

**VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES
Monday, February 25 2008
Memorial Hall
7:30 p.m.**

Present: Chairman Michael Smith, Trustee Orler, Trustee Cauley

Absent: Trustee Follett

Also Present: Tim Bleuher, Robert McGinnis, Ken Florey, Dave Cook, Kelly Anbach, Kathy Bono

Audience Present: Cliff and Jan Van Wormer, Michele and Tom Heinz, Bill Seith, Allen Kracower, Phil Moriarty, Bruce Wance, Fred Krehbill, Bob O'Donnell, Sigita Balzekas, Steven and Margret Ahrens, Madelyn Martin, Jay McFarey, Nancy Chapa, Candy and Doug Cleveland, Julie Crnovich, Bob Saigh, Tim Merrion

Minutes – January 28, 2008

Trustee Orler said a correction to page 5, line 7 to omit reference to single-building planned development and leave only reference to review current public benefit requirements. Trustee Cauley moved to approve the minutes with corrections. Trustee Orler seconded. Motion carried.

Appeal of Property Maintenance Violations – 314 W. Hinsdale Avenue

Chairman Smith read the rules and procedure of this hearing item. He then asked that anyone speaking on the matter be sworn in. Kathy Bono, court reporter, swore the speakers in. Chairman Smith asked that the Village Building Commissioner, Robb McGinnis provide an overview and history of what was before the Committee this evening.

Commissioner McGinnis informed the Committee that there were six property maintenance violations on the subject property pertaining to the accessory structure and that the issue was currently in court. Chairman Smith asked Cliff Van Wormer if he had any questions or comments for Commissioner McGinnis and Mr. Van Wormer stated that he had none.

Chairman Smith asked that the Village Property Maintenance Officer, Kelly Anbach, give her account of the violations. Ms. Anbach directed the attention of the Committee to a presentation board which displayed photos indicating the violations and explained each of the six counts against the property owner.

Mr. Van Wormer asked Commissioner McGinnis if his requirement to hire a structural engineer to establish a work plan for the structure was a typical requirement for any village resident. Commissioner McGinnis responded by stating that his position was that the structure was deemed unsafe and therefore, by the authority of the Village Building Code, he could, in his position, require the need for a structural report. Mr. Van Wormer's attorney stated that his
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client has been ready to make the necessary repairs, but that the Building Commissioner has been unwilling to release the necessary permits.

Mr. Van Wormer distributed to the Committee a 1996 structural engineer's report, which described the necessary repairs. Ken Florey, Village Attorney, reminded the Committee that they were here on this matter to only review the six property maintenance violations.

Chairman Smith directed Commissioner McGinnis to describe the next steps. Commissioner McGinnis said that those would be determined by the engineer's report and could possibly remediate the violations in court. Commissioner McGinnis brought up the fact that the subject structure is located within the 100-year flood plain and that any work plans would have to be submitted to DuPage County in order to determine if the scope of work was approvable. Mr. Van Wormer asked Commissioner McGinnis if he paid for a structural engineer's report and submitted that to the Village, could the County deny the proposal regardless. Commissioner McGinnis confirmed this position and said the Village was under the authority of the County with respect to property located in the flood plain.

Chairman Smith read each of the six violations and asked for a vote on each item. Each of the six was motioned by Trustee Cauley and seconded by Trustee Orler with a unanimous vote in support of the violations.

Case A-13-2007 Applicant - Sedgwick of Hinsdale (55th Street and County Line Road) – Request: Special Use Permit, Planned Development, Map Amendment, Subdivision and Site Plan/Exterior Appearance Review

Chairman Smith gave an overview of the procedure in which the Committee would hear this item and asked the applicant, Warren James, to make his presentation.

Warren James gave an overview of the project and three different zoning scenarios including the current proposal for R-5 zoning. Mr. James noted that the attorney for Rare Land, Bob O'Donnell, has brought up an issue of whether the property was indeed 20 or more acres when it is actually 19.19 total acres when excluding rights-of-way from the Planned Development.

Mr. James also covered the history of the current R-2 zoning, density calculations, population estimates, traffic estimates, open space calculations, school impacts, fiscal impacts, proposed home pricing and architectural diversity of the proposed development. Mr. James went on to note that Rare Land ignored certain zoning code provisions and asked that the Village rely on an unaudited petition against the development. Lastly, Mr. James stated that the Village's 2025 Strategic Plan indicated the need for empty-nester housing.

Trustee Cauley brought up the fact that the Plan Commission's Findings and Recommendations indicated that the property was a little over 24 acres. Mr. James responded that this was vetted out at the last Plan Commission hearing and that that was the historical number of which was the total land bought by his company from Cook County and that a recorded plat with the Village for the roadways subtracts 4.33 acres of which were dedicated to the Village. Mr. James went on to say that he disagreed with that number being placed in the Plan Commission's Findings and Recommendations and that there was extensive discussion between himself and the Commission on that very subject and that the meeting records will indicate that.

Bob O'Donnell, attorney for Rare Land, said that he only wanted to cover two points in his client's position of opposition. The first being that the subject property is indeed over 20-acres and that with that it is required by the Village's Zoning Code to provide a perimeter landscape buffer which the current proposal does not. Trustee Cauley asked Mr. O'Donnell if he concurred that the Plan Commission did not decide on its Findings and Recommendations. Mr. O'Donnell agreed that it appeared that they did not.

Ron Preksta, 5526 County Line Road, stated that he is concerned with current and future traffic patterns related to the proposed development. Mr. Preksta also said that he had tested the surrounding fence, which according to a presentation by Mr. James, was supposed to be wrought iron when in fact it was aluminum and therefore Mr. James should not be trusted.

Candice Cleveland, resident, noted that KLM Park had just recently received an award by the American Institute of Architects for great places in Illinois and that it should be taken into consideration when determining whether or not to approve this development proposal. Ms. Cleveland also recommended that the developer should submit a scale model so that people could view the relationship to KLM Park.

Catherine Schuler, resident, stated that she was concerned that the two single-family homes along County Line Road would remain outside of the Planned Development and that they should be included.

James Schuler, resident, rebutted a point by Mr. James exclaiming that empty nesters do indeed drive. Mr. Schuler went on to say that if the Village approved this type of development, it would set a precedent for other developable properties throughout the Village.

Tom Burney, attorney for Mr. James, asked to rebut some of the statements that were made. Chairman Smith denied the request and opened deliberations amongst the Committee members.

Trustee Cauley opened by stating that he had an issue with the 20-acre rule as it relates to definitions and text found within the Zoning Code. He noted that the Code requires every planned development of more than 20-acres be required to have a perimeter landscape open space along its boundaries and that the definition of gross or net area has anything to do with this requirement as the code simply states any planned development over 20-acres. Furthermore, in interpreting the Code the required setback should be 60-feet in adding the required perimeter landscape and rear yard setback requirements. Lastly, he noted the number of signatures that Rare Land obtained and the people that have spoke in favor of the development indicates that the community is split. He said that there is a reasonable plan here somewhere that all parties might benefit from.

Trustee Orler stated that the discrepancies stated indicates that the Zoning Code is not clear in direction and that he would have to rely on the Village Attorney and staff with respect to interpretation. Trustee Orler went on to say that it was illogical to include dedicated rights-of-way in calculating the total lot size as they were under the ownership of the Village. Lastly, he noted that he wants to further study the 20-acre rule and would like to see more public benefits from the development.

Chairman Smith noted that his comments would be very repetitive of what was already stated by his colleagues and that his conclusion in his own determination was that the 20-acre rule pertaining to required perimeter landscaping would apply here. Trustee Smith finally noted that based on the number of e-mails that he and his fellow trustees have received on the matter that the community was not in consensus.

Chairman Smith asked that the Committee vote on the three motions. Trustee Orler read the motions into the record and the vote for all three was as follows:

AYES: Trustee Orler

NAYES: Chairman Smith, Trustee Cauley

ABSENT: Trustee Follett

Trustee Cauley moved to recommend denial Chairman Smith seconded. The vote was as follows:

AYES: Chairman Cauley, Trustee Smith

NAYES: Trustee Orler

ABSENT: Trustee Follett

Trustee Orler moved to adjourn. Trustee Cauley seconded. Motion carried and the meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

Timothy Bleuher
Community Development Director