

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
MARCH 11, 2009
MEMORIAL HALL
6:30 p.m.**

Chairman LaPlaca called the meeting to order at 6:40 p.m., Wednesday, March 11, 2009 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

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

ABSENT: Commissioner Thacker

ALSO PRESENT: Tim Bleuher, Sean Gascoigne, Ken Florey (village attorney)

Minutes

The Commission reviewed the minutes from the February 11 and 25, 2009 meetings. Commissioner Moore moved to approve both sets of minutes with corrections. Commissioner Byrnes seconded. Motion passed unanimously.

Findings and Recommendations

❖ **51 S. Washington Street – Toni Marie’s – Façade Improvements**

Commissioner Kluchenek moved to approve the findings and recommendations for façade improvements at 51 S. Washington Street. Commissioner Moore seconded. Motion passed unanimously.

❖ **Case A-12-2008 - Text Amendment to Article XI, Part VI, Sections 11-604 (Site Plan Review) and 11-606 (Exterior Appearance Review) of the Hinsdale Zoning Code to require notification for any site plan and/or exterior appearance review for non-residential property that is within 250 feet from a single-family zoning district**

Chairman LaPlaca explained the revisions to the language in paragraph three and in the recommendation section that were completed after the packet had been distributed.

Commissioner Kluchenek moved to approve the findings and recommendations for the text amendment to Article XI, Part VI, Sections 11-604 (Site Plan Review) and 11-606 (Exterior Appearance Review) of the Hinsdale Zoning Code.

Chairman LaPlaca suggested that Section 11-604-E3(b) be specifically referenced in paragraph three.

Commissioner Kluchenek moved to amend his motion to approve the findings and recommendation to include language in paragraph three of the findings to read “to clarify the ordinance language in Section 11-604-E3(b) to confirm that notice would be given.” Commissioner Parsons seconded. Motion passed unanimously.

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❖ **Case A-13-2008 – 230 Ogden Avenue – Molecular Imaging - Map Amendment, Exterior Appearance/Site Plan Review and Lot Consolidation**

Chairman LaPlaca explained there has been new language provided before the meeting because the findings in the packet had language in paragraph three that was not relevant to this application and referred more to the applicant's previous approval and it has been deleted.

Commissioner Parsons moved to approve the findings and recommendations for Case A-13-2008 for a Map Amendment, Exterior Appearance/Site Plan Review and Lot Consolidation for 230 E. Ogden Avenue. Commissioner Geoga seconded. Motion passed unanimously.

❖ **Case A-11-2008 – Anno Domini LLC. – Text Amendment to Sections 5-102G (Permitted Uses) and 9-105 (Off Street Loading) of the Hinsdale Zoning Code as it relates to Bulk Regulation and Loading Zone Requirements in the B-2 and B-3 Business Districts**

Commissioner Geoga said the language in paragraph six does not fully describe or explain what the intent or rationale of the Commission's findings in regards to the truck turnaround. Commissioner Geoga said it is not limited to tractor trailers or a turnaround, which is not the only solution and it would be helpful to use some of the language from Section 9-105 C3 to describe the intent more fully.

Commissioner Kluchenek suggested replacing the word "language" in the findings with "proposed amendment" in paragraph five.

Chairman LaPlaca suggested the following language: The Plan Commission determined that the request in regards to the proposed text amendment as it relates to the required maneuvering space under Section 9-105 C3 did not satisfy the required standards. The Plan Commission found that delivery by semi-tractor trailers is a concern in the Central Business District and, therefore, the required maneuvering space and/or adequate ingress or egress for a semi-tractor trailer should remain a requirement under the Code.

Commissioner Geoga said the last paragraph in the recommendation section also needs to be revised. Chairman LaPlaca suggested removing the language after the word requirement and inserting under Section 9-104 (c) (3).

Commissioner Parsons moved to approve the findings and recommendations for Case A-11-2008 with the above changes. Commissioner Byrnes sectioned. Motion passed unanimously.

Public Hearings

Case A-01-2009 – 920 N. York Road – National City Bank: Design Review for Signage and Exterior Appearance

Witness Sworn

Candace Williams, Icon Identity Solutions, said originally they were proposing to replace the LaSalle Bank sign with a National City Bank sign and it was going to be a reface, however, recently the sign has mysteriously disappeared, therefore, the request is now to install a new sign that will be the same as the previous sign only with the National City branding and also to reface the existing exterior ATM machine and the night deposit box.

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The Commission felt that because this sign is in the Overlay District and most of the signs along York Road are smaller, the applicant could re-design the sign to be more typical of the Graue Mill area perhaps with a brick base monument and some landscaping rather than a flat surface. Chairman LaPlaca suggested the applicant look at the other signs around York and Ogden and the sign at 57th and South Madison for a better idea of what type of sign they are suggesting. Commissioner Parsons offered a sketch to the applicant with some possible ideas. Chairman LaPlaca asked the applicant to return to the next meeting with something along the lines suggested and continued the public hearing to April 8, 2009.

The applicant asked if they could receive approval for the ATM and the night deposit sign changes. Sean Gascoigne said the applicant could proceed with those signs on a verbal from the Commission and come back next month for review of the main sign and put it under one motion at that time.

Case A-02-2009 – 15 Spinning Wheel – Request: Special Use Permit and Exterior Appearance/Site Plan Review for New Rooftop Wireless Antennas

Witness Sworn

Angela Crooks, Cricket Communications, said they are requesting to co-locate three cellar antennas and one GPS antenna with the associated mechanical equipment on the rooftop at 15 Spinning Wheel.

Commissioner Geoga asked what can be seen from the ground. Ms. Crooks said the three cellular antennas are more likely to be seen from the ground and the GPS antenna is approximately one foot tall and will be placed further back toward the middle of the roof. Ms. Crooks said they intend to paint the antennas to match the existing brick façade of the building.

Chairman LaPlaca asked what service provider will use these antennas. Ms. Crooks said Cricket Communications is a cellular provider that has recently launched in the Chicago area.

Commissioner Kluchenek moved to recommend approval of the special use and exterior appearance/site plan review for new rooftop wireless antennas at 15 Spinning Wheel Road. Commissioner Moore seconded. Motion passed unanimously.

Exterior Appearance/Site Plan Review

Chairman LaPlaca explained that the application for 550 E. Walnut - Pierce Park Field Lighting has been removed from the agenda and will not be heard tonight due to an appeal being filed with the Zoning Board of Appeals, which automatically places a stay on this application.

First and Garfield – Gammonley Group – New Mixed Use Development

Chairman LaPlaca said the application would be started with the residents' presentation.

Chuck Crook, planner for the Alliance of Hinsdale, said the key issues with this proposed development are traffic, parking and preserving the historic character of the downtown area. Mr. Crook said the parking garage does not comply with Code and does not comply with the required number of spaces and is more than 25 percent deficient. Mr. Crook said this proposed

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development does not meet the standards of the Code to purchase additional spaces in lieu of providing the required parking spaces.

Mr. Crook said the driveway approach does not comply with the five feet from the lot line requirement in the Code and is proposed at only one foot off the lot line. He said the approach goes out to the street and crosses the common lot line, therefore, the driveways will be overlapping. Mr. Crook said this situation will cause conflicts and traffic safety issues with the Middle School. Mr. Crook said several of the parking spaces in the garage do not provide sufficient back up area for proper egress and ingress. Mr. Crook said he knows this is only a schematic plan, however, the applicant will not be able to correct these issues on the final plan unless they have less total parking spaces, which will create more of a parking deficiency. Mr. Crook said due to the parking non-conformities, the certificate of zoning compliance is void. Mr. Crook said this development will hurt other businesses in the area and cause serious traffic impacts at the intersection of First and Garfield, therefore, he asked the Commission to correct these deficiencies before they vote.

John Bohnen, 230 E. First Street, said the Garfield III is very similar to Garfield II and there are many considerations regarding this development such as traffic impact, the underground conditions, soil borings report and engineering reports, the impact on the existing infrastructure, sewer, electric and abutting structures. Mr. Bohnen said in his opinion, the proposed sewer and water works should be subsidized by the developer. He said it is important to know what type of construction staging will occur for safety to Hinsdale Middle School students, parents and staff. Mr. Bohnen stated he is concerned with the size and scale of the proposed building and how it will integrate into the downtown area. Mr. Bohnen said there is no demand for million dollar condos in Hinsdale and if the condos are converted to office space, the parking will change considerably and the shortage of parking spaces will increase. Mr. Bohnen said the potential economic damage that could occur for the downtown businesses by disrupting the area for a lengthy period of time needs to be considered. Mr. Bohnen said he feels these are concerns that need to be reviewed by the Commission before any recommendation can be made.

Commissioner Byrnes asked about the road and sewer work along Garfield and if that is being sized to accommodate this development. Director Bleuher said they are waiting to see what happens with the Federal stimulus package and the initial scope of the work was to be from 55th Street all the way up First Street and then to Park Avenue, however, due to the Village's budgetary constraints, it is unsure what the schedule will be. Director Bleuher said if this development was to be approved, the developer would submit engineering plans and the review would include what type of infrastructure is in place in order for the development to meet our requirements as far as infrastructure needs and that would happen at the time of building permit submittal and review. Director Bleuher said the new sewer and water mains would have to address commercial build outs and the developer would contribute to the cost of that.

Mr. Bohnen said the revenues that are projected for this development are somewhat elusive and there is no guarantee that the revenue from this development will be enhanced to any great degree.

Commissioner Sullins said when there are large developments such as this, many municipalities require a letter of credit or bonding of some type that is issued to the municipality for the site work so that if they are unable to complete the site work in a certain time frame, the

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municipality can use those bonds to cover the costs to complete the work. Mr. Florey said as a non-home rule community, the Village can only require bonding for public portions of a project such as sidewalks, lights and street repairs and that would typically be outlined in the development agreement.

Commissioner Geoga asked if the Village has the ability to approve commencement of construction subject to financing. Director Bleuher said no, however, many municipalities require an economic disclosure statement which gives some assurance that their financing is in place.

Julie Cynovich, 122 E. Third, said Section 11-301-C3 of the Code states that additional data be available seven days before the meeting and asked the Commission when they received the revised traffic study. Chairman LaPlaca said it was available electronically on Tuesday morning, approximately 24 hours before the meeting. Ms. Cynovich asked if the village engineer looked at the soil boring report. Director Bleuher said that report would not be reviewed until building permit submittal. Ms. Cynovich said this project needs to be looked at further and she does not think the traffic study was conducted when the Middle School was getting out. Chairman LaPlaca said the peak hours were determined to be 3:00 p.m. to 6:00 p.m. and the Middle School gets out at 2:45 p.m. and they will ask the traffic consultant these questions regarding how these peak times were determined.

Carl Weber, resident, asked if there was a new soil borings report done. Chairman LaPlaca said no, this is the original report with a letter from Matt Klein. Mr. Weber stated the letter from Matt Klein supersedes the dates the soil drilling was done. Mr. Bohnen said he feels the soil boring report is over five years old and needs to be updated to have accurate, current information.

Commissioner Parsons explained the water tables of the soil boring report and said there was water found at certain levels, however, in his opinion not enough for it to be a concern or a problem. Commissioner Parsons said he was more concerned with the possibility of bedrock being found because that would create an economically unfeasible situation and the underground parking would be too expensive to build and it would change the dynamics of the project. Commissioner Parsons said the soils found here are typical Illinois soils consisting of clay, silt and gravel

Break taken at 9:00 p.m.

Chairman LaPlaca resumed the meeting at 9:10 p.m.

Richard Gammonley, developer, said he would like to address some of the comments of the Hinsdale Alliance group. He said there have been no negative comments from the existing downtown businesses.

Mr. Gammonley asked staff if the plan to resurface Garfield Street had anything to do with this development. Director Bleuher said Garfield Street has been part of the overall street redevelopment program that has been slated for reconstruction for many years. Chairman LaPlaca said to the extent that there would have to be significant improvements beyond normal use requirements the burden of those would rest with the developer. Mr. Gammonley said he feels there is much misinformation being spread by the same small minority group and many

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residents he has spoke with are in favor of this development once they are informed of the facts of the project.

Mr. Gammonley said the original project was designed with a foundation that was reviewed, approved and permitted by the Village's in-house consultants relying on the same soil borings and studies and the soil has not changed and it does not need to be re-done. Mr. Gammonley said they will comply with all aspects of safety and all construction means and methods will be used to provide safety precautions during construction.

Mr. Gammonley said when the final blueprints are in for review, any parking deficiencies will be addressed and they intend to comply with all the parking space requirements.

Chairman LaPlaca stated the traffic consultant was retained by the Village and the fee was paid by the applicant.

Nathan Utz, McDonough and Associates, said this traffic report updated the 2004 study based on the new development plans with the current proposed changes. Mr. Utz stated the capacity analysis at First Street and Garfield does show that post-development delays per vehicle will increase by a manageable amount of approximately 4 – 8 seconds per vehicle depending on the peak hour. Mr. Utz said the peak hours for this intersection were determined to be 7:45 a.m. to 8:45 a.m. and 3:00 p.m. to 4:00 p.m.

Chairman LaPlaca said the Middle School and the preschool located across the street dismiss at 2:45 p.m. and asked if there is a reason it was not started earlier. Mr. Utz said 3:00 p.m. was chosen because it would allow time for the traffic to be generated post-school and because the peak hour was determined to be between 3:00 p.m. and 4:00, he does feel they captured what happens for the school.

Mr. Utz said there was very minor pedestrian movement on the west side of Garfield south of the intersection with approximately ten pedestrians in the p.m. peak hour coming potentially from the school. Mr. Utz said one of their recommendations is a drop-off on the west side of Garfield to allow vehicles that may be dropping people off to whatever potential uses there may be in the development to get out of the way of the through traffic to maintain capacity and safety of the roadway. Mr. Utz also said they would recommend better signage on First Street to make drivers aware that traffic on Garfield does not have a stop sign.

Mr. Utz said they looked at a tractor-trailer being able to come on the site and make a full turning movement and it would require over one-third of the developable property and they recommend this requirement be waived for this development. Commissioner Geoga asked if they considered an alley. Mr. Utz said they considered the existing proposed plan, however, it could work if they entered on the north side and exited on the south side but it was not part of their consideration.

Commissioner Parsons asked if they considered the impact of the garage exit onto Garfield Street and if they have any recommendations for that. Mr. Utz said one of the recommendations of the report is to install proper warning devices at that exit so that when there are vehicles exiting, a light would blink to warn pedestrians and also to warn drivers that there could be pedestrians present.

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Commissioner Sullins asked if the recommendation for the drop-off lane would entail removing the landscaping in the public right-of-way or if it is to be located on the developer's property. Mr. Utz said it would be in the right of way and adjacent to the traffic lane.

Commissioner Kluchenek said given the scale of the project and the projected two year build-out, was there any consideration given to how traffic would be during the building phase. Mr. Utz said from his experience it will increase slightly during construction.

Commissioner Moore said the school dismisses at 2:45 p.m. and by 3:00 p.m. all the students are picked up, therefore, she feels the pedestrian count is inaccurate. Mr. Utz said it would not be an issue to go back out on a school day and start at 2:30 p.m. and take another look at it.

Commissioner Sullins asked Mr. Utz what he based the recommendation on regarding the tractor trailer maneuvering requirement and his statement that it is unlikely a tractor trailer would be making deliveries to this location. Mr. Utz said based on conversations with the developer regarding the types of uses in the building, it was determined that it was unlikely that tractor trailers would make deliveries to this location. Chairman LaPlaca said that statement does not seem to be backed up with any data. Mr. Utz said the report is a draft and they can take a more detailed look at this issue.

Commissioner Kluchenek asked if the final draft would come back to the Plan Commission or move on to the Board. Mr. Florey said under Section 11-303 there is a 120-day time limit from a properly completed application until the end of the proceedings, which does not include adopting the findings and recommendation, therefore if a vote is not taken within that time limit, it becomes an automatic approval of the project. Mr. Florey said the site plan and exterior appearance application was submitted on October 1st, the text amendment application was submitted November 12th and the certificate of zoning compliance was December 3rd, therefore, the 120 days expires on April 3, 2009.

Commissioner Kluchenek asked what a properly completed application consists of. Mr. Florey said the reasonable interpretation of the Code would be once the certificate for zoning compliance is signed by the Village manager and forwarded to the Plan Commission.

Commissioner Moore said they did not have this application before them to discuss until January. Chairman LaPlaca said that perhaps this is an issue that the zoning re-write committee should look at because the clock should start running once the Plan Commission has its first opportunity to start its review and not when the certificate of compliance is issued.

Chairman LaPlaca said if the Commission wants some modifications or additions to the traffic study to state them to the applicant now before it moves on to another committee.

Commissioner Sullins said she would like to see on the executive summary page, the tractor trailer section and the conclusion page modified to remove the statement that reads it is unlikely that a tractor trailer will be making deliveries to this development. Chairman LaPlaca said unless he is able to support those statements with empirical data, she agrees that it should be removed from the report as it is antidotal.

Commissioner Moore asked for counts to be taken at 2:30 p.m. when it is closer to dismissal time for the Middle School.

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Ms. Cynovich said it is her calculation that the 120 day time limit would be April 12th and perhaps the Commission would call a special meeting. She went on to state that the Board of Trustees has not voted on the Chestnut Street application and questioned the time limit for that application.

Mr. Gammonley said the original traffic study was conducted during full school session and it was based on a parking garage of 164 spaces versus the current proposed 138 spaces and also had a loading dock on Garfield.

Mr. Gammonley said they took the architectural feedback from the last meeting and described the alternative elevations to the Commission. Mr. Gammonley said the original elevation was eight individual facades and the revised elevation consists of five to six individual façades with some different window variations and removal of some of the peaks. Mr. Gammonley asked the Commission for a consensus on their preference between the first renderings and the revised renderings. Most Commissioners said they preferred the second elevations.

Commissioner Parsons said the architecture is going to be subjective and it is only half of this development and the other half will be the people who will inhabit this building and that will make the difference of success.

Mr. Gammonley respectfully requested the Commission vote on this application for exterior appearance/site plan review.

Chairman LaPlaca read the standards for site plan disapproval from the Code and asked for discussion from the Commission. Chairman LaPlaca said since the Commission voted to recommend disapproval of one of the three text amendments in her opinion that makes this difficult to vote in favor of this application as it does not comply with Code as it would be inconsistent.

Commissioner Byrnes said he is in agreement with Chairman LaPlaca's comments and in addition feels it is a major safety hazard having the entrance way into the parking lot right next to a driveway to the school.

Commissioner Parsons said if the Board votes to approve the text amendment despite the Commission's recommendation, how is that fair to the applicant because the Commission has voted on a misconception.

Commissioner Geoga said even if the text amendment was recommended by the Board, the Commission could still vote to not recommend this project on the basis of site specific considerations such as access, safety and traffic problems. Commissioner Geoga said there is a list of issues with this proposed development and they are attempting to shrink the list down to an acceptable level so the project could proceed.

Chairman LaPlaca said if the Board does approve the Code amendment, she thinks it would be helpful for the Board to have the benefit of the Commission's input.

Commissioner Moore said there are site lines at First and Garfield that are going to be impacted with any type of building at that intersection and the setbacks should be taken into account to encourage traffic flow safety.

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Commissioner Sullins said it is important to have an alley or an egress/ingress point for deliveries because this will be the largest building in the Central Business District and it is unrealistic to think tractor trailer deliveries will not occur for a 75,000 square foot building and that will compound the traffic problems at that intersection.

Chairman LaPlaca said the traffic report did not address any precautions or staging during construction and if it is going to take two years to complete it is important to make accommodations for that traffic.

Commissioner Geoga moved to recommend disapproval of the request for site plan approval for 26 – 32 E. First Street. Commissioner Byrnes seconded. The Commission voted as follows:

AYES: Chairman LaPlaca, Commissioner Moore, Commissioner Byrnes,
Commissioner Kluchenek, Commissioner Geoga, Commissioner Sullins

NAYES: Commissioner Parsons

Motion to disapprove the above motion passed 6 – 1.

Chairman LaPlaca read the standards and considerations for design review and asked the Commission for discussion.

Commissioner Parsons said when this building was first proposed five years ago everyone thought it was too tall and since that time the Plan Commission has not been given the tools needed to keep buildings at a smaller scale and to keep the bulk of the B-2 District where the majority of the population of Hinsdale would like to see it.

Commissioner Byrnes said although it is compliant with the 35-foot height requirement he feels it is not visually compatible with other buildings in the area.

Commissioner Sullins said she feels the applicant did a very nice job with the third story with the terracing and because Garfield Street has the majority of traffic and it does not face into the Central Business District, it has a nicer perceptual transition.

Commissioner Kluchenek said he agrees and something eventually will be built on this site and unless there are changes to the Zoning Code, the building probably will be the 35 feet high. He also said it appears a little flat on the Garfield side.

Commissioner Parsons said he cannot blame the developer for building as tall as he can because land values are based on what the Code allows and the developer designed assuming he could do that.

Commissioner Geoga said the question is not whether this development is below the maximum height permitted by the Zoning Code, but rather it is a question of the Commission's sense of esthetics based on the criteria for standards and considerations for exterior appearance review.

Commissioner Moore said adequate safety measures need to be addressed if this development is approved and construction commences such as high fencing between the school and the site, covered walkways on the west side of Garfield to allow traffic through and criminal background checks on the contractors working on the site.

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Chairman LaPlaca said the Plan Commission does have the tools to impose subjective criteria on an application, however, it puts more of a burden on the Plan Commission to impose subjective criteria and it would make it easier if there was a black and white requirement to follow. Chairman LaPlaca said this proposed development is not a planned development, therefore, the developer can put anything they want in the building as long as he meets the parking criteria and does not have to come back for any further or additional approvals.

Commissioner Byrnes said safety of the parking garage needs to be addressed with possible close circuit monitoring and sound devices.

Chairman LaPlaca said she is disappointed with the exchanges between the developer and Plan Commission and the general tone that it did not really matter what the Plan Commission's recommendations or suggestions were. Chairman LaPlaca asked that Plan Commission's recommendations on these issues be given its proper weight by the Board and that the Board treats their recommendation respectfully and they consider how much time and effort goes into the public input and deliberations that they engage in. Chairman LaPlaca said it is no mystery as to why this project is being pushed forward and that is so the Board can act on this prior to the next Board being seated and it would be responsible and respectful of the current Board to let the newly elected officials consider a project that is this significant.

Commissioner Parsons moved to approve the request for exterior appearance approval for the project at First and Garfield Streets. Commissioner Sullins seconded. The Commission voted as follows:

AYES: Commissioner Parsons, Commissioner Sullins

NAYES: Commissioner Moore, Commissioner Byrnes, Commissioner Kluchenek,
Commissioner Geoga, Chairman LaPlaca

Motion to approve failed 5 – 2.

Commissioner Parsons moved to adjourn. Commission Moore seconded. Motion passed unanimously and the meeting was adjourned at 11:30 p.m.

Respectfully Submitted,

Kerry L. Warren
Recording Secretary
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