director Bleuher to provide her with a history of events related to the Hamptons of Hinsdale development. Director Bleuher stated that he would get that to her as soon as possible.

Chairman Smith opened the agenda items which were recommendations from the Plan Commission and voiced concern regarding these items moving forward due to the fact that there was a special meeting held by the Plan Commission to vote on Findings and Recommendations as opposed to a regular meeting as dictated by the Village's Zoning Code. Director Bleuher responded by saying that he would confer with the village attorney on this point and get back to the committee members before the next regularly scheduled board meeting.

The following items had no discussion and only the vote as follows:

- ❖ Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 4 N. Washington for a Brick Paver Patio. Trustee Follett motioned for approval. Trustee Orler seconded. Motion passed unanimously.
- ❖ Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 26 W. Chicago Avenue for an Awning. Trustee Follett motioned for approval. Trustee Orler seconded. Motion passed unanimously.
- ❖ Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 10 W. First Street for an Awning, Trustee Follett motioned for approval. Trustee Cauley seconded. Motion passed unanimously
- ❖ Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 39 S. Washington for an Awning, Trustee Follett motioned for approval, Trustee Orler seconded. Motion passed unanimously.

**Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to an Office Building at 534 West Chestnut**

Chairman Smith asked the audience if anyone was present to speak on this item. Mike LaBeau, general contractor, said that he was present representing the property owner. Chairman Smith brought up the point that the Plan Commission raised regarding screening of the trash enclosure. Mr. LaBeau responded by stating that the shared trash area with the abutting property owner may be rebuilt and that his client's trash area will be screened. Director Bleuher also responded by saying that if the trash area was separated, in either case, the zoning code would require screening of either trash area.

Trustee Cauley motioned for approval. Trustee Follett seconded. Motion passed unanimously.

- ❖ Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 52 S. Washington. Trustee Cauley motioned for approval. Trustee Follett seconded. Motion passed unanimously.

**Case A-04-2007 – Village of Hinsdale – Approval of an Ordinance Amending Section 3-110 (Bulk, Space and Yard Requirements) and Section 12-206 (Definitions of the Hinsdale Zoning Code Regarding Lot coverage in the Single Family Residential Districts**

Village Manager David Cook suggested that the effective date of the ordinance be established as September 10<sup>th</sup> to ensure that the entitlement process is correct per Chairman Smith's earlier concern that he raised. Trustee Cauley wanted assurance that this regulation would be passed on to the Zoning Code Rewrite Task Force to review within their overall scope of addressing the current code. Director Bleuher confirmed this point of process.

Trustee Follett motioned for approval. Trustee Orler seconded. Motion passed unanimously.

**Case A-05-2008 – 18 West First Street – Fixe Self Center/Joe Peterchack – Approval of an Ordinance Approving a Special Use Permit for a Physical Fitness Facility with Massage Therapy**

Trustee Cauley asked for further explanation of the “money in lieu of parking” requirement mentioned in the staff report. Director Bleuher responded by saying that for the downtown business district, the zoning code allows an applicant to provide \$2,500 in place of physical development of parking spaces as it relates to existing conditions.

Trustee Follett moved to approve. Trustee Orler seconded. Motion carried unanimously.

- ❖ Case A-03-2008 – Applicant: Village of Hinsdale – Request: Text Amendment to Section 9-106, Signs, of the Hinsdale Zoning Code as they all relate to signage on awnings in the B-1, B-2 and B-3, Business Districts, Trustee Follett motioned for approval. Trustee Cauley seconded. Motion passed unanimously.

**Case A-04-2008 – Applicant: Village of Hinsdale – Request: Text Amendment to Sections 5-102C26 (Permitted Uses) and 5-105A5 (Special Uses) of the Hinsdale Zoning Code to allow indoor live entertainment as a permitted use in the B-1, B-2 and B-3 Business Districts**

Chairman Smith provided a summation of the case and the vote by the Plan Commission as well as the current permit process for live entertainment. Trustee Orler stated that he disagreed with the Commission’s recommendation for denial as the process was too burdensome on local businesses. Dave Cook provided an overview of the current process for live entertainment and highlighted the fact that it was a one-time process per individual business. Trustee Cauley noted that he shared the concerns of Trustee Orler, but that the process did not appear to be onerous. Trustee Follett asked if the permit fees could be waived for the applying businesses but that they would still have to go through the entitlement process. Village Manager Cook responded by stating that the Board of Trustees has the ability to waive fees where they believed it was warranted.

Trustee Follett made a motion to approve with the addition to waive applicable permit fees. Trustee Cauley seconded. Motion passed on unanimous vote.

**Consideration of an Ordinance to Change Section 6-12-9, Schedule IX entitled Limited Parking Zones for Maple Street between Garfield Street to Park Streets from a four (4) hour to a two (2) hour parking**

Chairman Smith summarized the police department’s report, which was prompted by a citizen’s petition from residents on Maple Street who requested the proposed change. Trustee Orler made the motion to approve with Trustee Cauley seconding the motion. Motion passed on unanimous vote.

**Consideration of an Ordinance Approving a Major Adjustment to the Final Planned Development for Case A-28-2006 Commonly known as “the Hinsdale Club**

Chairman Smith asked if anyone in the audience was present to speak on this matter. Scott Hardek, attorney for the applicant, stated that he was representing the landowner and developer.

Trustee Cauley said that while this change made the project less dense, he believed that this was indeed a major adjustment to the plan and should go on to the Plan Commission for full review.

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Chairman Smith said that, he too felt this to be a major adjustment and would be required to go to Plan Commission for full review and comparison of this proposed change to the overall project. Trustee Smith also noted that this component is the first aspect seen coming into the Village and should be fully vetted through the Commission.

Scott Hardek stated that all building materials and architectural elements would remain the same and that the economics of the development had changed because of the costs of the related lawsuit to the developer. Mr. Hardek clarified the location and noted that the two other retail buildings along Ogden would be one-story.

Trustee Cauley responded by stating that the planned development was reviewed as a whole; approved as a whole and, therefore, should be reviewed by the Commission as a whole. Mr. Hardek stated that having this go through the process of the Plan Commission would hurt the potential economic benefits to the Village.

Trustee Follett stated that she agreed with Trustee Cauley in that the proposed change should be reviewed by the Plan Commission as it relates to the entire development. Trustee Follett said that the approved three-story component of the subject building was critical in that it stepped back from Ogden Avenue to the approved eight-story hotel behind the building. Furthermore, she stated that the three-story component would act as an important buffer to the one-story retail component and that the current proposal would have negative long-term ramifications; the village would not be happy with a series of one-story retail buildings along this portion of Ogden Avenue. Trustee Follett noted that the approved second and third floor of office space would be highly desirable because of the location and the current and future need for office space within the Village. She also said that if the underground parking was eliminated then the hotel may have to provide a higher parking deck which would overpower the one-story retail buildings and also be the first thing travelers would see architecturally coming westbound on Ogden Avenue. Lastly, she noted that the underground parking component would allow for critical overflow for the hotel component.

Committee members agreed with Trustee Follett's points of concern and reiterated those issues and the potential long-term effect this change would have on the Village as a whole.

Trustee Orlor stressed the importance of this building stepping up to the hotel component in terms of urban design and appearances. Trustee Orlor asked Mr. Hardek why the economics worked originally and not now.

Chairman Smith suggested that the developer build what was approved and agreed upon in the litigation case or go back to Plan Commission for full review.

Trustee Cauley said that he did not like the proposed elimination of the underground parking and second and third story and, as Trustee Follett pointed out, these changes should be reviewed in comparison to the entire development.

Director Bleuher confirmed that the next Plan Commission meeting was scheduled for September 10<sup>th</sup>.

Scott Hardek said that the project could not be developed if they were required to return to Plan Commission. Trustee Follett asked why this decision by the Committee was so complex to Mr.

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Hardek. Trustee Cauley stated that he did not support this process being rushed and that if the applicant wanted to request this significant change then it should return to the Commission to review in total.

Trustee Cauley made a motion to move the item to the next scheduled Plan Commission meeting for review. Trustee Follett seconded. Motion approved unanimously.

**Consideration of an Ordinance to require collection of an impound fee for vehicles towed by police following D.U.I. and other specific driving and criminal offenses**

Chairman Smith provided an overview of the request and there was no discussion. Trustee Follett made the motion to approve with Trustee Cauley seconding the motion. Motion passed unanimous vote.

**Request for Street Closure from the Hinsdale Rotary and Hinsdale Wellness House for Annual competitive 5K running race**

Chairman Smith provided an overview of the request and Trustee Follett confirmed that the street closures requested were consistent with the annual runs in the past. Trustee Follett made the motion to approve with Trustee Cauley seconding the motion. Motion passed on unanimous vote.

**Revised Broker agreement for Sale of Ladder Truck**

Chief Kelly explained that the previous broker agreement for the sale of the ladder truck had expired and this new agreement revises the dates and minimum listing price for the vehicle. The motion was approved on a 4-0 vote.

**Building Code Adoption - Ordinance Deleting and Repealing Title 9 (Building Regulations) of the Village Code of Hinsdale and Replacing it with a new Title 9.**

Trustees discussed adoption of the 2006 Building Code. Two of the trustees wanted verification that there would be no changes made to 9-12-2 regarding limitations on noise, and that no requirements for suppression in single family homes was to be proposed at this time. Robert McGinnis, Building Commissioner, stated that the 8:00 a.m. limitation would not be changed and that no suppression requirements were being proposed at this time. Chairman Smith asked for a motion to recommend approval of the Ordinance. Motion made by Trustee Cauley and seconded by Trustee Follett.

**Referral to Plan Commission - Case A-06-2008: Village of Hinsdale, Parks and Recreation Department - Request: Text Amendment Section 7-210E(1) (Height) of the Hinsdale Zoning Code as it Relates to Lighting in the OS Open Space District**

Chairman Smith gave an overview of the request and stated that he felt this text amendment request tied directly back to the request by the Park and Recreation Department to allow lighting at Pierce Park.

Trustee Follett and Trustee Orler stated that the request should still be vetted out at the Plan Commission level. Furthermore, Trustee Follett felt that the Commission should look at lighting, shielding and the like because of the abutting residential properties. Chairman Smith noted that lighting levels are controlled separately within the Zoning Code.

Chairman Smith stated that the open space districts are the most restrictive with respect to zoning regulations and should not be allowed lights at 85 feet high.

Trustee Cauley said that this request would only apply to Pierce Park and the current predicament there. Trustee Cauley went on to say that there has been past precedence with respect to spot zoning for individual properties and that is not a safe practice for the Village.

Trustee Orler noted that the Village is a land-locked community and that it is a hard balance in providing park needs and protection of abutting residential properties.

Jeff Curran, Parks and Recreation Commission member, gave presentation to the fact that there are current lighting structures which do not meet the regulations of the Village's Zoning Code and that the proposed text amendment would allow Parks and Recreation the flexibility to do what is best for the community.

Trustee Cauley responded that this proposed amendment is specifically related to Pierce Park and that it would appear before the committee otherwise. Mr. Curran and Trustee Follett confirmed the existing structures at other park facilities that were not in conformance with current regulations. Trustee Cauley noted that the real issue here was the height of 85 feet and that in itself would be a detriment to surrounding property owners.

Trustee Follett made a motion to approve with the amendment to cap the height in relation to existing park lighting already in place. Trustee Cauley seconded. The vote was as follows:

AYES: Trustee Follett, Trustee Orler, Trustee Cauley

NAYES: Trustee Smith

Motion approved three to one.

**Discussion of Police Department's review and recommendations for Hinsdale Middle School Traffic Safety Study.**

At the previous ZPS meeting Chairman Smith requested the police department review available options to address concerns that were informally discussed over the need of a crossing guard at the intersection of Garfield and Chicago to accommodate students that may choose to walk to Hinsdale Middle School.

Deputy Chief Simpson provided an overview of the department's efforts in researching the available options for a recommended traffic safety plan. He commented on a meeting that was held on July 2, 2008 where parents and Hinsdale Middle School staff met with representatives from the police department to discuss the this plan and recommendations prepared by Officer Lillie. Deputy Chief Simpson advised that the police department was unable to find a suitable option that would allow students to walk to school that is safer than having students take the bus. In addition, due to the configuration of the Garfield and Chicago Avenue intersection, there were concerns that a crossing guard could not safely cross pedestrians at this intersection using established crossing safety protocols.

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Chairman Smith identified an email received from The Lane PTO co-president, Barb Thayer that described six (6) options to be considered by the committee that had been identified as possible options. Several residents spoke relative to these options suggesting that some alternative needs to be made available for those students who choose to walk or are put in a situation where they have to walk. It was suggested to consider the area of Park Street and Chicago Avenue as a designated location for students to utilize when walking to HMS.

Trustee Cauley, Trustee Follett and Trustee Orler commented on the possibility of enhancing the safety measures in this area and requested the police department research this option further, reporting back to the committee at the August meeting.

In addition, Chairman Smith requested that another meeting be conducted to allow HMS staff and parents to work with the police department and Village administration in resolving this issue.

**Discussion of Police Department's recommendation to relocate school crossing guard from 8<sup>th</sup> and Garfield Streets to Elm and Fuller Streets.**

Chairman Smith summarized this request and Trustee Orler suggested that before a decision is made on the matter that Oak School be contacted and advised of the recommendation.

Trustee Follett requested that the police department review all locations where crossing guards are currently employed to ensure that all necessary safety measures are in place to protect the guards.

**Construction Work Hours**

Members of the building community who attended the last "Builders Breakfast" asked staff to raise this issue with Committee to see if they would consider changing the time to 7:00AM in order to coincide with that permitted in surrounding communities. There was no support to move this request forward.

**Vacant Property Registry**

Staff stated that many communities across the country were drafting legislation regulating vacant properties in response to the growing blighting and public safety problems being created by the growing number of foreclosures. This program would mandate that owners of vacant properties in the community register them and provide ownership and emergency contact information. Most commissioners felt that this was a good idea and directed staff to move it forward.

Meeting adjourned at 9:38 p.m.

Respectfully Submitted,

Timothy Bleuher  
Community Development Director

