

**MINUTES
VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE
SPECIAL MEETING
MONDAY, OCTOBER 24, 2011
MEMORIAL HALL
6:00 p.m.**

Present: Chairman Saigh, Trustee Angelo, Trustee Haarlow, Trustee Elder

Absent: None

Also Present: Dave Cook, Village Manager, Robert McGinnis, Community Development Director/Building Commissioner, Mark Wodka, Deputy Police Chief, Mike Kelly, Fire Chief, Tim Scott, Director of Economic Development

Trustee Saigh called the meeting to order at 6:05 p.m.

Minutes – September 2011

Trustee Angelo moved to approve the minutes for the September 26, 2011 meeting as amended. Second by Trustee Elder. The motion passed unanimously.

Monthly Reports – August 2011

Police Department

Deputy Chief Wodka reported that more than 800 hot dogs were distributed at the Open House on October 8th which indicated that attendance could be estimated at more than a 1,000 attendees. He added that he was pleased to learn that many residents he spoke with about the Village Community Email program were already signed up to receive email and text alerts, and were informed likewise of the new social media platforms of Facebook and Twitter that are being utilized by the department.

Fire Department

Chief Kelly reported on the annual Police/Fire Open House that was held on October 8, 2011. The weather was great and the event was well attended. Chief Kelly thanked all the residents who came out to the event. Chief Kelly also reported on the Silent Parade that was held the evening of October 14, 2011. That event went well and was attended by approximately 37 fire departments. This was the 17th annual parade which starts in Hinsdale each year. Trustee Angelo inquired about the elevator emergencies category under the distribution of calls in the monthly report. Chief Kelly explained that most of those calls involve people who are stuck or trapped in an elevator, mostly in commercial buildings. Some of these calls turn out to be false calls due to someone inadvertently hitting the emergency call button in the elevator. Trustee Saigh inquired about the walk through of the new addition at Hinsdale

Hospital that was included in the monthly report under training activities. Chief Kelly explained that the fire crews have conducted two familiarization walk through drills at the new construction site so far. One when the frame structure was completed and one recently when the interior floors have been substantially completed. Another walk through will be scheduled prior to the opening of the building. Crews from Clarendon Hills and Western Springs were invited to attend as they respond automatically to this location to assist our Department. Trustee Haarlow commented on the letter that was received from the resident who had a fire at their home recently and the expression of appreciation of the fire department and their actions that evening at the fire.

Community Development

Robert McGinnis limited the monthly report to questions only out of respect for the agenda.

Request for Board Action

Ordinance Amending Article VI (Office Districts), Section 6-106 (Special Uses) of the Village of Hinsdale Zoning code, to Allow Yoga Instruction in the O-2 Limited Office District as Special Uses

Chairman Saigh gave some brief background on this item and introduced the applicant.

Chris Kenny spoke on the application and stated that he had worked closely with Staff and Hinsdale Management and felt that the use would be a good fit in Grant Square.

Trustee Angelo made a motion to approve an Ordinance Amending Article VI (Office Districts), Section 6-106 (Special Uses) of the Village of Hinsdale Zoning code, to Allow Yoga Instruction in the O-2 Limited Office District as Special Uses. Second by Trustee Elder. Motion carried unanimously.

Ordinance Approving a Special Use Permit for a Yoga Studio at the Property Located at 34 South Vine Street

Trustee Angelo made a motion to approve an Ordinance Approving a Special Use Permit for a Yoga Studio at the Property Located at 34 South Vine Street. Second by Trustee Elder. Motion passed unanimously.

Ordinance Amending Article V (Business Districts), Section 5-105 (Special Uses) of the Village of Hinsdale Zoning code, to allow a Musical Tutoring Services above the first floor in the B-2 Central Business District as a Special Use

Chairman Saigh gave some brief background on this item and introduced the applicant.

Peter Coules spoke on behalf of the applicant, Rock Rubicon. He stated that the school in Naperville was working out well and that he felt the proximity to the Hinsdale Middle School made it a good location for this use.

Chairman Saigh asked about an issue with the present use of the first floor. Mr. Coules responded that he understood the issue had been addressed, but that as the contract purchasers they had no control over this issue and that he understood the present tenant was on a month to month lease.

Trustee Elder made a motion to approve an Ordinance Amending Article V (Business Districts), Section 5-105 (Special Uses) of the Village of Hinsdale Zoning code, to allow a Musical Tutoring Services above the first floor in the B-2 Central Business District as a Special Use. Second by Trustee Angelo. Motion passed unanimously.

Ordinance Approving a Special Use Permit for a Musical Tutoring Service at the Property Located at 116-118 S. Washington Street

Trustee Elder made a motion to approve an Ordinance Approving a Special Use Permit for a Musical Tutoring Service at the Property Located at 116-118 S. Washington Street. Second by Trustee Angelo. Motion passed unanimously.

Trustee Haarlow asked about the existing first floor occupancy. Tim Scott stated that when this investment services business came in initially, they were perpetuating what was previously approved in this space in accordance with the code. He stated that it would be difficult to prove that their business model had changed, and from what the Village understood, they had no reason to believe that they were operating in any fashion other than was approved as part of the occupancy permit.

Ordinance Approving Site Plans and Exterior Appearance Plans for the Installation of Antennas and Associated Equipment on Existing ComEd Poles in Public Right-of-Way by AT&T at Various Locations in Hinsdale, Illinois

Jim Leahy, representing AT&T, the applicant, introduced this item and gave a brief summary of what had transpired at Plan Commission.

Trustee Angelo asked about an article he saw in the newspaper about the same installation in Naperville right now and asked the applicant if they felt that they had unilateral authority to move forward without approval.

Mr. Leahy stated that under state law they had the authority to use the Right of Way without a formal zoning approval. In this case they met with Mr. Cook and agreed to go through the review process.

Mr. Leahy stated that wireless services are a permitted use in the Right of Way and that co-location on utility poles was specifically permitted by the FCC.

Trustee Angelo stated that if they were not required by law to go through this process, why go through it and what purpose did the Committee serve.

Chairman Saigh stated that he felt it was for transparency and that the applicant was simply following the same procedure they did several years ago when they came through with the U-verse project.

Chairman Saigh cited the article in the Tribune and asked about the emission from the antenna affecting safety and other facilities.

Mr. Leahy stated that the FCC regulated the emissions and that this installation would only put out about 40 watts; about 2.5% of what the safety standards are. He went on to state that they were limited to a very narrow band of frequencies and that they would not affect other facilities.

Trustee Angelo asked about the ability of other carriers to co-locate on Com Ed's poles. Mr. Leahy responded that they were paying to locate on these poles, the FCC mandated non-discriminatory use of the poles, and that he saw no reason why other carriers would be prohibited from doing the same, though likely not on the same poles.

Luke Stifflear spoke to the Committee and asked about zoning authority. He stated that these antennas were prohibited in a residential district. He felt that the Village should consider long term plans for installations on its Right of Way and that the Village should not grant zoning approval for an application that does not meet code.

The application moved forward to the Board of trustees with no action or approval while the village attorney opines on whether or not the Village has zoning authority on this.

Ordinance Amending Article V (Business Districts), Section 5-102 (Permitted Uses) of the Hinsdale Zoning Code to Allow Financial Institutions in Tenant Spaces That Do Not Abut a Street, on the First Floor in the B-2 Central Business District

Jay Javors gave the background on this item and the action at Plan Commission. He stated that the approval limited the use to the rear 50% of the space and that he had no issue with that.

Chairman Saigh asked about the language in the ordinance and whether height and width should be covered as well. Trustee Angelo stated that the text amendment was to limit it to the ground floor so that this was covered.

Trustee Elder made a motion to approve an Ordinance Amending Article V (Business Districts), Section 5-102 (Permitted Uses) of the Hinsdale Zoning Code to Allow Financial Institutions in Tenant Spaces That Do Not Abut a Street, on the First Floor in the B-2 Central Business District. Second by Trustee Haarlow. Motion passed unanimously.

Discussion Items

Attached vs. Detached Garages

Robert McGinnis gave the background on this item and explained why the lack of a definition for “attached garage” was creating issues now. He stated that applicants wanted to create living space over these garages and the question was rooted in what exactly constituted the attachment to the principal structure. If a garage is attached, the use of the space over it is a non issue provided that all of the bulk zoning regulations are met. However, if the garage is detached and one creates a dwelling unit over it, we have a problem due to the creation of two single family dwellings on a lot.

Dennis Parsons stated that there are at least two dozen coach houses in town right now and that the questions really becomes trying to define the space. We need to define an accessory use vs. an accessory dwelling unit. He felt that you would have a hard time trying to regulate this. He said that as architects, a definition would help them and was generally in support of the use of accessory space for this type of use.

Trustee Angelo asked about the specific case on Pamela Circle and what the plans entailed in that case. Mike Abraham explained that his client wanted to build the detached garage as an addition to the house so that his client could live there while they built a new house around it. The question was what sort of “attachement” would be required at a minimum to consider the garage an addition rather than a separate structure. He stated that in this particular case, his client would prefer a minimal connection simply in order to minimize interim costs while the balance of new house is constructed.

Chairman Saigh stated that the connection should be somewhat permanent.

Mr. Parsons stated that all of these elements were generally on permanent concrete foundations and that in many cases, maintaining an open type structure as the connection was preferable over other more traditional connections. He went on to state that this was a tough issue and not something they could likely get through in one meeting.

Chairman Saigh asked if there was a safety concern posed with the creation of living space over a garage.

Robert McGinnis stated that his preference would be to regulate these and issue a permit rather than to turn a blind eye to them if we tried to zone them out.

Chief Kelly stated that the expectation of an occupied garage would change their approach to fighting a fire, but that in many cases, these are fairly easy to identify by the design.

Chairman Saigh suggested that Staff bring some draft language for consideration at the next meeting.

Request to Add Additional Parking for Students on 57th Street Between Madison and Garfield Streets

Deputy Chief Wodka introduced the discussion on a proposal received by a resident and parent of a student at Hinsdale Central High School for on-street parking of student vehicles on 57th Street between Madison and Washington Street. The proposal cited an increasing parking need for students involved in activities during the “zero-hour”. The activities are a combination of academic needs, athletic training, and various extracurricular organizations that all compete for the same parking spaces available on Grant Street.

Deputy Chief Wodka presented a memorandum in summary that outlined a recommendation to not allow for on-street parking. The memorandum cited safety concerns related to the width of the roadway and the increased risk of accidents due to parked vehicles. Cited also from the recommendation were the specific points of studies that suggested curb parking generates problems such as accidents and traffic interference.

Deputy Chief Wodka concluded by stating that allowing for on-street parking near the high school will increase congestion in an already congested area. He added that resident feedback largely cited concerns about the congestion and consequent effects that on-street parking will cause to further disrupting traffic flow.

Resident Patricia Nelson spoke to the committee and stated that she proposed the additional spaces for parking and she was the reason for this matter being brought to the committee. Ms. Nelson stated that she had only requested a few spaces along the fields on 57th Street, and she is hoping the Village will continue to look for ways to allow for students who arrive during the zero hour to have a place to park. She added that there really is a need to add spaces for the students.

Deputy Chief Wodka responded that the police department will continue working with the school district in finding alternative means of accommodating the need for parking on-site of the school.

Jack Sartore spoke on behalf of Foxgate Subdivision and provided the committee with a petition on behalf of the Foxgate subdivision opposing the proposal.

A resident of Foxgate Subdivision added that regularly, he sees 10-15 parking spaces in the Hinsdale Central Student lot that remain unused on a daily basis.

Katherine Monesnik of 318 W. 57th Street stated that if this proposal is approved, there will be no safe and legal parking available for the guests of residents on 57th Street, as well as contractor and delivery vehicles doing work at the residential homes.

Pat Ablidinger of 5702 Foxgate stated she has prepared a powerpoint presentation regarding this issue that she would like to present at a future date should there be a recommendation and consideration of passing this proposal.

Steven Lu of 322 W. 57th Street stated that in the event there was a fire in the area, emergency vehicles would not have the ability to safely pass when there are vehicles parked on the road.

Following resident comment, Trustee Elder stated that although he sympathizes with the resident reasons for it, but he would be hard pressed to go against what has been recommended by the police department.

Trustee Haarlow said he would be particularly interested in hearing what could be done with the existing spaces at the high school before moving forward, and this should be considered at another time when residents have more time to speak.

Trustee Angelo and Trustee Saigh agreed with the recommendation of the police department. Trustee Saigh said the discussion on this topic is closed and there will not be a recommendation to support the proposal.

Adjournment

With no further business to come before the Committee, Chairman Saigh asked for a motion to adjourn. Trustee Elder made the motion and Trustee Angelo seconded. Meeting adjourned at 7:30PM.

Respectfully Submitted,

Robert McGinnis, MCP
Director of Community Development/Building Commissioner