

**MINUTES  
VILLAGE OF HINSDALE  
PLAN COMMISSION  
NOVEMBER 12 2008  
MEMORIAL HALL  
7:30 p.m.**

Chairman LaPlaca called the meeting to order at 7:35 p.m., Wednesday, November 12, 2008 in Memorial Hall the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

**PRESENT:** Chairman LaPlaca, Commissioner Geoga, Commissioner Sullins, Commissioner Parsons, Commissioner Kluchenek, Commissioner Byrnes, Commissioner Moore

**ABSENT:** Commissioner Thacker, Commissioner Flynn

**ALSO PRESENT:** Tim Bleuher, Sean Gascoigne, Gina Hasset, Kerry Warren

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**Minutes**

Commissioner Geoga moved to approve the minutes of October 8, 2008 with corrections. Commissioner Sullins seconded. Motion passed 7-0

**Findings and Recommendations**

63 Village Place – The Courtyard – Installation of One Awning  
48 S. Washington – Façade Improvements

Commissioner Byrnes moved to approve the Findings and Recommendations as submitted for the above applications. Commissioner Parsons seconded. Motion passed 7-0.

**Scheduling Public Hearing for Case A-10-2008 – 111 S. Lincoln – Planned Development**

Chairman LaPlaca scheduled the public hearing for December 10 2008

**Sign Permit Review**

❖ **111 S. Lincoln – Wachovia Securities – Wall Sign**

The Commission reviewed the application for a sign permit for 111 S. Lincoln and determined the request met the size requirements of the Code. Commissioner Kluchenek moved to approve the sign permit request. Commissioner Moore seconded. Motion passed 7-0

❖ **22 E. First Street – Celtic Design Co. – Awning Sign**

The Commission reviewed the applications for sign permit for 22 E. First Street. Chairman LaPlaca asked if the existing window sign had been removed and the applicant confirmed the window sign had been removed. The applicant said they are placing a sign on the existing awning. Commissioner Kluchenek moved to approve the request for an awning sign at 22 E. First Street. Commissioner Sullins seconded. Motion passed 7-0.

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**Exterior Appearance/Site Plan Review – First and Garfield Streets– Gammonly Group  
– New Mixed Use Development**

Chairman LaPlaca said that this application is continued to the December 10<sup>th</sup> meeting due to an issue regarding the turnaround/loading zone area requirement that does not meet Code, therefore, the applicant has applied for a text amendment. Chairman LaPlaca said that although the application for a text amendment requires a recommendation from the Zoning and Public Safety Committee and the Board of Trustees for a public hearing, it will tentatively be scheduled for public hearing on December 10, 2008 pending the recommendation from the Board, which does not meet until December 9, 2008.

Tim Bleuher, Community Development Director, said currently the Zoning Code requires all properties in the B-2 District be able to accommodate a semi-trailer, loading area and turn-around on site.

Commissioner Parsons asked what the definition of panel truck compared to a semi-truck would be. Mr. Bleuher said it is defined by size and a traffic consultant has been contacted and the exact legal language will be described within the text amendment ordinance.

Commissioner Geoga asked that the village attorney be present at the public hearing to address possible issues of non-compliance that may come up. Chairman LaPlaca stated the village attorney would be present during the public hearing and the exterior appearance review.

Nancy Chapa, resident, said she was not aware the case was continued and asked if she could share some comments regarding the project. Chairman LaPlaca stated that since there is no valid application before them at this time, they are not prepared to discuss or comment on anything.

Julie Crynovich, resident, asked if the text amendment and the site plan exterior appearance review, will proceed on the same night. Chairman LaPlaca stated that it is her understanding that both applications can be heard at the same meeting, however, the approval of the site plan and exterior appearance could be conditioned on the approval of the text amendment by the Trustees.

Director Bleuher said the text amendment will go to the Zoning & Public Safety on November 24<sup>th</sup>, both applications will be heard at the Plan Commission on December 10<sup>th</sup>, the findings and recommendations for both applications would need to be approved at the January Plan Commission meeting and it would go to the ZPS meeting at the end of January and then to the Board of Trustees at the beginning of February.

**Case A-08-2008 – 950 N. York Road - Graue Mill Executive Center Condominium  
Association – Request: Exterior Appearance in the Design Overlay District:  
Construction of Landscape Improvements**

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

Chairman LaPlaca said that because this location is in the Design Overlay District, a public hearing is required for the exterior appearance/site plan review for changes to this building.

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John Menze, president and owner of Wesland Partners, said the subject building was built in 1980 and has suffered wear and tear and they would like to replace the entry sidewalk, stairs and handicap ramp. Mr. Menze stated that when it was originally built, the ramp and sidewalk were in close proximity with the ADA requirements at that time, however, at this time it is not functional or user-friendly and it will be re-built with modifications for ease of use for handicapped and/or elderly people.

Tim Ball, Hitchcock Design Group, said most of the shrubs and evergreens that have become overgrown will be removed, but most of the shade trees will remain. Mr. Ball said the new landscaping will be all the way from the south end of the building to the north edge and the building will have a new look when it is completed.

Commissioner Sullins asked if the improvements would meet ADA requirements. Mr. Ball said the current design meets ADA requirements, but it is at the severest slopes and the proposed improvements would provide more ease of use.

Commissioner Parsons asked what the sidewalk-wearing surface consisted of. Mr. Ball stated it will be concrete with broom finishes and no color is planned at this time.

Commissioner Moore asked where the handicap parking spots are located. Mr. Ball stated there are seven handicapped spots located along the swale.

Commissioner Parsons moved to approve the exterior appearance/site plan request for 950 N. York Road. Commissioner Byrnes seconded. Motion passed unanimously.

### **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 members who were not present at the last meeting to attest that they had read the transcript pertaining to this case. Commissioners Kluchenek, Byrnes and Moore stated they had read the transcript.

Chairman LaPlaca said the public hearing has been closed and deliberations will now begin. She went on to state that all e-mails and letters have been received and read by the the Commission and they will be part of the public record. Chairman LaPlaca said public comment will be heard after deliberations, however, the comments should be limited to revisions of the text amendment.

Chairman LaPlaca stated that while there was an ample amount of testimony given at the last meeting against the text amendment, they did receive a significant amount of e-mails and letters in support of the text amendment and the Commission is required to give weight to that testimony as well.

Chairman LaPlaca stated that she feels the revisions to the text amendment does respond to the concerns that were brought up at the last meeting. Chairman LaPlaca stated that the issues of public notice and public meeting where citizens could comment on proposed changes in their neighborhoods is provided for in the revised text amendment in a public meeting forum as opposed to a public hearing, which entails a more expensive, complex and legally cumbersome process.

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Chairman LaPlaca said the standards required for exterior appearance/site plan review under the Code are very much the same as the standards that would be used for a Special Use with the exception of the first standard, which states it meets the spirit of the Code, however, the standards for exterior appearance talks about quality of design and visual compatibility and site plan review standards are subjective and strict enough to provide the protection sought by residents. Chairman LaPlaca stated this text amendment only allows an application to be made and it does not state that lights can be placed in any park any time an application is made. She said an application would have to pass all the compliance standards, foot-candle standards, public notice, public comment, and all the standards under exterior appearance and site plan review in order to be approved.

Commissioner Kluchenek asked what the phrase “other structures” meant. Mr. Gascoigne, Village Planner, said that could mean anything from a building on the site, a Backstop or a water slide at the pool.

Commissioner Geoga said there is a difference between a public hearing and public meeting and between the standards for exterior appearance/site plan review and a special use and a text amendment and some of those differences may be subtle, but they are important. Commissioner Geoga said he thought the nature of the compromise that had been discussed regarding the amendment would erase all doubt regarding the definition of building and the availability of the 35-foot exception provided that the setback requirements were met would be made unambiguous. Commissioner Geoga said he also thought they had suggested that existing and future facilities up to 35 feet high that comply with the setback requirements would be permitted under the expanded definition of that section, that facilities above the 35 foot height limit would be permitted special uses if they complied with the applicable setbacks, a special use would have the process and substantive provisions applicable to special use permits to determine what decision the Plan Commission and the Board would make, and that if there was suggested facilities above 35 feet that did not comply with setback requirements that would be addressed through a text amendment. Commissioner Geoga said he felt the final compromise discussed pertaining to the existing non-conforming structures that are not grandfathered could be treated in a number of ways such as text amendment, creation of an overlay district or defining them to be treated as pre-existing non-conforming structures.

Commissioner Sullins asked if it was known what existing structures are non-conforming. Mr. Gascoigne said staff provided a list of non-conforming structures in a previous packet. Chairman LaPlaca said that if the definition of building was changed, many of existing structures would now be conforming with the exception of the two lights at Hinsdale Pool. Commissioner Geoga asked if the lights at Pierce Park would be grandfathered or not. Mr. Medick said at this time it is unclear to him if it is or not. Commissioner Geoga said in order to eliminate that doubt, the Commission could say that Pierce Park lights are grandfathered in.

Commissioner Byrnes said he would like to see the existing facilities and structures be grandfathered and he likes the idea of a Special Use as the standards provide more protection. Commissioner Byrnes said he is unclear about the discussion of buildings and structures. Chairman LaPlaca said if the definition of “building” did included lights and recreational structures or anything permanently affixed to the ground with cement footings,

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then the 35 foot provision in the Code would encompass most of the non-conforming structures and they would become code compliant.

Commissioner Parsons said he is comfortable with the intent in making this a less legal process and he is not in favor of making it a Special Use as it has a tendency to take it up a legal level and it could become an undue burden on private citizens. Commissioner Parsons said the process as stated in the revised text amendment provides safeguards against any surprise light poles, however, he would be in favor of not adding any additional lights to any parks or recreational facilities at any height without a public meeting. Commissioner Parsons said that if the setbacks and height requirement were met, a public meeting would not be required. Chairman LaPlaca said an exterior appearance/site plan review would still be required, however, public notice would not be required.

Commissioner Kluchenek said he agrees and feels it should be more a legislative decision making process as opposed as judicial and in effect, it is a public hearing and it is an awkward way to approach it.

Commissioner Geoga said there is no reason that in a public hearing that people need to be represented by counsel and he does not feel that requiring a public hearing will necessarily pose a burden, but gives people an opportunity to call witnesses and cross-examine if they choose to.

Commissioner Kluchenek said one critical difference between a public meeting and a public hearing is that a public hearing requires a record to be created. Commissioner Sullins said creating a record may be helpful for future contentious issues.

Chairman LaPlaca opened the floor to public comment.

Luke Steffler, 227 Justina, said he feels most residents do support making all existing lights compliant. Mr. Steffler said he could not find in any where in the Code that provides for increased setbacks when there is increased height and he feels it would bring comfort to residents to know there is setbacks required for lights over 35 feet. Mr. Steffler said he feels there needs to be setback standards not because of illumination but because of the pole itself.

Keith Medick, 137 Ravine, said Parks and Recreation agrees there should be a public forum, public debate and notice to residents regarding these types of situations, however, they would like the ability to protect existing structures and the maintain the ability for future commissions to present recreational projects.

Commissioner Byrnes said the process worked when the initial application for lights was before the Commission and that needs to be kept in mind.

Troy Unell, 227 Phillipa, said setbacks are important to any resident that not only abuts a park, but any light that could be within 20 or 30 feet away from a 60 foot tall light pole, which is significant. Mr. Unell said their current analysis of the existing non-conforming structures indicate that the only structures that do not conform to the current Code are the lights at the pool and the lights at Pierce Park, which is grandfathered.

Gary Booras, 325 Princeton, said he supports requiring a public hearing as a necessary component of the amendment for these types of applications.

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Tim Bessler, 222 Justina, said he proposes finding a space like Duncan Park that would be an option for non-conforming structures such as lights.

Gina Hassett, Director of Parks and Recreation, said the Village does not own Duncan Park and the Village is close to securing a 40-year lease, however, at this time outdoor lighting would not be permitted.

Mary Angelo, 525 E. Third Street, said if the rules are relaxed in the strictest of zoning districts, it is sending the message that everything is a little flexible.

Steve Hashman, 322 N. Adams, said that with Open Space being the most restrictive of all zoning districts, the requirements should be the most restrictive and the uses that are already listed as special uses could easily be modified to include lights and structures and then there would be all the necessary steps to follow a Special Use process. Mr. Hashman said there is a consideration in the Special Use standards if there was a benefit to the community that would allow situations to arise that could be permitted.

Chairman LaPlaca said there is also a provision in the standards for site plan disapproval that states whether or not the proposed plan adversely affects health, safety and general welfare and those issues are not ignored if it is not a Special Use.

Frank Gonzales, 219 Justina, said the difference between a public hearing versus a public meeting could be just a matter of convenience and asked the Board to make this a Special Use.

Chairman LaPlaca said it is not good practice to have site-specific text amendments all through the Code and if there is a way to facilitate this process and have the public notice and public hearing but avoid requiring a text amendment for everything that does not satisfy the Special Use then that is what she is would like to work toward.

Commissioner Geoga said what is before them does not work for many reasons and suggested trying again to come up with something that better meets some of the considerations discussed.

Chairman LaPlaca said it was on the advice of counsel to staff that a public meeting rather than a public hearing be required and it is certainly appropriate for the Commission to make the change. Chairman LaPlaca said she would also like to see language added regarding grandfathering all existing light poles, fixtures and structures are deemed to be in conformance with the Code.

Sam Eddins, 202 E. Fourth Street, said the Code sets limits on what he can do on his property and sets limits on what people can do on the property around his and how it affects him. Mr. Eddins said he is disturbed about changing language without it being written out and deliberated on as there could be unintentional consequences and is inappropriate. He said there is no immediate need to do this tonight.

Chairman LaPlaca asked Commissioners for a consensus on language being added regarding deeming structures already in existence at the time of this amendment to be in conformance with the Code.. All members present agreed.

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Commissioner Moore said she supports the public hearing as opposed to public meeting and she is not convinced a Special Use Permit is necessary as there is language already in the Code to guide any future Commissions to make sure resident's rights are safeguarded.

Commissioner Byrnes said he is leaning toward the public hearing and a Special Use.

Commissioner Kluchenek said the language in Section 604 and 606 is adequate and the Special Use route is not necessary provided there is a public hearing, which has a legal impact and protects the rights of people who may be adversely impacted.

Commissioner Parsons said he believes it is better to err on the conservative side to require a public hearing and supports a Special Use Permit being required.

Mr. Bessler asked that any revisions to the amendment be made available to the public for review at least ten days prior to the next meeting.

Chairman LaPlaca said if most of the existing lights are within the 35 feet and if they are talking about possible 60 foot high lights and there is no way they can meet the setback requirements under the Code and be a Special Use. Chairman LaPlaca suggested that anyone wanting to put up a light asked for a Text Amendment.

Commissioner Geoga said he is operating under the assumption that there could be lights or structures between 35 feet and 60 feet that could meet the setback requirement and as a result would not need a Text Amendment. Commissioner Geoga said if that is an unrealistic hypothetical, then perhaps this amendment is not necessary.

Commissioner Kluchenek asked Mr. Medick if there could be any structures in any park that could possibly satisfy the setbacks. Mr. Medick said he could not answer that question tonight.

Chairman LaPlaca asked Ms. Hassett and Mr. Medick to look at the possibility of any potential future projects that would not comply with the setback requirement and therefore, require a text amendment anyway and perhaps it would be best to go on a case-by-case basis.

The Plan Commission recommended the Parks and Recreation Department work with the village attorney to revise the ordinance to take into consideration the items that were discussed and return to the December 10<sup>th</sup> meeting with the revised ordinance for review and consideration.

Commissioner Geoga moved to adjourn. Commissioner Moore seconded and the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Kerry L. Warren  
Community Development  
Administrative Assistant

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