

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
OCTOBER 8, 2008
MEMORIAL HALL
7:30 p.m.**

Chairman LaPlaca called the meeting to order at 7:40 p.m., Wednesday, October 8, 2008 in Memorial Hall the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman LaPlaca, Commissioner Geoga, Commissioner Thacker, Commissioner Sullins, Commissioner Parsons

ABSENT: Commissioner Kluchenek, Commissioner Flynn, Commissioner Byrnes, Commissioner Moore

ALSO PRESENT: Sean Gascoigne, Gina Hassett, Kerry Warren

Minutes

Commissioner Geoga moved to approve the minutes of September 10, 2008 with corrections. Commissioner Sullins seconded. Motion passed as follows:

AYES: Chairman LaPlaca, Commissioner Sullins, Commissioner Geoga, Commissioner Thacker,

NAYES: None

ABSTAIN: Commissioner Parsons

ABSENT: Commissioner Kluchenek, Commissioner Flynn, Commissioner Byrnes, Commissioner Moore

Motion passed four to zero with one abstention

Findings and Recommendations

- ❖ 5811-27 S. Madison St – Hinsdale Food Mart – Construction of One Monument Sign and Parking Lot Improvements
- ❖ Case A-28-2006 – Hinsdale Club – Applicant: Foxford LLC – Request: Major adjustment to a Planned Development

Commissioner Geoga moved to approve the Findings and Recommendations as submitted for the above applications. Commissioner Thacker seconded. Motion passed as follows:

AYES: Chairman LaPlaca, Commissioner Sullins, Commissioner Geoga, Commissioner Thacker,

NAYES: None

ABSTAIN: Commissioner Parsons

ABSENT: Commissioner Kluchenek, Commissioner Flynn, Commissioner Byrnes, Commissioner Moore

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Motion passed four to zero with one abstention

**Scheduling Public Hearing for Case A-08-2008 – 950 N. York Road – Graue Mill
Executive Center Condominium Association**

Chairman LaPlaca stated that because this location is in the Design Overlay District a public hearing is required and will be scheduled for November 12, 2008

Chairman LaPlaca stated that due to ongoing negotiations and conversations between residents and the developer the public hearing for the exterior appearance/site plan review for 26 – 32 E. First Street will be opened and continued to November 12, 2008.

Sign Permit Review

❖ 18 W. First Street – Fixe Self Center – Wall Sign and Two Window Signs

The Commission reviewed the request for a wall sign and two window signs for 18 W. First Street, Fixe Self Center. Chairman LaPlaca said that under the Code, the applicant is permitted two signs and they are asking for a third sign in the window, which the Commission does have the authority to permit.

The sign contractor said the proposal will be illuminated channel letter sign on a raceway and the bottom letters will be three-dimensional letters, non-illuminated and the size will comply with Code. He said the signs in the window will be digital.

Commissioner Parsons asked if the metal raceway would match the stucco on the building. The contractor stated it would match the paint they have used on the exterior walls. Chairman LaPlaca asked if this falls under the prohibition of neon lights. Sean Gascoigne, Village Planner, said the Code references exposed neon and as long as it is shielded, it is permitted.

Chairman LaPlaca requested the applicant work with staff to ensure the size complies with the requirements under the Code. Commissioner Thacker requested that the raceway box be painted the same color as the stucco. The applicant agreed to both requests.

Commissioner Thacker moved to approve the request for signs at 18 W. First Street. Commissioner Parsons seconded. Motion passed unanimously.

Exterior Appearance/Site Plan Review – 48 S. Washington Street

Patrick McCarty, architect, said they are proposing a refurbishment of the exterior of the building including repainting and changing the windows and the front doors so there is more glass and more visibility into the building. He said that at this time there is not a specific tenant, but the proposed improvements would provide marketability for a broader range of tenants.

Commissioner Geoga asked how they could approve a sign when they don't know what it is going to say. Chairman LaPlaca said that it is her understanding that they are only approving the space for the sign and when a permanent tenant does lease the space, they will be required to return to Plan Commission for consideration on the details of the sign.

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Commissioner Parsons said he understands from a marketing standpoint making the glass area larger for display, however, he is not comfortable with two big plate glass windows. He asked if it would be possible to go with a Chicago window style with two smaller flankers and one big picture window in the middle. Mr. McCarty suggested splitting into three equal sections. Commissioner Parsons said that would be satisfactory.

Commissioner Parsons moved to recommend approval of the exterior appearance/site plan with the modification of three equal windows as opposed to two. Commissioner Thacker seconded. Motion passed unanimously.

Exterior Appearance/Site Plan Review – 63 Village Place – The Courtyard – Awning

Chairman LaPlaca asked if there were fabric samples available. The applicant said it is a green, thicker canvas type material. Commissioner Thacker moved to approve the exterior appearance/site plan for 63 Village Place – The Courtyard. Commissioner Parsons seconded. Motion passed unanimously.

Public Hearings

Case A-07-2008 – 920 N. York Rd – Applicant: Bank of America – Request: Exterior Appearance in the Design Overlay District: Construction of One Monument Sign

Chairman LaPlaca said opened the public hearing and continued the hearing to the November 12th meeting due to notice requirements not being met.

Case A-06-2008 – Applicant: Village of Hinsdale – Request: Text Amendment to section 7-210E(1) (Height Exceptions) of the Hinsdale Zoning Code as it relates to lighting in the OS Open Space District

Chairman LaPlaca asked for anyone planning on speaking to be sworn in.

Chairman LaPlaca said this hearing relates to a text amendment request only and does not relate to the recent Pierce Park lights application and all comments should be limited to the topic of the text amendment request.

Keith Medick, Chairman of the Parks and Recreation Commission, said that this text amendment is being sought because during the previous application process to install lights at Pierce Park, it was discovered that many of the existing lighting structures in town do not comply with the current Code requirements for lights in the Open Space Districts, which states no light structure can be over 15 feet in height. Mr. Medick said this text amendment would protect existing lights from challenge and allow possible future light projects for athletic fields. Mr. Medick said the change would not allow lights to pop up around town and that any possible future lights would be required to go through the normal approval process.

Chairman LaPlaca asked if anyone in the audience had questions or comments.

Sean Hayden, 218 Justina, asked what the Parks Commission was going to do with \$90,000 now that the Peirce Park request was denied. Mr. Medick said Hinsdale Little League approached the Parks and Recreation Commission and offered to pay for the lights and it is their funds, not the Village's. He also stated that Hinsdale Little League donates approximately \$50,000 a year

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to help maintain the fields at Peirce and Veeck Parks. Mr. Hayden stated that 90 percent of the residents do not want the lights as they are unsightly.

Molly Hughes, 24 S. Oak, said that although she and her family are frequent users of the existing parks with lights, she does not support this request and it is a blanket solution where small parks could be treated the same way as Peirce or Brook Park and it is too big and too broad of a solution. Ms. Hughes suggested tasking the zoning rewrite task force to create an amendment that allows the current lights to remain for repair or replacement and perhaps create a new zoning district where lighted fields would be more appropriate.

John Johnson, 730 Woodside, said the lights should not be allowed at Brook Park because the residential area and the lifestyle of the residents surrounding the park would be affected.

Susan Johnson, 531 E. Walnut, said she objects to the text amendment and she believes the current zoning code is appropriate for the open spaces.

Luke Stifflear, 217 Justina, stated this is a quick reaction and more homework is needed. He said there are several circumstances in the community where there are noncompliant structures and no one is suggesting the existing lights be removed and sometimes it is better to just let things lie.

Ray Anderson, 211 Justina, said he agrees with everything Ms. Hughes said and he does not support the text amendment. He asked if the Village staff had looked at similar neighborhoods such as Glencoe, or Lake Forest and what it allowed in their codes.

Gina Hassett, Parks and Recreation Director, said they have looked at some close proximity communities and each community is a little more specific to the situation going on in their community, however, most are allowing between 60 feet and 85 feet.

David Dressler, 844 S. Park, said he is in favor of the text amendment so that the existing lights can be maintained, repaired or replaced.

Rich Simon, 215 S. Monroe, said he is in favor of permitting lights in certain parks as it will provide few extra hours of daylight to watch their children's sports that would not be possible for working parents. He said he believes there is a silent majority that feels the same as he does. Mr. Simon read an e-mail from a fellow resident, Doug McArthur, which expressed his support for the text amendment.

Chairman LaPlaca said that she and the other members of the Plan Commission have received and read all the e-mails and in the interest of time, they do not need to be read again.

Holly Kopack Willobee, resident, said the text amendment as proposed is too broad and that most people support the existing lights and would not seek to have them removed to conform to the current Code.

Liz Gonzales, 219 Justina, said she would like to read an e-mail written by Debra Pearl which stated the reasons the Plan Commission denied the request for lighting in June still holds true today and it is burdensome to the community. Ms. Pearl's e-mail also stated the need for a comprehensive outdoor lighting code including efficiency of fixture design and allowable lumens

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per size of land parcel. Ms. Pearl's e-mail also provided research regarding light at night being a risk factor for certain cancers.

Troy Unell, 227 Phillipa, said the open space district is the most restrictive district in Hinsdale and 17 out of the 18 parks in Hinsdale are zoned as open space districts. Mr. Unell said over 500 homes directly face or abut Hinsdale's open space parks. Mr. Unell said the proposed text amendment would offer no protection for residents living near open space parks and would cause noise, traffic, parking and safety issues. Mr. Unell said the application is not supported by the standards for amendments in the Hinsdale Zoning Code.

Frank Gonzalez, 219 Justina, showed the Plan Commission superimposed photos of various parks in Hinsdale with stadium lights as examples to illustrate what the capability of glare and reflection on residential homes surrounding the park would look like. Mr. Gonzales said the Code states that exterior lighting shall not cause glare and direct rays of light from being cast on to any adjacent public, private property or street and the intensity of light not exceed 1.5 foot candles.

Commissioner Thacker said he wanted to point out that this proposed text amendment does not state that anyone that wants to put 60-foot lights on any park will automatically be granted and the application has to go through Plan Commission, Zoning and Public Safety committee and the final Board of Trustees vote.

Mr. Gonzales said he believes this proposed text amendment opens the opportunity for anything.

Commissioner Geoga said the adoption of this amendment does not say that no further process is needed before 60-foot lights could be authorized, however, it is also accurate to say that it does change the procedural context and the standards that would have to be met in the process and it is a different process should the text amendment be adopted.

Chairman LaPlaca said it is a different process, but people still have the opportunity to make presentations whether it is exterior appearance or a public hearing even though the standards within the Code are in two different sections and are different.

Mr. Gonzales asked if the criteria and the steps one needs to follow are open to interpretation. Chairman LaPlaca said they have to go through the standards, which are in Section 11-603(E), which talks about materials, visual compatibility, height proportion and whether or not it fits into the relationship in the neighborhood.

Mr. Medick said that 60-foot lights are not what Parks and Recreation is going to propose and some of the lights may be 30 feet, however, there may be projects such as tennis courts at Dunkin Field that possibly would require 60-foot lights.

Commissioner Geoga said it is fair to say that with or without this text amendment lights could be 60 or 100 feet and could be put in place with the approval of the relevant village governmental bodies, however, what is different is the standards that will govern that process.

Phil Van Slooten, 129 Spring Lake, said he wants to make sure every rule and regulation is followed if lights are proposed in any park in the Village and that every applicant will be required to go through every process.

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Jeff Finlay, 220 N. Monroe, said that currently light standards are a permitted use and as such they do not require a review by the Plan Commission. He went on to say that a possible way to tighten down the process would be to make sure that the light standards are a special use ensuring a review by the Plan Commission.

Mr. Gascoigne, Village Planner, said that it is exterior appearance/site plan review and either way would require review and approval by the Plan Commission.

Kevin McGrath, 224 W. North Street, said he lives across the street from the tennis courts at Burns Field and he lives in the glare and does not want the glare to be extended. Mr. McGrath said they were told the lights would go off at 10:00 p.m. however, they have not been off at that time in several years.

Steve Cashman, 322 N. Adams, asked if the way the current text amendment is written, will there be a requirement to notify neighbors within 250 feet of the property lines regarding any future applications for lights. Chairman LaPlaca said no because it is not a public hearing. Mr. Cashman said he believes this type of change to an open space park would be more suited to the special use process requiring notification, detailed study and public hearings.

Leanne Trammell, 325 Spring Lake, said there are pros and cons concerning this amendment, however, the disruption of peace in her neighborhood on weekends from 7:00 a.m. until 7:00 p.m. is enough and she does not want it extended until after dark with the installation of lights Ms. Trammell also said she believes the lights decrease property values.

Gary Booras, 325 Princeton, said the problem at Brook Park is the football and to allow night games by installing lights would be a serious safety concern. Mr. Booras asked what the difference between a public meeting and a public hearing is.

Commissioner Geoga said exterior appearance/site plan requires a public meeting and consideration of a change of the zoning code requires a public hearing.

Chairman LaPlaca said a public meeting does not require legal notice or notifications, but public comment is certainly allowed and encouraged. Commissioner Geoga said that is the current chairman's choice and future chairmen or commissioners could conceivably not allow public comment.

Brian Goss, 609 E. Hickory, said has lived next to a park with lights for 18 years and has witnessed the benefits of having Hinsdale families come together on Little League baseball nights and the social aspect of it is great. Mr. Goss said additional use of field at night far outweighs any incremental costs and Hinsdale has to make the best use of the fields that are available.

Gary Richert, 515 Princeton, said he is opposed to the amendment to Section 7-210E(1) and the Code could be written for the existing specific lights in order for them to be repaired or replaced, however the Code that was written in 1998 was written to protect the neighborhood parks and neighborhoods.

Dorothy Ademeier, 740 Woodside, said that the assumption that abutting neighbors consider the park and extension of their property is backwards and actually the park considers her property

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an extension of the park and they have frequently had many trespasses on their property from users of the park. Ms. Ademeir said she opposes the change to the Code.

Arthur Sturm, 217 Phillipa, said he is opposed to the amendment and asked the Commission to vote no and have a more planful approach to guide the Village.

Luke Stifflear, 227 Justina, said he is opposed to the proposed amendment and there are many flaws such as the zero foot setback and deficient parking. Mr. Stifflear said many other communities have designated recreational districts for nighttime activity and there are special considerations for those and perhaps some of the examples could be incorporated into recommendations for this application. Mr. Stifflear said better planning is needed so as not to repeat mistakes made in the past.

Steve McKenna, president of Hinsdale Little League, said this is not about putting lights up at Peirce Park, but rather fixing a mistake in the Code so that future proposals to install lights can be fairly and adequately heard out and that is all the league is asking for.

Bill Otto, 401 W. Maple, said as regional commissioner of AYSO he would like to state that they do not have a position either for or against the lights at Peirce Park, but it may be helpful for any future things if this text amendment passed.

Chairman LaPlaca said it is important to note that this particular text amendment does not relate to lights alone, but also includes accessory fixtures such as nets, diving boards, backstops and score boards, which at this time are currently non-compliant.

Jeff Neal, 910 S. Park, said that due to a recent development in his neighborhood, he realized this process is about compromise and in working together with the residents, a compromise is possible.

Mary Angelo, 525 E. Third Street, said to fix the code to correct something that was illegal to begin with does not seem logical and that it is the duty of the Commissioners and the Board to stand firm and uphold the Code.

Mr. Unell said he wants the residents of Hinsdale to be very clear on the difference between a public hearing and a public meeting. Mr. Unell said that the current Code does permit increased height for structures in areas remote from single-family districts up to 35 feet if it meets the 120 foot setback, therefore, the Hinsdale Zoning Code as written does permit structures up to 35 feet in open space parks.

Chairman LaPlaca said that there is a clarification in a later section that states that any of those setback requirements do not apply to permitted uses under this section and since special uses do not list lighting, those setback rules would not apply.

Julie Crnovich, 122 E. Third, asked if it was possible to do a variance for the lights. Chairman LaPlaca said the Commission plans to discuss different options.

Chairman LaPlaca closed the public hearing and discussions began at 10:30 p.m.

Chairman LaPlaca said they heard a lot of valid comments and although many of the people present were opposed, there were a significant amount of e-mails received by the Commission in favor of the text amendment. Chairman LaPlaca said that while there are many merits to the

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amendment, she felt it could be made better with stricter standards such as notice to surrounding residents, perhaps lights of a certain height be deemed a special use permit, which does require a public hearing and other additional constraints in terms of standards and the approval process. Chairman LaPlaca asked staff and the village attorney to work on a compromise position to come up with something that would satisfy people who live by parks and people who want to enjoy the parks in the evenings.

Commissioner Thacker agreed with Chairman LaPlaca. He went on to state that however they try and remedy this, the existing lights need to be grandfathered in and any future applications for lights needs to have the requirement of notice to surrounding residents.

Commissioner Geoga said that when the burdens of a proposed course of action are disproportionately imposed on a select group of residents, the matter is not simple. He went on to say the Zoning Code is intended to provide a measure of protection and is not absolute and it does not say you will never be asked to bear a burden for the greater common good, but it sets a standard in terms of process and in terms of the hurdle that needs to be overcome in order to make it sensible to impose on individual property owners and neighborhoods. Commissioner Geoga said he is open to consider whether or not the special use permit process will provide enough procedural protections. He also suggested one possibility is a text amendment that would fix the ambiguity regarding the 35 foot setback as it applies to accessory structures and that would be a lot less threatening and would considerably narrow the non-conformity issues.

Commissioner Sullins said if they do address the parks or the Open Space Districts as a whole for any change in the future, the special use process should be required to allow people that may be affected the ability to attend and speak directly to it.

Commissioner Parsons said he agrees with everything that has been said so far and would add that some sort of public notification and process has to happen. Commissioner Parsons said the process works.

Chairman LaPlaca suggested continuing the hearing until the November meeting and asked staff and village counsel to look into appropriate language to grandfather in existing non-conformities and how to deal with future issues in a way that requires public notice and standards more akin to what needs to be applied to an amendment.

Chairman LaPlaca asked staff to have the revised language available on the website the week of November 3, 2008. Chairman LaPlaca said to the extent of any changes made to the amendment that have not been discussed, she will allow further comment at the November meeting.

Commissioner Parsons moved to adjourn. Commissioner Sullins seconded. Motion carried and the meeting was adjourned at 10:55 p.m.

Respectfully Submitted,

Kerry L. Warren
Community Development
Administrative Assistant

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