

**VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES
Monday, November 24, 2008
Memorial Hall
7:30 p.m.**

Present: Chairman Smith, Trustee Orler, Trustee Follett

Absent: Trustee Cauley

Also Present: Police Chief Bloom, Fire Chief Michael Kelly, Community Development Director Tim Bleuher,

Minutes

The Committee reviewed the minutes from the October 27, 2008 meeting Trustee Follett motioned for approval. Trustee Orler seconded. Motion passed unanimously.

October 2008 Monthly Reports

Chief Bloom reviewed the Police Department's monthly report.

Chairman Smith asked Director Bleuher to confirm the calculations and totals of the building division's reported monthly numbers. Director Bleuher explained how these are totaled and where the monthly numbers are derived from.

Case A-11-2008 – Applicant: Anno Domini Hinsdale IV LLC – Text Amendment to Sections 5-102G (Permitted Uses) and 9-105 (Off Street Loading) of the Hinsdale Zoning Code for Loading Zone and Bulk Regulation Requirements in the B-2 Central Business District

Chairman Smith gave a brief summation of the ongoing litigation associated with the related development proposal and cautioned the other members to be careful in going forward with the current application. Chairman Smith also noted that the applicant could freely withdraw the application if technical aspects of the application were incomplete as he believed was the case. Lastly, Chairman Smith mentioned the fourteen standards within the Village Zoning Code that the Board is required to weigh when voting on a proposed text amendment.

Chairman Smith cited three areas of the application that he felt were not completed those being "disclosure of village personnel," there not being a date with the applicant's signature and the fact that there was no attorney listed on the application but one was present this evening. Trustee Follett responded that she wants a completed application but that it seemed that this particular application was being treated differently by the Chairman in light of all the other applications that have come before the Board. Chairman Smith noted that these technicalities could lead to further litigation drawing in Board members. Jim Dahl, attorney for the applicant, introduced himself and provided his contact information. Chairman Smith stated that he was not aware of any other project in the history of the village associated with such high legal fees.

ZPS Minutes

November 24, 2008

Chairman Smith asked Director Bleuher if the applicant had provided the Village with the required escrow amount and Director Bleuher responded that they had. Trustee Follett noted that this item would not be fully discussed at this venue, rather it would be vetted out at the next scheduled Plan Commission meeting on December 10th. Chairman Smith responded by stating that he was following the regulations and process of the zoning code and highlighted sections 11-303 and 11-601d3 where, he believed, precluded the application to move forward as it was incomplete. Chairman Smith asked Director Bleuher if the three items before the Committee should be heard separately. Director Bleuher confirmed that they should be heard and discussed separately, but can all be included on one application.

Trustee Orler stated that he would prefer discussion with the village attorney before commenting on the application and fully discussing the items at the Board level.

Mr. Dahl responded to the three items on the application form that Chairman Smith raised noting the insignificance of these facts and that in the history of village applications, he believed that these points have never been dissected to such a degree as Chairman Smith raised. Additionally, Mr. Dahl stated that the fact that his client did not respond to the village employee question on the application was simply because there is no employee vestment in the proposal and that the last issue raised was moot due to the fact that the Village Clerk cosigned the applicant's signature with a date and notary seal, which verified the date of his client's signature. Mr. Dahl went on to say that the text amendments before the Village were a reflection of reality that affects every business in the downtown district. He also stated that no downtown business could be developed if the R-5 District regulations applied with respect to required setbacks and with the requirement to accommodate a semi-truck trailer. Lastly, he noted that the third item was simply to clarify that one loading space could accommodate multiple uses in one building in the downtown area and that current multi-use buildings do not comply to this requirement in any case.

Chairman Smith asked Mr. Dahl how many total square feet were proposed in his client's development scenario and how the requirements of Section 9-105 of the zoning code apply to the development proposal. Trustee Orler responded by stating that site and development issues do not apply to the application before this Committee and would be discussed separately before the Plan Commission.

Trustee Follett noted that she does not want to encourage semi-truck trailers in the downtown business district and made a motion to move the application forward to the Board of Trustees. Trustee Orler abstained and Chairman Smith voted nay and stated that he was unsure that this request would result in spot zoning. Chairman Smith verified that the motion carries forward with no recommendation.

Case A-12-2008 – Applicant – Village of Hinsdale - 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 an Non-residential Property that is within 250 feet from a Single-Family Zoning District

Chairman Smith provided an overview of how the application came to fruition under direction from the Committee and how it related to a recent development along Chestnut Street in the village and its proximity to single-family residences. Trustee Follett inquired as to what the best way would be to ensure residents were aware of applications pending. Director Bleuher responded that they could be posted on the village's website and within village hall. Trustee Follett added that they could be posted at a central location such as the downtown train station. Trustee Follett motioned for approval of the application with Trustee Orler seconding the motion. Motion passed unanimously.

Proposed Changes to Noise Control Ordinance 5-3-2

Chief Bloom stated that the ZPS Committee approved changes to the noise ordinance that removed the requirement that prohibited the use of amplified sound devices in non-civic related functions. Additionally, the times when amplified noise could be used was amended to mirror the curfew hours (11:00 pm Sunday through Thursday and Midnight on Friday night and Saturday nights).

The ordinance was considered at the November 6, 2008 Board of Trustees meeting and several residents spoke in opposition to the changes and the matter was removed from the consent agenda and sent back to Committee for further review and consideration.

Chief Bloom stated that the issues raised at the Board Meeting concerned no prohibition regarding the number of days music could be played and the vagueness of the prohibited times. Regarding the concern over frequency and the possibility of someone playing amplified music every night at levels that are objectionable to neighbors, it is my opinion that this would be addressed by the reasonableness section of the proposed ordinance. Chief Bloom said that the Police Department receives approximately 20-30 noise complaints each month. Over the last 25 years he is only aware of citing people on two occasions.

Village Prosecutor Linda Pieczynski said that she is concerned that some portions of the ordinance may be in conflict and recommended removing the conflicting language and simplifying the ordinance. Mr. Bob Shutazic stated he is concerned over repeated use of amplified noise and the fairness to neighbors. Mr. Kevin Conner stated in summary it is important to have definitive times when music can be played at a reasonable level.

Trustee Smith and Follett agreed and asked that staff work with Village Prosecutor Pieczynski and modify the ordinance to reflect specific times music is allowed to be played at a reasonable level and bring the ordinance to the next Board meeting for consideration.

ZPS Minutes

November 24, 2008

Trustee Orlor had to leave the meeting at 9:10 p.m. thereby losing the committee quorum. Chairman Smith noted that the remaining items on the agenda would be continued until their next regularly scheduled meeting.

Meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Timothy Bleuher
Director of Community Development