

Approved 7/9/08

MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
WEDNESDAY, JUNE 11, 2008
MEMORIAL HALL
7:30 P.M.

Chairman LaPlaca called the meeting to order at 7:40 p.m., Wednesday, June 11, 2008, in Memorial Hall the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman LaPlaca, Commissioner Byrnes, Commissioner Geoga, Commissioner Stewart, Commissioner Parsons,

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn, and Commissioner Kluchenek

ALSO PRESENT: Tim Bleuher, Sean Gascoigne, Carrie Hauptert, Nick Troy, Robb McGinnis, Shaun Pelletier, Kerry Warren

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Commissioner Parsons moved to approve the minutes of the Wednesday, May 14, 2008, meeting. Commissioner Stewart seconded. Motion carried.

Findings and Recommendations – Case A-03-2008 – Request: Text Amendment to Section 9-106, Signs of the Hinsdale Zoning Code as they relate to signage on awnings in the B-1, B-2 and B-3 Business Districts

Chairman LaPlaca said number 6 is confusing the way it is written and suggested language be added to more accurately reflect the reason for the Commission's denial of the request.

Commissioner Stewart moved to approve the Findings and Recommendations for Case A-03-2008 with corrections. Commissioner Parsons seconded. Motion carried unanimously.

Signs

❖ **9 E. First Street – Bugs and Kisses – One Wall Sign**

Chairman LaPlaca said the sign meets the standards under the Code; however, she requested the additional signs in the windows be eliminated, as there is too many. Chairman LaPlaca stated that staff is working on some potential minor modifications to the sign ordinance that would possibly bring existing signs that do not currently comply with the ordinance into compliance.

Commissioner Byrnes moved to approve the proposed sign. Commissioner Stewart seconded. Motion carried unanimously.

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701 47th Street – Veeck Park – Sanitary Treatment Facilities – Exterior Appearance/Site Plan Review – Continued from May 14, 2008

Chairman LaPlaca stated this a continuation of an application for exterior appearance/site plan review for a sanitary treatment facility located in Veeck Park. She went on to state that the engineers would present details regarding the changes and additions requested at the last meeting such as the access road, landscape details, air screening filters for odor control and the chlorination being eliminated into the open water.

Bill Seith, attorney representing the Village of Hinsdale in the litigation with Flagg Creek Water Reclamation District (FCWRD), said as a result of the meeting with residents held on June 5th there were numerous changes made to the design principally with respect to the access road

Greg Kacvinsky, Clarke Dietz, said they have been working with Huff and Huff on the proposed Veeck Park sanitary treatment facility and on June 5th they met with residents to discuss concerns and answer questions regarding the litigation and the state and federal requirements prompting this project. Mr. Kacvinsky said the maintenance drive is now proposed to be located on the east side of the park along the Tollway. Mr. Kacvinsky said they are addressing odor control by using carbon filters for the tank and the screening building and he said they moved the chlorine tanks from the northwest corner of the park to the northeast corner of the park. Mr. Kacvinsky said the tank will be underground and backfilled and landscaped to blend in with the rest of the berm along the east side of the park, The screening building will also be landscaped with vegetative material and will be masked from view.

Commissioner Geoga asked for affirmation that the solution on the table will result in a settlement with FCWRD. Mr. Seith said a major component in the litigation is the Village's impact on the Spinning Wheel interceptor, which is owned by FCWRD, and whenever there are storm events, that interceptor fills to capacity and causes back ups at the Spinning Wheel apartments,. Mr Seith said if the flow can be reduced to a level that allows the interceptor to flow effectively that would resolve the litigation for FCWRD. Commissioner Geoga asked if there is a document of settlement before this plan is implemented. Mr. Seith said no, there is not as there are some issues still being worked out. Commissioner Geoga said he is concerned that FCWRD recommended a 4 million gallon storage facility and the proposal is a 1 million gallon storage facility. Mr. Seith said FCWRD has agreed to this design and are comfortable that a 1 million gallon storage facility and that this will resolve the issues with respect to the Spinning Wheel interceptor.

Chairman LaPlaca asked if a recommendation were to be made, a condition that a written document be included from FCWRD stating that this proposal satisfies that portion of the litigation. Mr. Seith said he is comfortable they can receive that type of assurance from FCWRD.

Commissioner Parsons asked if Parks and Recreation has any opinion on the location of the service road. Keith Medick, Chairman Parks and Recreation Commission, stated

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they have not seen these drawings and there has been no formal discussions, however, he feels they would be more comfortable with the road not interfering with the skate park. Chairman LaPlaca said that is another issue that could be a condition of the recommendation.

Commissioner Byrnes asked if the type of material for the road was known at this time. Jim Huff, Huff and Huff, stated that if it were a warming track it would be crushed gravel, however, if the road were up top it would be a concrete road.

Commissioner Geoga asked where the chlorination storage tanks are now and what the considerations are related to their relocation. Steve Dalton, Clarke Deitz, said the chlorination storage tank has been combined with the screening building and would be housed in two 500 gallon specially designed double walled tanks with leak detection and all the requisite safety precautions for this type of installation. Mr. Dalton said there would be three rooms contained in the one building, a screening room, a disinfection room and an electrical room with each having their own ventilation and control systems.

Chairman LaPlaca asked about the extra screening filters. Mr. Dalton said in addition to a carbon filter for the ventilation from the screening room, there would also be a carbon filter for the normal ventilation from the underground tank so any potential source of odors from the combined sewer system will be vented through a carbon filter.

Commissioner Geoga asked if the buried storage tank would impact surface drainage. Mr. Dalton said the proposed siding of the underground tank will run parallel as a continuation of the berm and currently there is no overland flow or runoff directly from the ball fields passed the tank site. He went on to say that during the construction of the facilities, the outfield area of the softball field will be utilized for construction area and that field will need to be totally re-constructed with proper grading and improved drainage of the softball fields. Mr. Dalton said in addition, there is going to be a separate storm sewer installed from Highland Road and the on the north side of Veeck Park to Flagg Creek with provisions in the design for future connections of drains from the soccer field should the Village wish to do that in the future.

Commissioner Geoga asked if the underground tank itself would prevent proper drainage and if water would pool on top of the tank. Mr. Dalton said the tank would appear as nothing more than a continuation of the berm that currently exists and water will shed from one side or the other. He went on to say there would be a drain system around the foundation of the tank to keep the ground water in the area as low as possible and to drain it out to the Creek.

Chairman LaPlaca stated engineering specifications would go to ZPS. Shaun Pelletier, Village Engineer, stated when the final design plans are submitted, all those details will be included and they would be reviewed and approved by staff.

Chairman LaPlaca asked for clarification of the chlorination level of the overflow water before it is released into Flagg Creek and if it is a safe level. Mr. Huff said the total residual chlorine will be approximately 1 part per million that will be discharged into Flagg Creek and the only time there would be overflows is during very intense rain storms.

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Commissioner Stewart asked if there was a rendering showing the specific footprint and roof height of the proposed building. Mr. Dalton said the building dimensions changed very little with only an addition of 2 feet in one direction to house the sodium hydrochloride tanks and it is 18 feet high to the ridge.

Commissioner Geoga asked if there was an exterior auxiliary generator. Mr. Dalton said yes, and the generator would be located on the backside of the building to keep it out of view.

Chairman LaPlaca invited the public to make any comments.

Jerry Matrich, 515 Highland Road, said there are a lot of people in the community that do not know this project is being proposed. He went on to say that he has learned it is going to work every time it rains, not just in major rain events and this facility will be operating every time. Mr. Matrich believes that there will be an odor problem and this proposal will create a great deal of difficulty over time for the Village. Mr. Matrich thanked Commissioner Byrnes for attending the resident meeting on June 5th.

Bethany Priester, 539 Highland Road, said she feels the Village came up with the quickest, easiest and least expensive plan possible. She asked that Veeck Park not be referred to as the Sludge Lagoon as it is no longer a Sludge Lagoon, but is now a sports park where children play. Ms. Priester asked Clarke Dietz how long the chlorine will sit in the pipe in order for the waste to be disinfected. Mr. Huff stated that the purpose of the chlorine is for bacteria control and 15 minutes is the recommended time to disinfect the waste. Ms. Priester is concerned about how new and existing residents will feel about a treatment facility located in one of the nicest park in Hinsdale. Ms. Priester said she feels it is the responsibility of the community to fix the infrastructure and separate the sewer system, but is not the community's responsibility to provide a water treatment facility and it is the responsibility of FCWRD.

Mr. Dalton showed some photographs of other installations in other communities that have combined sewer systems and are in the position to have to build overflow facilities and storage tanks much like what is being proposed in Hinsdale.

Resident (name unknown) said she was concerned about the possible length of time the waste could be stored in the tank before it is sent down to FCWRD and the possible odor this could create. Mr. Huff said the vent is connected to a carbon filter so there will be no direct connection to the outside from that vent and this will prevent any odor. She also asked Chairman LaPlaca if this was a zoning issue and if so, would zoning need to be changed in order to put this facility in a park. Chairman LaPlaca stated this is a permitted use in the I-B District and no zoning change is required.

Mary Angelo, resident, said she is very concerned about the effects of this type of facility on property values in the area.

Chairman LaPlaca read the standards of Section 11-604f for site plan/exterior appearance review and the standards for design review from Section 11-605e. Chairman LaPlaca said the proposal before the Commission is for the approval of the Wet Weather Facility to be located in the northeast corner of Veeck Park, which includes a building

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and an underground storage tank with an access road along the east side of the property. She went on to say that there would be conditions such as the type of material for the access road, improved drainage and erosion control of the north side of the outfield, a written confirmation from FCWRD stating this proposal would satisfy this component of the litigation.

Commissioner Stewart said he is not comfortable recommending this plan without specifics for the access road such as the location of the road going around and being separated from the skate park by a fence for safety reasons.

Commissioner Byrnes said he would like to confirm the odor from the storage tank would not be an issue. Chairman LaPlaca said a condition be added to the recommendation that state-of-the art carbon filtering system be installed to assure the elimination of odors.

Commissioner Parsons said it is important to note that Hinsdale has been on notice from FCWRD for at least 30 years to do something about separating the sewers in the Village and it is the beginning of a solution that is going to help this problem and give the Village some time to amass funds to start separating the sewers.

Commissioner Parsons moved to recommend the approval of the site plan with conditions that the access road be located outside of the skate park with sufficient fencing to provide a safety feature for the skate park with final materials and location with respect to the ballpark left to staff upon the advice of the Parks and Recreation; a written confirmation from Flag Creek Water Reclamation District be received stating that this plan satisfies the portion of the litigation that relates to and leads to a settlement of that portion of the litigation; that after construction the drainage on the north field adjacent to the water tank be improved with drainage and erosion controls; a storm sewer be located along the north edge of the property to service Highland Park and Highland Road; that state-of-the art carbon filters will be in place on the screening building and storage tank to ensure the elimination of odors from either of these facilities. Commissioner Stewart seconded. The vote was as follows:

AYES: Commissioner Byrnes, Chairman LaPlaca, Commissioner Geoga,
Commissioner Parsons, Commissioner Stewart

AYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion to recommend approval of the above motion passes five to zero.

Commissioner Byrnes moved to recommend the Exterior Appearance/Site Plan Review as proposed. Commissioner Stewart seconded. The vote was as follows:

AYES: Commissioner Byrnes, Chairman LaPlaca, Commissioner Geoga,
Commissioner Parsons, Commissioner Stewart

AYES: None

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ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion to recommend approval of the above motion passes five to zero.

Chairman LaPlaca said this recommendation would move on to ZPS after the Plan Commission approves Findings and Recommendations at the meeting on July 9th.

550 E. Walnut Street – Peirce Park – Field Lighting – Exterior Appearance/Site Plan Review

Chairman LaPlaca said this item is a continuation from the previous meeting at which time a detailed description of what was proposed was provided, however, further information pertaining to the lighting as it would spill over outside of the park was requested. Commissioner Parsons asked if there was any input from the Wellness House.

Keith Medick, Chairman Parks and Recreation Commission described three main types of parks in the Village, which include neighborhood parks, passive parks and major sports parks. Mr. Medick said the season runs from the beginning of April to July 4th and the proposed lights are not intended to hold more tournaments at Peirce Park. The lights are intended to address the overcrowding, capacity constraints and lack of field ability available today. Mr. Medick said currently they turn away a lot travel baseball teams, travel soccer teams and some adult leagues, many of which are Hinsdale residents. Mr. Medick said the fields at Peirce Park are configured for the 9, 10, 11 and 12 year olds and there are only three fields available for this age group. Mr. Medick stated they would like to increase the capacity by having more lighted games for that age group. Mr. Medick said Wellness House has stated they have no problem with the installation of additional lights at Peirce Park.

Commissioner Geoga asked if it was possible to re-configure different fields. Mr. Medick stated that yes, it is possible, however, they felt it did not make sense to do that given there is a field for this age group and Hinsdale Little League would pay for the cost.

Mr. Medick stated that he discussed with Chief Bloom the parking problem around the park and Chief Bloom was open to working with the residents on a more effective parking plan for the area during baseball season even if the lights are not installed. Mr. Medick also said the Chief Bloom stated there is no correlation between lights and any type of criminal activity when organized events are taking place. He went on to say that Chief Bloom said from a law enforcement perspective, increasing organized sports activities generally discourages mischievous and criminal activity in youth. Mr. Medick said the lights would be on timers and set for whatever time deemed appropriate and the latest would be 10:00 p.m.

Chairman LaPlaca asked about the possibility of increased usage outside of Hinsdale residents and who controls the usage of the park. Mr. Medick said the Parks and Recreation Department work in conjunction with Hinsdale Little League, however, there

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is no tournament play that happens during the Little League season and very few of the All Star tournaments are played at night.

Dave Miller, Musco Lighting, presented a diagram that illustrated the area and where the light spill over is and what the intensity of the light spill over is at those points.

Commissioner Parsons asked if once the lights are installed are the light levels verified and the proposed light levels meet the actual light levels. Mr. Miller said light readings would be performed.

Chairman LaPlaca opened the floor to public comment.

Luke Stifflear, 227 Justina, said there is already a significant burden on the residents within the Peirce Park neighborhood by the existing lighting at Peirce Park such as the noise and disturbance, impact on real estate values and the light spill over. Mr. Stifflear said his group represents approximately 50 homes in the area and 87 percent of those homes signed a petition opposing the installation of additional lights at Peirce Park.

Mark Johnson, 531 E. Walnut, said the households bordering Peirce Park contend with a number of issues during baseball season and more lights would just exasperate those issues. Mr. Johnson said his neighborhood has reached the capacity for baseball with a lot of traffic and it affects daily routines. Mr. Johnson said he thinks other alternatives should be explored such as lighting at Duncan Field.

Troy Unell, 227 Phillipa, said the additional traffic, noise and disturbances after sunset will impact residents' quality of life and the character of the neighborhood. Mr. Unell also said there is more litter and trash around the area during baseball season. He went on to say he felt additional lights would have an impact on real estate values in the area.

Frank Gonzales, 219 Justina, said he has concerns regarding the increase in traffic and safety the additional lights would create. Mr. Gonzales said there is often a problem with inadequate parking, congestion and speeding cars in the area. He went on to say that when Wellness House and Seven Day Adventist have evening functions, this adds to the congestion and volume of vehicles in the area. Mr. Gonzales asked the Commission to review the 20/25 survey where 72 percent of the respondents stated no more lights and no more fields.

Jason Edgewater, 208 Phillipa, said he agreed with Mr. Gonzales and stated he is not anti-baseball or anti-Little League, but that it is about the extreme burden to the area and the residents of the area by installing additional lighting.

Mr. Stifflear said that after reviewing the most recent schedule from Hinsdale Little League's website, he felt there were additional time slots on Thursdays, Fridays, Saturdays and Sundays on the existing fields that already have lights and he suggested utilizing these time slots rather than installing additional lights. Mr. Stifflear also stated that the application does not comply with the standards for site plan development in the Hinsdale Zoning Code.

Mr. Medick stated Duncan Park is a property that is leased from year to year with Cook County and the Village is currently in negotiations for a long-term lease, however,

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currently this park is not a viable alternative. Mr. Medick stated this season has been very lucky in terms of rainouts and in pervious years there has been less open spots on Friday evenings due to make-up games needing to be scheduled. Mr. Medick stated Hinsdale Little League has chosen not to schedule more games on the weekend because many players play both sports and there is a conflict with AISO on Saturday mornings.

Chairman LaPlaca asked if the traffic would be significantly less in the evening than during the day because only three fields would be utilized as opposed to all the fields being utilized during the day. Mr. Medick stated that during the week there are five games going on between 5:45 p.m. and 7:45 p.m. and with the additional lighted field, there would be three games going on at 7:45 p.m.

Brian Goss, 609 E. Hickory, stated he has resided at this address prior to any lights located at Peirce Park and he recalled that before the lights were installed, this area attracted many transients and vagrants that loitered in the park and the installation of the lights eliminated this problem during baseball season. Mr. Goss stated it has become a much more enjoyable area and it is a huge benefit to the area. He said he is in support of the installation of additional lights and supports the positive family atmosphere that now exists around the park.

Barrett McDonald, 233 Justina, said he has traffic safety concerns for the children in the area and often many cars uses his driveway to turn around.

Rich Simon stated the reason the lights were considered is because a number of games this year were dropped due to the lack of field capacity and it was the best solution to accommodate the community as a whole and provide the best baseball atmosphere.

Holly Willobee, 211 Phillipa, said there is a lot of traffic during the day because of the day games and it is alleviated once the sun goes down and adding more lights would just create more traffic and parking problems. Ms. Willobee noted that the diagram presented regarding spillage was focused just on the park itself and did not include any of the surrounding residents. Ms. Willowbee said it is important to include the existing lights from the existing fields, lights from Veeck Park and the streetlights and the evaluate the cumulative impact and not just the proposed impact.

Randy Conti, Treasurer of the Hinsdale Little League, stated the All Star Tournaments do not make any money for the league because there is an outflow of cash to cover registration fees for Hinsdale kids to play in outside tournaments.

Tim Blueher, Community Development Director, pointed out that current Code requires that the lighting level be no more than .5-foot candles at the property line and the consultant showed .38 reading at the south boundary of Walnut Street and the highest reading was .23 on the north side of Walnut Street.

Holly Bell, 221 Phillipa, said she recently asked a professional appraiser if a lighted park would be a consideration in appraising the value of homes and his answer was that he would contact the Village to find out if it was a possibility that lights would be installed. Ms. Bell said she is concerned about more congestion and the negative impact on property values.

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Arthur Sturm, 217 Phillipa, said he has seen the evolution of the neighborhood and is asking the Commission to look at the strategic plan that Parks and Recreation commissioned, which clearly states no lights in the west field. Mr. Sturm stated that every couple of years more and more residential characteristics are being lost.

Tim Bestler, 222 Justina, said he feels they have been asked over and over again to make concessions for various organizations and to ask for more lighting is a huge burden to the area. Mr. Bestler said the fields are fenced in and they cannot be used for other purposes and it is completely controlled by one organization.

Wade Martin, 207 Phillipa, said there is no doubt that the proposed lights will impact the surrounding residents negatively, but the question should be do resident concerns outweigh the overall benefits to the rest of the community.

Tom Digenan, 307 S. Vine, said he does not believe any trash is created due to Little League games. Mr. Digenan said there are sacrifices people that choose to live near a park should expect to make. Mr. Digenan pointed out that the seven year olds would never need lighted fields as they are too young to play night games.

Glen Yager, Hinsdale resident, said he is the general manager for the Triple A affiliate for the Milwaukee Brewers and he sits on the board for an organization called Reviving Baseball in the Inner Cities and he is uniquely qualified to speak about the benefits of baseball for youth. He went on to say that as a league there are some issues with the residents that should be worked out such as parking and traffic. Mr. Yager said that on average with the limited capacity of the fields and rain delays, the 9-year olds play one game a week and it just not enough to get a kid fully engaged in baseball.

Chairman LaPlaca said the residents concerns are real and some concerns exist whether or not the additional lights are approved and installed, however, the concerns that relate specifically to the lights does involve a balance between the benefit to the community to having additional Little League games and the impact on the neighborhood and that is the issue that needs to be discussed.

Commissioner Parsons said he does not expect the residents of the Peirce Park neighborhood to endorse this proposal. Commissioner Parsons said he is sure that for three months of the year it is aggravating to have the noise and traffic, however, the other nine months of the year is relatively peaceful and that is part of the deal. Commissioner Parsons went on to state that if Peirce Park were so detrimental to property values, they would not have built the houses they did in that location. Commissioner Parsons said in the interest of the community as a whole and anything that gets a child off the couch and outside is a positive thing and he supports the position of the Little League.

Commissioner Byrnes said Hinsdale has one of the best Little League programs in the area and he agrees with Commissioner Parson's comments. Commissioner Byrnes said he realizes how difficult it is to schedule make up games and this year two games have been eliminated from everyone's schedule and there is a capacity issue. . Commissioner Byrnes said he feels it is a positive amenity for the whole community.

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Commissioner Geoga said the standards of the Zoning Code require the Commission to consider the incidence of burden when weighing the costs and benefits to the community as a whole and the distribution of the costs and benefits are relevant. Commissioner Geoga said the Commission has to consider if the site plan is unreasonably detrimental to the use and enjoyment of surrounding properties as well as the benefit to the community at large. Commissioner Geoga said he feels the burden is disproportionately placed on the surrounding community.

Commissioner Stewart said while there are very legitimate concerns on both sides of the issue, if the Little League were able to light a third field along the Tollway, the burden on the neighborhood would not be nearly sufficient to outweigh the benefit of the field, however, the west end of the Peirce Park is a specialized area and is too much for the area.

Chairman LaPlaca stated for the record that because of the nature of this application, exterior appearance/site plan review formal notice is not required. She went on to say that she appreciates that baseball is a positive and significant aspect of the community, however, the concerns stated by the neighborhood are valid and the burden is disproportionate for the neighborhood. Chairman LaPlaca said there are opportunities for Little League to work with the neighborhood and Parks and Recreation to come up with solution that would create less disruption than this one and because this is something that does not affect the current season perhaps a solution could be obtained for next season.

Commissioner Stewart moved to recommend disapproval of the site plan to install additional lighting at Peirce Park. Commissioner Geoga seconded. The vote was as follows:

AYES: Chairman LaPlaca, Commissioner Geoga, Commissioner Stewart

NAYES: Commissioner Parsons, Commissioner Byrnes

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

The motion failed three to two.

Commissioner Geoga moved to recommend approval of the exterior appearance review for additional lighting at Peirce Park. Commissioner Parsons seconded. The vote was as follows:

AYES: Commissioner Parsons, Commissioner Byrnes

NAYES: Chairman LaPlaca, Commissioner Stewart, Commissioner Geoga

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion fails three to two.

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4 N. Washington – Exterior Appearance/Site Plan Review - Brick Paver Patio

Chairman LaPlaca stated this is an exterior appearance/site plan review for a brick patio behind the Northern Trust Bank at 4 N. Washington, which the applicant claims they cannot grow vegetation in that location. Chairman LaPlaca asked staff if there was some other option that would involve a less impervious surface. Sean Gascoinge, Village Planner, informed the Commission that the applicant already installed the paver patio not knowing approval from the Plan Commission was required.

Most of the commissioners felt that the picture provided shows certain vegetation growing and did not feel that was a viable reason to approve this request. Mr. Gascoinge said he would recommend the applicant meet with the Village arborist to see what types of vegetation grow best in those conditions. Chairman LaPlaca continued this case to the July 9th meeting.

230 E. Ogden – Exterior Appearance/Site Plan Review - Addition and Exterior Improvements

Mike LeBeau, Michael-James Development representing the owners of 230 E. Ogden LLC. Mr. LeBeau stated the proposal entails an office building and an increase in the size of the building from 3,000 square feet to 8,000 square feet. Mr. LeBeau said they believe the new look will blend with the Ogden Avenue Corridor plan.

Commissioner Geoga asked if the building will be torn down and rebuilt. Mr. LeBeau stated they would be tearing down a portion of the building, adding a second story and adding to the front of the building.

Chairman LaPlaca said the building does not comply with FAR and is too high. Mr. LeBeau said they were over the FAR by approximately 100 square feet and they will comply by reducing the size of the footprint slightly on the second floor and the height requirement will come out of the peaks and the actual height at the roof line of the building will be 30 feet high.

Commissioner Parsons asked how the water would be kept off the building on the side with the zero lot line. Mr. LeBeau stated currently the water drains into the storm sewers at the back of the building and will continue to do that with gutters that go inside the building and drop down into the storm sewer.

Chairman LaPlaca asked what type of material the proposed building was made of. Mr. LeBeau stated the front was stone and stucco and the roof material is a slate-looking shingle.

Commissioner Parsons asked if there was a theme established for Ogden Avenue. Chairman LaPlaca said they know what the esthetics of the Hinsdale Club is going to be and this proposal compliments those designs.

Chairman LaPlaca asked what tenants would occupy the building. Mr. LeBeau said the existing catering business will remain and there will be an MRI and a CT scan facility and possible medical office on the second floor.

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Commissioner Stewart motioned to recommend approval of the site plan review for 230 E. Ogden with the conditions that the FAR will be reduced to within Code, the height requirement will be reduced to within Code and that the variation for the side yard setback will be granted by the Zoning Board of Appeals. Commissioner Byrnes seconded. The vote as follows:

AYES: Chairman LaPlaca, Commissioner Parsons, Commissioner Byrnes,
Commissioner Geoga, Commissioner Stewart

NAYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion carries five to zero.

Commissioner Stewart moved to recommend the exterior appearance review for 230 E. Ogden with the materials as stated and the conditions that the FAR will be reduced to within Code, the height requirement will be reduced to within Code. Commissioner Parsons seconded. The vote as follows:

AYES: Chairman LaPlaca, Commissioner Parsons, Commissioner Byrnes,
Commissioner Geoga, Commissioner Stewart

NAYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion carries five to zero.

830 N. Madison (Salt Creek) – Exterior Appearance/Site Plan Review - New Tennis Pro Shop and Paddle Tennis Courts

Chairman LaPlaca gave a summary of the request stating there was an application by Salt Creek to build a tennis viewing area and a clubhouse facility that was approved in 2006, however, construction did not commence within one year, therefore, the approval lapsed. The applicant is here again to seek approval for that facility as well as new paddle courts and a lounge that is slightly smaller than what was previously approved in 2006. Chairman LaPlaca said that because of the change in the application and the new fire code requirements the applicant now meets the parking requirements and a planned development/special use approval is not required for this application.

Peter Coules, attorney for Salt Creek Club, said there are two different submittals being presented for approval. The first is for the structure deemed the pro shop/lounge area and it is a two-story Nantucket style building that is 60 percent smaller than the building that was approved in 2006. Mr. Coules said he worked with staff to ensure that no variations would be required to do this project. Mr. Coules said the second submittal is for the four paddle tennis courts and they are considered an accessory use to the tennis and swimming facilities that currently exist. Mr. Coules stated that while notice to

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neighbors was not required for this type of request, a courtesy letter was sent to surrounding neighbors inviting them to view the proposed plans and there was no response from anyone.

Commissioner Stewart asked what the distance from the paddle courts to the nearest property line is. Mr. Coules said it is at least 250 to the lot line.

Mike Smith, 425 E. Third Street, said that while he is in favor of this plan, he asked the Plan Commission to review certain areas of the Zoning Code as he feels there will be substantial change occurring in the use of this club and it is important to follow the Zoning Code carefully. Mr. Smith questioned the difference between a special use and a special use permit and whether or not the applicant followed the applicable process for this petition.

Chairman LaPlaca said the special use permit that was originally granted in 2006 and subsequently revoked after one year due to construction not commencing was the special use permit that was unique and part of the planned development approval and the special use permit approval that was granted for the membership, sports and recreation facility is still in place and does not require a re-application.

Commissioner Geoga asked if the concern is that the approval without the public hearing associated with a special use permit would be defective and open to challenge by people who would have not received notice. Mr. Smith said that was correct and he is not sure that residents are aware that with this approval, the use of the club would go from a summer time/daytime use to a year round use.

Mr. Smith said the parking requirements in 2006 were 114 and according to the application 84 existed and the required parking currently is 86 spaces and he questioned how many parking spaces actually exist.

Mr. Coules said there are 86 existing spaces. Mr. Coules said this is a club that is used nearly year round and the application is an accessory use to the existing property and has always only been used as one type of club.

Chairman LaPlaca said legal counsel for the Village has taken the position that a special use permit authorizing a membership, sports and recreation club was issued in 2006 and that special use permit is still in effect and if one agrees with that fact the paddle tennis courts and a locker room are accessory uses to that club.

Commissioner Stewart said the building appears to be a second building and not an accessory structure and it came before the Commission the first time as a planned development. Chairman LaPlaca said it was a planned development previously because of the parking deficiency and the purpose of the building is as an accessory to the main club.

Chairman LaPlaca suggested the Commission should proceed and vote on merits on the legal opinion of the Village attorney and a condition could be added stating that the basis of the approval is based on the accuracies of that legal opinion. Mr. Coules said they would be willing to condition the approval with a clause stating that if there is a ruling that Village counsel's opinion is incorrect, they will file for a special use.

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Commissioner Parsons stated they are an advisory board and it still has to go to the Village Board and they should discuss the merits of the project. He went on to state that architecturally the building seems to be very well received and it is a non-element from the street or anyone else's backyard. .

Chairman LaPlaca said from an exterior appearance/site plan perspective it is a nice facility and the location of the paddle tennis courts are appropriate and un-obtrusive for the area.

Commissioner Geoga said he agrees, however, if they are going to approve an application it is because they believe they are following the right process and they cannot avoid coming to a conclusion on whether or not they think it is the right process or not.

Commissioner Stewart moved to recommend disapproval of the site plan for the building at 803 N. Madison – Salt Creek Club. Commissioner Parsons seconded. The vote was as follows:

AYES: None

NAYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca

ABSTAIN: Commissioner Geoga, Commissioner Byrnes

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion fails three to zero with two abstentions.

Commissioner Stewart moved to recommend disapproval of the four paddle tennis courts at 803 N. Madison – Salt Creek Club. Commissioner Parsons seconded. The vote was as follows:

AYES: None

NAYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca,
Commissioner Geoga, Commissioner Byrnes

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion is disapprove fails five to zero.

Commissioner Parsons moved to recommend approval of the exterior appearance of the building at 803 N. Madison – Salt Creek Club. Commissioner Stewart seconded. The vote was as follows:

AYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca,
Commissioner Geoga, Commissioner Byrnes

NAYES: None

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ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion is approved five to zero.

Commissioner Parsons moved to recommend approval of the exterior appearance review for the four paddle tennis courts at 830 N. Madison – Salt Creek Club. Commissioner Stewart seconded. The vote was follows:

AYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca,
Commissioner Geoga, Commissioner Byrnes

NAYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion is approved five to zero.

Chairman LaPlaca said the application would move forward to the next ZPS meeting.

Case A-04-2007 – Applicant: Village of Hinsdale – Request: Text Amendment to Section 3-110 of the Hinsdale Zoning Code to provide regulations for a maximum “total lot coverage” requirement in the four Single-Family Residential Districts and Section 12-206 Definitions as needed

Chairman LaPlaca opened the public hearing and said there has been discussion in previous meetings and staff is recommending an amendment to the Code for maximum lot coverage of 50 percent with the exception of non-conforming lots under 10,000 square feet with the maximum lot coverage of 60 percent. Chairman LaPlaca said that according to staff, new construction is coming in at about 41 percent coverage and the problem comes in with second or third owners of homes that want to put in a patio or some other ground coverage. She went on to say that drainage issue in the community has become significant enough that capping coverage at 50 percent would prevent any further erosion of green space in the community and the situation does not get any worse than it already is.

Director Bleuher added that Mr. McGinnis, Building Commissioner, has presented a new construction project that was approved per Code where the entire lot is at 65 percent paved over and something needs to be put in place as soon as possible because the Village does not have the infrastructure to handle the drainage. He went on to say that and after walking neighborhoods many backyards have standing water.

Commissioner Parsons said the problem comes in when smaller lots have a detached garage and a driveway, the 50 percent does not even allow homeowners to have a patio. He went on to suggest that the exception be for lots less than 10,000 square feet and to tighten up the definition of impervious surface with a few exclusions will work such as swimming pools and other bodies of water.

Commissioner Parsons moved to recommend approval of the amendment to Section 3-110

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of the Hinsdale Zoning Code to add a maximum lot coverage of 50 percent with an exception for non-conforming lots under 10,000 square feet where the maximum lot coverage would be 60 percent. In addition, Section 12-206 (Definitions), delete the words any swimming pool or body of water and add the words sidewalks, terraces, compacted surfaces. In addition, an amendment to Section 10-105, (Non-Conforming Uses) would have an addition for non-conforming lots less than 10,000 square feet with maximum lot coverage of 60 percent. Commissioner Stewart seconded. Motion carried as follows:

AYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca,
Commissioner Geoga, Commissioner Byrnes

NAYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion is approved five to zero.

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 (Continued from May 14, 2008)

Chairman LaPlaca stated that once a special use permit for live entertainment is approved, the applicant is not required to come back and that she feels comfortable with requiring applicants to come and get a special use permit and not making it a permitted use. Mr. Gascoigne said a condition would need to be put on the special use at the time it is granted and it would go with the use until a new occupant takes over. Members of the Commission felt it was not necessary to make it a permitted use and would like applicants to come before the Commission to hear what type of entertainment they are requesting and then decide what the conditions should be.

Commissioner Geoga moved to recommend denial of the request for above text amendment. Commissioner Stewart seconded. Motion carried as follows:

AYES: Commissioner Parsons, Commissioner Stewart, Chairman LaPlaca,
Commissioner Geoga, Commissioner Byrnes

NAYES: None

ABSENT: Commissioner Thacker, Commissioner Moore, Commissioner Flynn,
Commissioner Kluchenek

Motion is approve five to zero.

Chairman LaPlaca stated the next meeting is July 9th, however, she would like to suggest a second meeting in July to approve findings and recommendation so those matters could move forward as there will not be a Plan Commission meeting in August.

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Commissioner Stewart announced that this was his last meeting and thanked everyone.

Commissioner Parsons moved to adjourn. Commissioner Stewart seconded. Motion carried and the meeting was adjourned at 12:40 a.m.

Respectfully Submitted

Kerry L. Warren
Community Development

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Respectfully Submitted,

Kerry L. Warren
Community Development Secretary

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