



MEETING AGENDA

PLAN COMMISSION
Wednesday, June 14, 2017
7:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)

1. CALL TO ORDER

2. MINUTES - Minutes of May 10, 2017

3. FINDINGS AND RECOMMENDATIONS

- a) Case A-16-2017 – 100 S. Garfield Ave. – CCSD 181/Village of Hinsdale – Major Adjustment to a Site Plan/Exterior Appearance Plan to add a Parking Deck for a new Hinsdale Middle School.
- b) Case A-07-2017 – Village of Hinsdale – Text Amendment to Section 9-104 of the Hinsdale Zoning Code as it relates to Regulation of the Location of Secondary Access Drives to Commercial Properties.
- c) Case A-08-2017 – Village of Hinsdale – Text Amendment to Section 5-105(C) to allow Educational Services with a Special Use Permit in the B-2 Central Business District (but not on the first floor of any structure in the B-2) and B-3 General Business District.

4. SIGN PERMIT REVIEW

- a) Case A-19-2017 – 12 E. First St. – EFP Opticians – Wall and Window Sign (window sign retroactive) application in the Historic Downtown District.
- b) Case A-20-2017 – 500 Chestnut St. – Huntington Bank – 1 ATM Wall Sign application.

5. PUBLIC HEARING - All those wishing to provide public testimony must be sworn in and after the applicant makes their presentation will be recognized by the Chair to speak.

- a) Case A-14-2017 – Shred415 Hinsdale, LLC – Special Use Permit Amendment to change current First Class time from 6 AM to 5 AM.

6. EXTERIOR APPEARANCE AND SITE PLAN REVIEW

- a) Case A-40-2016 – 722-724 N. York Rd. – Hinsdale Animal Hospital – Exterior Appearance/Site Plan review for new Pet Hospital in the B-1 Community Business District (in relation to the approved Text Amendment and Special Use Permit on 03/07/17 per O2017-10 and O2017-11, respectively).

7. ADJOURNMENT

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact Darrell Langlois, ADA Coordinator at 630.789-7014 or **by TDD at 789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons. Web Site: www.villageofhinsdale.org

Approved

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
MAY 10, 2017
MEMORIAL HALL
7:30 P.M.**

Chairman Cashman called the meeting to order at 7:30 p.m., Wednesday, April 12, 2017, in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Cashman, Commissioner Peterson, Commissioner Willobee, Commissioner Fiascone, Commissioner Crnovich, Commissioner Mc Mahon, Commissioner Braselton

ABSENT: Commissioner Krillenberger, Commissioner Unell

ALSO PRESENT: Kathleen Gargano, Village Manager; Robb McGinnis, Director of Community Development; Chan Yu, Village Planner;
Applicant Representatives for Case: A-07-17, A-08-17, A-16-17, A-17-17, and A-18-17

Approval of Minutes

Chairman Cashman asked for comments on April 12th meeting minutes, no concerns were shared & Chairman Cashman motioned to approve the minutes. Commissioner Crnovich motioned & Commissioner Willobee seconded, the motion was unanimously approved (5-0, 2 absent, 2 abstained).

Sign Permit Review - Case A-17-2017 – 12 E. Hinsdale Ave. – Hinsdale Wine shop – Projecting Sign Permit application in the Historic Downtown District. The owner of Hinsdale Wine Shop requested a blade sign to be viewed from the sidewalk. The PC, with no issues with the request, **unanimously approved** the projecting sign as submitted, 7-0 (2 absent).

Sign Permit Review - Case A-18-2017 – 8 W. Hinsdale Avenue – County Line Audio Video – 3 Wall Sign Permit applications in the Historic Downtown District. Chan Yu shared the HPC had some clutter concerns with the sign design submitted & interpreted the third sign as an “Advertising Sign” versus a “Business Sign”. The applicant gave a brief description of the sign design to the PC and agreed to remove the “ad” words on the right side of the sign. The PC agreed with the interpretation and suggestions of the HPC. In lieu of the third sign, the applicant will apply for a projecting sign, an idea recommended by the Historic Preservation Commission and PC.

With no questions, the PC **unanimously approved** the two wall signs, “County Line” at 10 inches and “Audio Video Solutions” at 6”, 7-0 (2 absent).

Plan Commission Minutes
May 10, 2017

Major Adjustment to Exterior Appearance/Site Plan - Case A-16-2017 – 100 S. Garfield Ave. – CCSD 181/Village of Hinsdale – Major Adjustment to a Site Plan/Exterior Appearance Plan to add a Parking Deck for a new Hinsdale Middle School (HMS). Representatives for the Hinsdale Middle School and Village of Hinsdale presented the joint application to the PC to add a parking deck in lieu of (only) a surface parking lot for the HMS. Village Manager Kathleen Gargano introduced 3 areas of the parking deck to be considered, the stairwell configuration, the landscape on the north side, and location of ADA parking spaces on the east side to allow for an exit onto Garfield. The project architect gave a brief description of the deck structure noting 2 levels containing a total of 319 parking spaces with 2 access stairwells and materials and lighting matching that of the new middle school.

Another design professional described the landscape features of the deck to include raised planters, interior and exit islands containing ground cover, a perimeter containing Arborvitae to screen columns, and canopy trees in the parkway. The PC was presented with option A and option B landscape design to be used on the north side of the deck (to screen or not screen). Differences in the options would impact natural lighting of the deck and visual security. The PC, in general, preferred the landscape screening option B (along 2nd St.) for the “openness” feeling it provided. The two access points and their traffic patterns were briefly described, as well as the code compliance of the light poles. The stair tower was described as having a height of 24-26 feet, and 14 x 24 foot dimensions had previous concerns of being bulky. The tower has physical limitations for risers or stairs to meet code. Also, if materials of pre-cast was changed it would no longer match the materials used in the middle school, especially the entry components. It was determined to have the stair design to be enclosed to protect the materials from the elements. The designers agreed to provide a rendering of the stair tower containing red brick elements and planter boxes for the board to consider. Without any further concerns, the PC, **unanimously approved** the Major Adjustment request, as submitted, 6-0 (2 absent, 1 abstained).

Public Hearing - Case A-07-2017 – Village of Hinsdale – Text Amendment to Section 9-104 of the Hinsdale Zoning Code as it relates to Regulation of the Location of Secondary Access Drives to Commercial Properties. The applicant, Chan Yu explained the need for the text amendment arose from a previous request to have a secondary access from a commercial property. Due to the large amount of concerned residents citing safety concerns, the village wanted to take action to prevent future requests. The PC expressed full support for the application. The PC, with no questions, **unanimously approved** the Text Amendment application as submitted, 7-0 (2 absent).

(Please see the attached transcript for Case A-07-2017 included as part of this record, Attachment 1)

Schedule of Public Hearing – Case A-08-2017 – Village of Hinsdale – Text Amendment to Section 5-105(C) to allow Educational Services with a Special Use Permit in the B-2 Central Business District (but not on the first floor of any structure in the B-2) and B-3 General Business District. Chan Yu, the applicant, explained the request was from the Village but recommended by the Board, for the need of the zoning code to be very specific. The text amendment would provide flexibility yet prevent unintended consequences through the review process of the special use permit. The PC expressed full support for the application. The PC, with no questions, **unanimously approved** the Text Amendment application as submitted, 7-0 (2 absent).

(Please see the attached transcript for Case A-08-2017 included as part of this record, Attachment 2)

Plan Commission Minutes
May 10, 2017

Schedule of Public Hearing – Case A-14-2017 – Village of Hinsdale – Shred415 Hinsdale, LLC – Special Use Permit Amendment to change current First Class time from 6 AM to 5 AM. The PC scheduled a public hearing for Case A-14-2017 for the June 14, 2017, PC meeting.

***Update Only* Not on Agenda**– Sign Permit Review - Case A-13-2017 – 25 W. Chicago Avenue – Baird & Warner – Sign Permit application to re-face a legal nonconforming Ground Sign.

Chan reviewed to the PC that the applicant has not submitted an updated wall sign or Code compliant ground sign, as recommended by the PC. Therefore, the item will be continued for the next PC meeting

Adjournment

The meeting was adjourned at 8:33 PM, after a unanimous vote.

Respectfully Submitted,
Jennifer Spires, Community Development Secretary

STATE OF ILLINOIS)
) ss:
 COUNTY OF DU PAGE)

BEFORE THE HINSDALE PLAN COMMISSION

In the Matter of:)
)
)
 Text Amendment to)
 Section 9-104,)
 Case No. A-07-2017.)

REPORT OF PROCEEDINGS had and testimony
 taken at the hearing of the above-entitled
 matter before the Hinsdale Plan Commission, at
 19 East Chicago Avenue, Hinsdale, Illinois, on
 May 10, 2017, at the hour of 7:30 p.m.

BOARD MEMBERS PRESENT:

MR. STEPHEN CASHMAN, Chairman;
 MS. LAURIE McMAHON, Member;
 MS. DEBRA BRASELTON, Member;
 MS. ANNA FIASCONE, Member;
 MR. SCOTT PETERSON, Member;
 MS. JULIE CRNOVICH, Member; and
 MR. MARK WILLOBEE, Member.

<p style="text-align: right;">2</p> <p>1 ALSO PRESENT:</p> <p>2 MR. ROBB MCGINNIS, Director of</p> <p>3 Community Development;</p> <p>4 MR. CHAN YU, Village Planner and</p> <p>5 Petitioner.</p> <hr/> <p>6 CHAIRMAN CASHMAN: Case A-07-2017,</p> <p>7 village of Hinsdale text amendment to</p> <p>8 Section 9-104 of the Hinsdale Zoning Code as it</p> <p>9 relates to regulations of the location of</p> <p>10 secondary access drives to commercial</p> <p>11 properties.</p> <p>12 Robb, are you the applicant? Who's</p> <p>13 the applicant tonight?</p> <p>14 MR. YU: I am. Chan Yu, village</p> <p>15 planner.</p> <p>16 CHAIRMAN CASHMAN: Is there anyone else</p> <p>17 here to speak on this matter?</p> <p>18 (No response.)</p> <p>19 (WHEREUPON, Mr. Chan Yu was</p> <p>20 administered the oath.)</p> <p>21 MR. YU: This is a public meeting on</p> <p>22 Case A-15-2016. Another applicant had applied</p>	<p style="text-align: right;">4</p> <p>1 residentially-zoned districts is the request.</p> <p>2 CHAIRMAN CASHMAN: Any questions for</p> <p>3 the applicant?</p> <p>4 One thing I remember from that</p> <p>5 meeting, I thought it was interesting that we</p> <p>6 had people that were pretty much outraged about</p> <p>7 the concept of cutting through to Fuller on the</p> <p>8 block to the west of York Road. We also had</p> <p>9 people further down towards County Line and all</p> <p>10 along Fuller.</p> <p>11 And I know the village has been</p> <p>12 working with Land Rover to develop the General</p> <p>13 Motors property and that has access off a</p> <p>14 residential cul-de-sac. I used to take a</p> <p>15 go-cart through there as a kid back in the day,</p> <p>16 and I'm pretty sure it's still there.</p> <p>17 So I think this is a good move</p> <p>18 because Number 1, this would have been a real</p> <p>19 problem in this location, and then who knows if</p> <p>20 there's other situations like this where there's</p> <p>21 commercial properties that back up and I liked</p> <p>22 how you actually excluded schools and parks and</p>
<p style="text-align: right;">3</p> <p>1 for exterior appearance site plan review on</p> <p>2 their property to break through their fence and</p> <p>3 create a secondary access. This is a commercial</p> <p>4 office building using their land to cut through</p> <p>5 and create a secondary access into a residential</p> <p>6 district.</p> <p>7 And at the meeting, this was</p> <p>8 July 13, 2016, there was a lot of neighborhood</p> <p>9 residents present at the meeting and they really</p> <p>10 reflected a lot of concerns and it was really</p> <p>11 just opposed to this for a lot of obvious safety</p> <p>12 reasons.</p> <p>13 And one of the questions by a</p> <p>14 resident was is there any way for the village to</p> <p>15 do anything to prevent this request coming</p> <p>16 before the plan commission again because per the</p> <p>17 code, an applicant could reapply every two years</p> <p>18 even if it's denied.</p> <p>19 So based on that, and based on the</p> <p>20 concerns by the public meeting, the village is</p> <p>21 applying to not allow and to prohibit secondary</p> <p>22 access from commercially-zoned property to</p>	<p style="text-align: right;">5</p> <p>1 other uses that would not be the same.</p> <p>2 Ironically, I was in the building</p> <p>3 120 Ogden today and mentioned the fact that this</p> <p>4 was coming up and the person I was speaking to</p> <p>5 was talking about safety concerns, that there</p> <p>6 was an accident leaving there and that now they</p> <p>7 are using that cut through, that there was an</p> <p>8 agreement between Koplin and whoever the other</p> <p>9 property owner was. The barricades have gone</p> <p>10 down and now they are cutting through to York</p> <p>11 Road, which I still might think might be a</p> <p>12 village issue to consider but at least they are</p> <p>13 not going through to a commercial property to a</p> <p>14 main road not a residential street.</p> <p>15 I think this is a great idea. I'm</p> <p>16 glad you remembered this and did this. It would</p> <p>17 probably come up when Land Rover comes to us</p> <p>18 because they are on Oak and Ogden and I can't</p> <p>19 think of what the street is that dead ends back</p> <p>20 there.</p> <p>21 MS. CRNOVICH: It's a wonderful idea,</p> <p>22 and I echo everything that you just stated.</p>

<div>6</div> <div>1 CHAIRMAN CASHMAN: These neighbors they</div> <div>2 were upset. Rightfully so. It would have</div> <div>3 totally changed that block of Fuller. I don't</div> <div>4 know if this is still going on. I thought Brad</div> <div>5 was going to study that was the cut-through</div> <div>6 traffic that people were taking going down</div> <div>7 Fuller to County Line to get back on to Ogden.</div> <div>8 MR. McGINNIS: I know that's still in</div> <div>9 play.</div> <div>08:25:20PM 10 CHAIRMAN CASHMAN: And now that that</div> <div>11 pass-through is reopen, people, I'm sure, are</div> <div>12 going out at 120 to York Road heading south,</div> <div>13 then heading over to County Line or Oak and then</div> <div>14 back on. So I just think it's something the</div> <div>15 village needs to keep an eye with the traffic on</div> <div>16 Fuller. You are a couple of blocks from the</div> <div>17 main school and there's a lot of kids in the</div> <div>18 area.</div> <div>19 Any other comments or questions by</div> <div>08:25:44PM 20 the commissioners?</div> <div>21 (No response.)</div> <div>22 Can I hear a motion to approve the</div>	<div>8</div> <div>1 STATE OF ILLINOIS)</div> <div>) ss:</div> <div>2 COUNTY OF DU PAGE)</div> <div>3 I, KATHLEEN W. BONO, Certified</div> <div>4 Shorthand Reporter, Notary Public in and for the</div> <div>5 County DuPage, State of Illinois, do hereby</div> <div>6 certify that previous to the commencement of the</div> <div>7 examination and testimony of the various</div> <div>8 witnesses herein, they were duly sworn by me to</div> <div>9 testify the truth in relation to the matters</div> <div>10 pertaining hereto; that the testimony given by</div> <div>11 said witnesses was reduced to writing by means</div> <div>12 of shorthand and thereafter transcribed into</div> <div>13 typewritten form; and that the foregoing is a</div> <div>14 true, correct and complete transcript of my</div> <div>15 shorthand notes so taken aforesaid.</div> <div>16 IN TESTIMONY WHEREOF I have</div> <div>17 hereunto set my hand and affixed my notarial</div> <div>18 seal this 15th day of May, A.D. 2017.</div> <div>19</div> <div>20</div> <div>21 KATHLEEN W. BONO,</div> <div>C.S.R. No. 84-1423,</div> <div>Notary Public, DuPage County</div> <div>22</div>
<div>7</div> <div>1 text amendment application to build a secondary</div> <div>2 access for a commercially-zoned property to a</div> <div>3 residential-zoned district as requested by the</div> <div>4 village of Hinsdale?</div> <div>5 MR. PETERSON: I'll motion.</div> <div>6 MS. CRNOVICH: Second.</div> <div>7 CHAIRMAN CASHMAN: Deb?</div> <div>8 MS. BRASELTON: Aye.</div> <div>9 MR. PETERSON: Aye.</div> <div>08:26:02PM 10 MS. McMAHON: Aye.</div> <div>11 CHAIRMAN CASHMAN: Aye.</div> <div>12 MS. CRNOVICH: Aye.</div> <div>13 MR. WILLOBEE: Aye.</div> <div>14 MS. FIASCONE: Aye.</div> <div>15 (WHICH, were all of the</div> <div>16 proceedings had, evidence</div> <div>17 offered or received in the</div> <div>18 above entitled cause.)</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div>	

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STATE OF ILLINOIS)
) ss:
 COUNTY OF DU PAGE)

BEFORE THE HINSDALE PLAN COMMISSION

In the Matter of:)
)
)
 Text Amendment to)
 Section 5-105(C),)
 Case No. A-08-2017.)

REPORT OF PROCEEDINGS had and testimony
 taken at the hearing of the above-entitled
 matter before the Hinsdale Plan Commission, at
 19 East Chicago Avenue, Hinsdale, Illinois, on
 May 10, 2017, at the hour of 7:30 p.m.

BOARD MEMBERS PRESENT:

MR. STEPHEN CASHMAN, Chairman;
 MS. LAURIE McMAHON, Member;
 MS. DEBRA BRASELTON, Member;
 MS. ANNA FIASCONE, Member;
 MR. SCOTT PETERSON, Member;
 MS. JULIE CRNOVICH, Member; and
 MR. MARK WILLOBEE, Member.

<p style="text-align: right;">2</p> <p>1 ALSO PRESENT:</p> <p>2 MR. ROBB MCGINNIS, Director of</p> <p>3 Community Development;</p> <p>4 MR. CHAN YU, Village Planner and</p> <p>5 Petitioner.</p> <hr/> <p>6 CHAIRMAN CASHMAN: Case A-08-2017,</p> <p>7 village of Hinsdale again. Text amendment to</p> <p>8 Section 5-105(C) to allow educational services</p> <p>9 with a special use permit in the B-2 central</p> <p>10 business district but not on the first floor of</p> <p>11 any structure in B-2 and in the B-3 general</p> <p>12 business district.</p> <p>13 (Mr. Yu was previously</p> <p>14 administered the oath.)</p> <p>15 MR. YU: So essentially this is a</p> <p>16 request by the village of Hinsdale but it was a</p> <p>17 recommendation by the board because of the way</p> <p>18 the zoning code is laid out for any type of</p> <p>19 educational or classes, it really needs to be</p> <p>20 specific.</p> <p>21 So, for example, TinkRworks, we had</p> <p>22 TinkRworks, we have music schools. The way the</p>	<p style="text-align: right;">4</p> <p>1 the village examples? Would Grant Square be</p> <p>2 one?</p> <p>3 MR. YU: So the last page of the packet</p> <p>4 we have B-2 and B-3 called out on the zoning</p> <p>5 map.</p> <p>6 MS. McMAHON: So along Chestnut, those</p> <p>7 buildings down there, I can't read what that --</p> <p>8 it looks like it's a B-1.</p> <p>9 MR. YU: The two colored blues are the</p> <p>10 B-2 and B-3.</p> <p>11 CHAIRMAN CASHMAN: Chan, what would be</p> <p>12 an example of B-1?</p> <p>13 MR. MCGINNIS: Grant Square.</p> <p>14 MS. McMAHON: So those kind of</p> <p>15 professional/medical buildings on Chestnut,</p> <p>16 those are B-2s?</p> <p>17 MR. YU: I think those are B-3s, I</p> <p>18 believe.</p> <p>19 MS. McMAHON: I'm thinking where we had</p> <p>20 that application recently for the tutoring and</p> <p>21 that was in one of those buildings.</p> <p>22 MR. YU: Actually, that was in the O-2</p>
<p style="text-align: right;">3</p> <p>1 zoning code reads right now it needs to specify</p> <p>2 exactly what type of class is being offered and</p> <p>3 so rather than the board and the plan commission</p> <p>4 review and change the code through a text</p> <p>5 amendment for every type of class that's being</p> <p>6 held, this request would allow some flexibility</p> <p>7 but also as a special use permit prevent any</p> <p>8 unintended consequences for a broader but a more</p> <p>9 detailed review process for a business that will</p> <p>10 offer a class.</p> <p>11 MS. McMAHON: What about B-1? Is that</p> <p>12 already in or are we excluding that? You are</p> <p>13 talking about B-2 and B-3, but I'm not sure are</p> <p>14 there things in educational services already in</p> <p>15 B-1?</p> <p>16 MR. YU: So for attachment 2 we looked</p> <p>17 at the definition of the purposes of B-1, B-2</p> <p>18 and B-3, and we thought that B-2 and B-3 would</p> <p>19 be a better fit for classes.</p> <p>20 MS. McMAHON: For classes?</p> <p>21 MS. YU: Right.</p> <p>22 CHAIRMAN CASHMAN: Where are B-1s in</p>	<p style="text-align: right;">5</p> <p>1 district.</p> <p>2 MS. BRASELTON: There's not a lot of</p> <p>3 B-1.</p> <p>4 MR. MCGINNIS: Right now you have some</p> <p>5 B-1 up at Gateway, Grant Square. Along Chestnut</p> <p>6 up here that's O-2.</p> <p>7 MS. McMAHON: So B-1 is basically the</p> <p>8 two shopping centers.</p> <p>9 CHAIRMAN CASHMAN: Basically Grant</p> <p>10 Square and down there. (Indicating.)</p> <p>11 MS. McMAHON: Okay.</p> <p>12 MR. YU: So for me in the narrative for</p> <p>13 the B-1 what really stuck out to me was the</p> <p>14 first sentence. It says, Specifically, the B-1</p> <p>15 community business district is intended to serve</p> <p>16 the everyday shopping needs of village residents</p> <p>17 as well as providing opportunities for specialty</p> <p>18 shops attractive to wider suburban residential</p> <p>19 community around the village.</p> <p>20 So that's what indicated to me it's</p> <p>21 more for retail, everyday shopping-type uses</p> <p>22 rather than the two and three office use.</p>

<div>6</div> <div>1 MS. McMAHON: Basically this is sort of</div> <div>2 a new catchall category for all these various</div> <div>3 types of educational services?</div> <div>4 CHAIRMAN CASHMAN: So they will have to</div> <div>5 come to us, notification of the neighbors. So I</div> <div>6 like the approach. That way if it's a use that</div> <div>7 the neighbors felt was incompatible for any</div> <div>8 reason they could speak up and we could hear</div> <div>9 them. Somebody is always going to have to come</div> <div>10 through the plan commission but all the second</div> <div>11 floor areas in downtown are perfect for the</div> <div>12 educational-type uses. It's hard to have retail</div> <div>13 on the second level. It's walking distance from</div> <div>14 middle school and transit.</div> <div>15 Any other questions or comments</div> <div>16 about the text amendment application for</div> <div>17 educational services in B-2, B-3?</div> <div>18 (No response.)</div> <div>19 Hearing none, may I have a motion</div> <div>20 to approve the text amendment application as</div> <div>21 submitted?</div> <div>22 MS. McMAHON: So moved.</div>	<div>8</div> <div>1 STATE OF ILLINOIS)</div> <div>2) ss:</div> <div>3 COUNTY OF DU PAGE)</div> <div>4 I, KATHLEEN W. BONO, Certified</div> <div>5 Shorthand Reporter, Notary Public in and for the</div> <div>6 County DuPage, State of Illinois, do hereby</div> <div>7 certify that previous to the commencement of the</div> <div>8 examination and testimony of the various</div> <div>9 witnesses herein, they were duly sworn by me to</div> <div>10 testify the truth in relation to the matters</div> <div>11 pertaining hereto; that the testimony given by</div> <div>12 said witnesses was reduced to writing by means</div> <div>13 of shorthand and thereafter transcribed into</div> <div>14 typewritten form; and that the foregoing is a</div> <div>15 true, correct and complete transcript of my</div> <div>16 shorthand notes so taken aforesaid.</div> <div>17 IN TESTIMONY WHEREOF I have</div> <div>18 hereunto set my hand and affixed my notarial</div> <div>19 seal this 15th day of May, A.D. 2017.</div> <div>20</div> <div>21 KATHLEEN W. BONO,</div> <div>22 C.S.R. No. 84-1423,</div> <div>Notary Public, DuPage County</div>
<div>7</div> <div>1 MS. FIASCONE: Second.</div> <div>2 CHAIRMAN CASHMAN: Anna?</div> <div>3 MS. FIASCONE: Aye.</div> <div>4 MR. WILLOBEE: Aye.</div> <div>5 MS. CRNOVICH: Aye.</div> <div>6 CHAIRMAN CASHMAN: Aye.</div> <div>7 MS. McMAHON: Aye.</div> <div>8 MR. PETERSON: Aye.</div> <div>9 MS. BRASELTON: Aye.</div> <div>10 (WHICH, were all of the</div> <div>11 proceedings had, evidence</div> <div>12 offered or received in the</div> <div>13 above entitled cause.)</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div>	

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HINSDALE PLAN COMMISSION

RE: Case A-16-2017 – Applicant: Community Consolidated School District 181 and Village of Hinsdale (application address: 100 S. Garfield Ave.)

Request: Major Adjustment to approved Exterior Appearance and Site Plan for a Parking Deck for the New Hinsdale Middle School (Case A-41-2016)

DATE OF PLAN COMMISSION (PC) REVIEW: May 10, 2017

DATE OF BOARD OF TRUSTEES 1ST READING: June 13, 2017

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. The PC heard testimony from the co-applicants, Community Consolidated School District 181 (CCSD) and Village of Hinsdale, for the proposed parking deck for the new Hinsdale Middle School (HMS), at 100 S. Garfield Ave. in the IB Institutional Building District. Ms. Kathleen Gargano, Village Manager, reviewed a brief history of the entitlement process from the new HMS with a surface parking lot to the current joint application with the CCSD for a parking deck. The Village Manager also reviewed the three elements the Board of Trustees (BOT) requested the Plan Commission (PC) to consider when they referred the application to the PC: (1) stair structure (enclosed or open plan), (2) parking deck landscaping options A and B, and (3) lower level ADA parking space (3 spaces) relocation to the northeast corner with new accessible path and door.
2. Mr. Brian Kronewitter, (project architect) reviewed the 2-level open parking deck, which allows natural daylight into both levels as well as ventilation. He reviewed the features of the parking deck including: 133 parking spaces on the upper level and 186 on the lower level, main access stairs at the northeast corner and smaller access stairs at the northwest corner. He also had the brick and precast materials of the parking deck displayed and reviewed that the lighting will reflect the existing lights on the subject property and be Code compliant.
3. Mr. John Helfrich (project engineer), reviewed the landscape plan around the perimeter of the parking deck (raised planters on the south and west side) as well as the islands on the upper deck. He illustrated the main difference between options A and B (Attachment 1) is that A better hides the columns and openings with more screening.
4. A Plan Commissioner expressed that getting light into the parking deck would be a good thing, and that lighting is more important than screening on that particular side of the deck since it doesn't face the street (interior side yard). For this reason, in addition to a better open feeling, the PC in general preferred option B. John and Brian added that planter boxes on the upper level wall could also be installed.
5. A Plan Commissioner asked the applicant to review the vehicular and pedestrian access of the site plan. John explained that the primary access is located in the northeast corner, which is a two-way access from Garfield Avenue. The Second Street access is one-way, and drivers leaving the parking deck will see a right turn only sign. John reviewed that traffic studies for this plan is well within the acceptable range. The ADA spaces will be accessible in and out onto the sidewalk without having to go through the stair structure. It was clarified that the 5 ADA spaces on the upper level are near the school entry at the northwest corner.

The circulation of traffic during school hours is from Second Street onto the upper deck while access into the upper deck from Garfield will be closed during drop off and pick up times. Drivers will be able to turn left or right when exiting the upper deck onto Garfield.

6. A Plan Commissioner asked the applicant for the height of the stair structure. Brian acknowledged that the final design and engineering grades are still in process, however, most likely the top of the stair structure parapet will be in the 24 to 26 feet range. In terms of the length and width of the stair structure, Brian clarified that it's their intent to build it as small as possible while meeting the ADA and building codes. Another Plan Commissioner expressed that the stone around the structure may be attributing to the bulky appearance. Brian explained the precast structure is a factor of economy (the budget submitted to the Village 4-months ago reflected a precast structure) and the physical

limitations of precast, limits the size and location of openings. A Plan Commissioner asked if there could be brick added to the stair structure to blend in with the school's brick. Brian agreed to submit a rendering of the stair structure with brick for consideration (Attachment 2).

7. A Plan Commissioner expressed concern for the safety of the students and parking deck users since it is partially enclosed. Brian replied that panic buttons inside parking deck stairwells is common practice, and is most likely what he would recommend.
8. The public meeting was notified by publication in the Hinsdalean on April 20, 2017, 250' certified mailing and signage on the subject property. There was no one from the audience who commented at the meeting on May 10, 2017.

II. RECOMMENDATIONS

Following a motion to recommend approval of the proposed major adjustment to an exterior appearance and site plan as submitted, supporting the landscape option B (Attachment 1), and with the condition the applicant submit a rendering of the stair structure with brick (Attachment 2) and planter boxes for the Board to consider, the Village of Hinsdale Plan Commission, on a vote of six (6) "Ayes," one (1) "abstained," and two (2) "Absent," recommends that the President and Board of Trustees approve the major adjustment application as submitted.

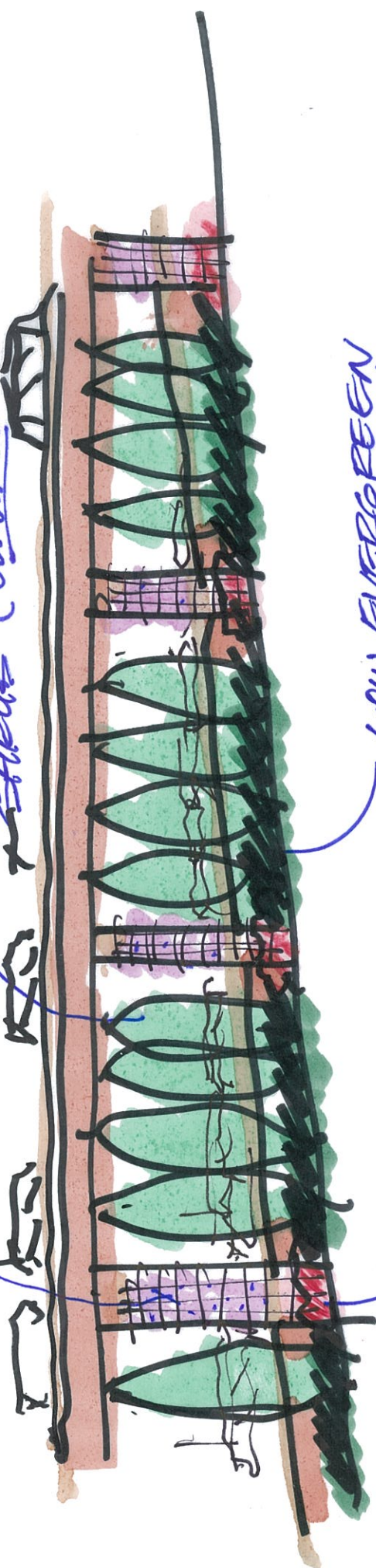
THE HINSDALE PLAN COMMISSION By: _____

Chairman

Dated this _____ day of _____, 2017.

DECIDUOUS VINE (CLEMATIS / WISTERIA)
ON WIRE FRAME

UPRIGHT EVERGREEN
SHRUBS (JUNIPER OR ARB.)

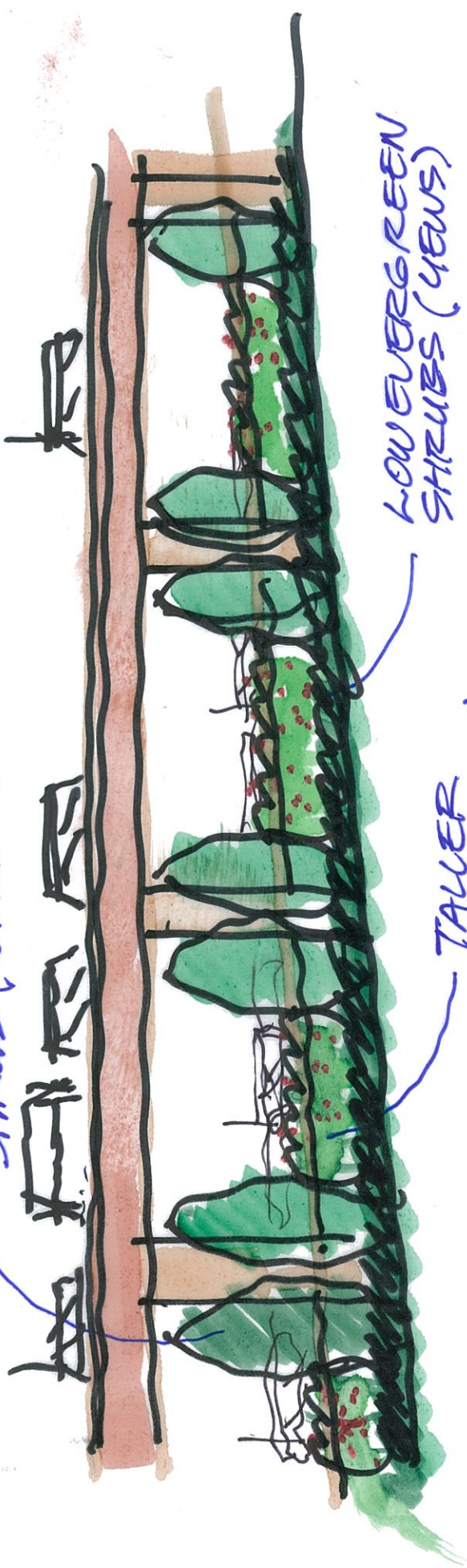


LOW FLOWERING
SHRUBS (SWEET SPIRE / RHODOS)

LOW EVERGREEN
SHRUBS (YEW)

OPTION 'A'

UPRIGHT EVERGREEN
SHRUBS (JUNIPER OR ARB.)



TALLER
FLOWERING
SHRUBS (HYDRANGEA)

LOW EVERGREEN
SHRUBS (YEW)

OPTION 'B'







HINSDALE PLAN COMMISSION

RE: Case A-07-2017 – Applicant: Village of Hinsdale

Request: Text Amendment to Prohibit a Secondary Access to or from a Commercially Zoned Property into a Residentially Zoned District

DATE OF PLAN COMMISSION (PC) REVIEW: May 10, 2017

DATE OF BOARD OF TRUSTEES 1ST READING: June 13, 2017

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. The PC heard testimony from the applicant (Village of Hinsdale) for the proposed text amendment to Zoning Code Section 9-104 to prohibit a secondary access to or from a commercially zoned property into a residentially zoned District. Staff reviewed that the Village application was in result to the concerns voiced by the residents at a previous public meeting (Case A-15-2016) when a commercial property requested to create a secondary access onto a residential street. Many residents expressed concerns over the increase of vehicular traffic and its impact to the general safety of the residential neighborhood.
2. The PC was unanimously supportive for the request, and commented that it is a great idea. The PC also recalled the concerns by the residents and believes this will prevent similar situations in the future.
3. This application affects the Village in general and not a specific subject property. Thus, the public hearing was notified by publication in the Hinsdalean on April 20, 2017 (without the typical 250' mailing and signage based on a specific subject property). There was no one from the audience who commented during the Plan Commission public hearing on May 10, 2017.

II. RECOMMENDATIONS

Following a motion to recommend approval of the proposed text amendment application as submitted, the Village of Hinsdale Plan Commission, on a vote of seven (7) "Ayes," and two (2) "Absent," recommends that the President and Board of Trustees approve the text amendment application as submitted.

THE HINSDALE PLAN COMMISSION By:

Chairman

Dated this _____ day of _____, 2017.

HINSDALE PLAN COMMISSION

RE: Case A-08-2017 – Applicant: Village of Hinsdale

Request: Text Amendment to include Educational Services as a Special Use (Section 5-105(C)) in the B-2 (but not on the 1st floor) and B-3 Districts

DATE OF PLAN COMMISSION (PC) REVIEW: May 10, 2017

DATE OF BOARD OF TRUSTEES 1ST READING: June 13, 2017

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. The PC heard testimony from the applicant (Village of Hinsdale) for the proposed text amendment to Zoning Code Section 5-105(C) to include Educational Services with a Special Use Permit in the B-2 District, but not on the first floor of any structure in the B-2 District, and B-3 District. Staff reviewed that this was recommended by the Board of Trustees since musical tutoring services is the only educational service option in the business districts; and less intense educational service uses would require a text amendment based on each class description.
2. A Plan Commissioner asked why the Village is excluding the B-1 District in the application. Staff explained the B-1 District was excluded based on the Business District definitions per Section 5-101 (and referenced Attachment 2 in the application packet). Per the Code, "the B-1 community business district is intended to serve the everyday shopping needs of village residents as well as to provide opportunities for specialty shops attractive to wider suburban residential community around the village." To that end, staff believes the intent of the B-1 District is more for retail uses versus office uses. There were no additional questions by the Plan Commission.
3. The PC Chair expressed that he supports the special use permit approach. For example, a special use permit application requires a notification to the neighbors, so that if they felt the request is incompatible for any reason, they could reflect their concerns to the PC and subsequently to the Board.
4. This application affects the Village in general and not a specific subject property. Thus, the public hearing was notified by publication in the Hinsdalean on April 20, 2017 (without the typical 250' mailing and signage based on a specific subject property). There was no one from the audience who commented during the Plan Commission public hearing on May 10, 2017.

II. RECOMMENDATIONS

Following a motion to recommend approval of the proposed text amendment application as submitted, the Village of Hinsdale Plan Commission, on a vote of seven (7) "Ayes," and two (2) "Absent," recommends that the President and Board of Trustees approve the text amendment application as submitted.

THE HINSDALE PLAN COMMISSION By: _____

Chairman

Dated this _____ day of _____, 2017.




MEMORANDUM

DATE: June 14, 2017

TO: Chairman Cashman and Plan Commissioners

CC: Kathleen A. Gargano, Village Manager
Robb McGinnis, Director of Community Development/Building Commissioner

FROM: Chan Yu, Village Planner 

RE: Public Hearing for Special Use Permit **Amendment** Application to allow earlier Physical Fitness Class Start Time at 5 AM (vs. current 6 AM)
Shred415 Hinsdale, LLC - 230 E. Ogden Avenue – Case A-14-2017

Summary

This Plan Commission (PC) Agenda item was scheduled for a Public Hearing for the June 14, 2017, meeting. This is a Special Use amendment application by Shred415, to permit classes starting at 5 AM each day. Per Section 11-602, a Special Use Permit may be amended pursuant to the procedures, standards and limitations subject for its original approval. On September 16, 2014, the applicant, Shred415, was granted a Special Use Permit to operate a physical fitness facility at 230 E. Ogden Avenue subject to four (4) conditions. One of which is no classes shall take place prior to 6 AM on any day.

Request and Analysis

Shred415, represented by Peter Coules, is requesting an amendment to an approved Special Use Permit condition, per Ordinance O2014-31. Per the approved Special Use Permit on September 16, 2014, there are four (4) conditions: (1) No classes shall take place prior to 6 AM on any day; (2) There will be no parking within 20 feet of a single-family structure prior to 8 AM on any day; (3) Conformance by the applicant and patrons with the parking exhibit identifying the specific parking spaces that will be unavailable prior to 8 AM on any day (Attachment 1, Exhibit A); and (4) Installation of a new, solid, 8-foot privacy fence along the entire south property line.

The sole request for this application is to amend the above first condition, to permit classes to start at 5 AM each day rather than 6 AM. Per the applicant, the work out studio is sound proof and does not disturb the other tenants above, below and to the south of 230 E. Ogden Avenue. The subject property is located in the B-3 General Business District, however, abuts the R-4 Single Family Residential District to the south. It should be noted that the initial Special Use Permit application requested for the 5 AM start time, but was opposed by the PC and Board due to auto noise concerns to the bordering residential neighborhood. Per the attached July 9, 2014, PC public hearing transcript, some concerns included: employee arrival time prior to 5 AM, parking enforcement issues, the short distance from the parking area to the residential neighborhood and the volume of cars (based on the max. of 26 class participants plus 4-6 staff members).



MEMORANDUM

The applicant has attached correspondence via email, in support of the current application from the residence immediately adjacent to the subject property at 804 N. Elm Street and 805 N. Elm Street (Attachment 1, Exhibit B). This was originally requested by the PC at the July 9, 2014, Public Hearing. Shred415 has also included a list of present clients that have requested for an earlier 5 AM start time (Attachment 1, Exhibit C).

Process

Within forty five (45) days following the conclusion of the public hearing, the PC shall transmit to the BOT its recommendation in the form specified by subsection [11-103\(H\)](#). The failure of the PC to act within forty five (45) days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.

Attachments:

- Attachment 1 – Special Use Permit, Plan Commission Application and Exhibits
- Attachment 2 - Plan Commission Initial Special Use Public Hearing Transcript (July 9, 2014)
- Attachment 3 - Zoning Map and Location of 230 E. Ogden Avenue
- Attachment 4 - Aerial Parcel Map of 230 E. Ogden Avenue
- Attachment 5 - Nearby Residence in Support for Amendment Request Map
- Attachment 6 - Updated Neighbor Support Emails



**VILLAGE
OF HINSDALE** FOUNDED IN 1873

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant

Name: Shred415 Hinsdale, LLC
Address: 230 E. Ogden Ave., First Floor
City/Zip: Hinsdale, IL 60521
Phone/Fax: (773) 230-5336 / (312) 583-2508
E-Mail: matt@shred415.com

Owner

Name: 230 East Ogden, LLC
Address: 945 South Vine Street
City/Zip: Hinsdale, IL 60521
Phone/Fax: (630) 258-2384 /
E-Mail: RAJ@phsol.com

Others, if any, involved in the project (i.e. Architect, Attorney, Engineer)

Name: Peter Coules, Jr.
Title: Attorney
Address: 15 Salt Creek Lane, Suite 312
City/Zip: Hinsdale, IL 60521
Phone/Fax: (630) 920-0406 /
E-Mail: peter@donatellcoules.com

Name: _____
Title: _____
Address: _____
City/Zip: _____
Phone/Fax: () _____ /
E-Mail: _____

Disclosure of Village Personnel: (List the name, address and Village position of any officer or employee of the Village with an interest in the owner of record, the Applicant or the property that is the subject of this application, and the nature and extent of that interest)

- 1) None
- 2) _____
- 3) _____

II. SITE INFORMATION

Address of subject property: 230 East Ogden Avenue, First Floor, Hinsdale, IL 60521

Property identification number (P.I.N. or tax number): 09 - 01 - 20 - 9033

Brief description of proposed project: Applicant was previously approved for a Special Use Permit to operate a physical fitness facility in the B-3 General Business Zoning District at 230 E. Ogden Ave., Hinsdale, IL 60521 (Ordinance No. 02014-31). Applicant is now seeking a variation to the Village Ordinance to permit classes to take place starting at 5:00 am each day rather than 6:00 am.

General description or characteristics of the site: Present building is a conforming B-3 property and Applicant presently operates a physical fitness studio

Existing zoning and land use: B-3

Surrounding zoning and existing land uses:

North: 0-3

South: R-4 and B-1

East: B-3

West: B-3

Proposed zoning and land use: B-3 with a special use of a physical fitness facility

Please mark the approval(s) you are seeking and attach all applicable applications and standards for each approval requested:

☐ Site Plan Approval 11-604

☐ Design Review Permit 11-605E

☐ Exterior Appearance 11-606E

☒ Special Use Permit 11-602E

Special Use Requested: Physical Fitness Facility (7991)

☐ Map and Text Amendments 11-601E
Amendment Requested: _____

☐ Planned Development 11-603E

☐ Development in the B-2 Central Business District Questionnaire

TABLE OF COMPLIANCE

Address of subject property: 230 East Ogden Avenue, First Floor, Hinsdale, IL 60521

The following table is based on the B-3 Zoning District.

	Minimum Code Requirements	Proposed/Existing Development
	B - 3	n/a
Minimum Lot Area (s.f.)	6,250	n/a
Minimum Lot Depth	125'	n/a
Minimum Lot Width	50'	n/a
Building Height	30'	n/a
Number of Stories	2	n/a
Front Yard Setback	25'	n/a
Corner Side Yard Setback	25'	n/a
Interior Side Yard Setback	10'	n/a
Rear Yard Setback	20'	n/a
Maximum Floor Area Ratio (F.A.R.)*	.50	n/a
Maximum Total Building Coverage*	n/a	n/a
Maximum Total Lot Coverage*	90%	n/a
Parking Requirements	n/a	n/a
Parking front yard setback	n/a	n/a
Parking corner side yard setback	n/a	n/a
Parking interior side yard setback	n/a	n/a
Parking rear yard setback	n/a	n/a
Loading Requirements	n/a	n/a
Accessory Structure Information	15'	n/a

* Must provide actual square footage number and percentage.

Where any lack of compliance is shown, state the reason and explain the Village's authority, if any, to approve the application despite such lack of compliance: None

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.
- B. The applicant understands that an incomplete or nonconforming application will not be considered. In addition, the applicant understands that the Village may require additional information prior to the consideration of this application which may include, but is not limited to, the following items:
1. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 2. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
 3. All existing and proposed surface and subsurface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines and easements and all other utility facilities.
 4. Location, size, and arrangement of all outdoor signs and lighting.
 5. Location and height of fences or screen plantings and the type or kind of building materials or plantings used for fencing or screening.
 6. A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.
 7. A traffic study if required by the Village Manager or the Board or Commission hearing the application.
- C. The Applicants shall make the property that is the subject of this application available for inspection by the Village at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicants shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten days following the change, and that failure to do so shall be grounds for denial of the application; and
- E. The Applicant understands that he/she is responsible for all application fees and any other fees, which the Village assesses under the provisions of Subsection 11-301D of the Village of Hinsdale Zoning Code as amended April 25, 1989.
- F. THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER HAS AGREED TO PAY SAID FEE, AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST SUBJECT PROPERTY FOR THE FEE PLUS COSTS OF COLLECTION, IF THE ACCOUNT IS NOT SETTLED WITHIN THIRTY (30) DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

On the 10th day of March, 2017, I/We have read the above certification, understand it, and agree to abide by its conditions.

Matthew J. Micheli
Signature of applicant or authorized agent

Matthew J. Micheli
Name of applicant or authorized agent

Signature of applicant or authorized agent

Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this 10th day of
March, 2017.

Notary Public

4

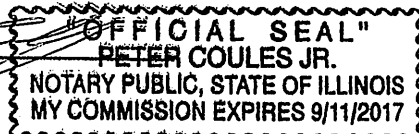


EXHIBIT "1"



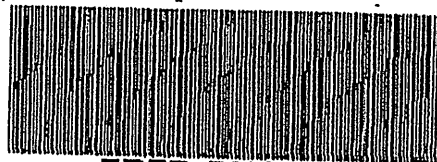
First American Title Insurance Company

WARRANTY DEED
ILLINOIS STATUTORY
Individual

123

FIRST AMERICAN TITLE

ORDER # 1713393



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC.06,2007 RHSP 11:33 AM
DEED 09-01-209-004
003 PAGES R2007-215579

THE GRANTOR(S) Santo Albanese, of the City of Hinsdale, County of , State of IL for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to 230 East Ogden, LLC, an Illinois Limited Liability Corporation of 230 E. Ogden Ave., Hinsdale, IL of the County of , all interest in the following described Real Estate situated in the County of DuPage in the State of IL, to wit:

See Exhibit "A" attached hereto and made a part hereof

THIS IS NOT HOMESTEAD PROPERTY

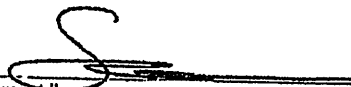
SUBJECT TO:

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 09-01-209-014-0000, 09-01-209-004-0000

Address(es) of Real Estate: 230 E. Ogden Ave., Hinsdale, IL

Dated this 26th day of November, 20 07


Santo Albanese

STATE OF ILLINOIS
DEC.-6.07
DUPAGE COUNTY

REAL ESTATE
TRANSFER TAX
01653,75
FP3266E11

Warranty Deed - Individual

FASTDoc 09/2005

FRED BUCHOLZ

R2007-215579

DUPAGE COUNTY RECORDER

EXHIBIT " 1 "

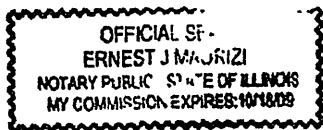
STATE OF ILLINOIS, COUNTY OF

DuPage

SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Santo Albanese, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 26th day of November, 20 07.



Ernest J Maurizi (Notary Public)

Prepared by:

Ernest J. Maurizi, Jr.
Law Office of Ernest J. Maurizi
1025 Ogden Ave Suite 205
Lisle, IL 60565

Mail to:

Paul Chawla
15 Spinning Wheel Road, Suite 126
Hinsdale, IL 60521

Name and Address of Taxpayer:

230 E. Ogden, LLC

945 S. Vine
Hinsdale, IL 60521

Warranty Deed - Individual

FASTDoc 09/2005

FRED BUCHOLZ

R2007-215579

DUPAGE COUNTY RECORDER

EXHIBIT "1"

Exhibit "A" – Legal Description

Lot 22 and the North half of Lot 23 in Hinsdale Highlands, being a subdivision of part of the Northeast quarter of Section 1, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded April 8, 1922 as document No. 15400, in DuPage County, Illinois

155000

Warranty Deed - Individual

FASTDoc 09/21/15

FRED BUCHOLZ

R2007-215579

DUPAGE COUNTY RECORDER

EXHIBIT "2"

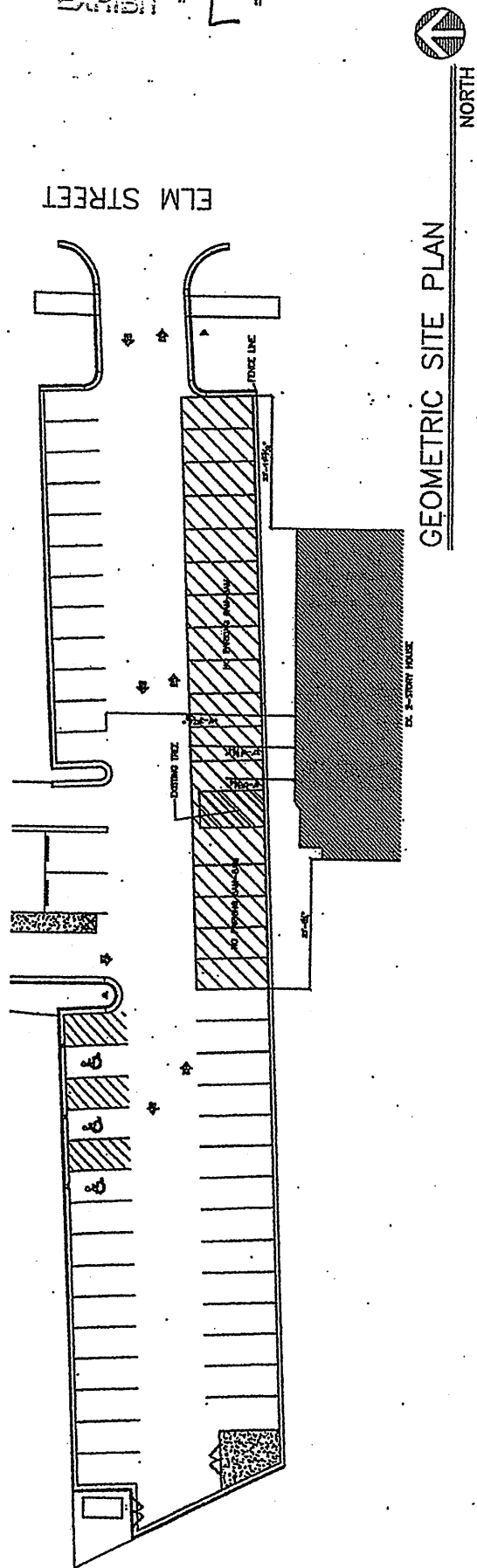
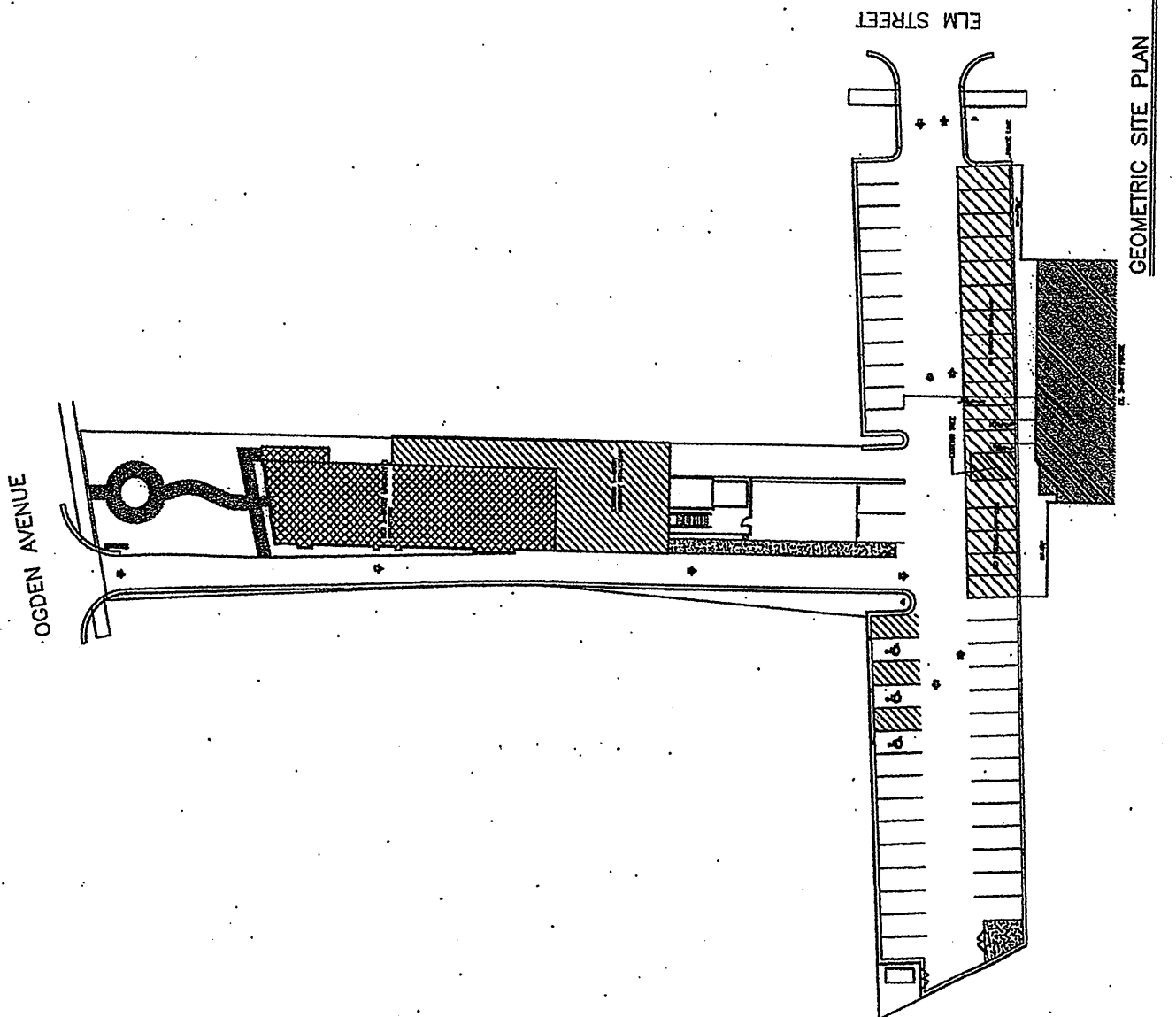
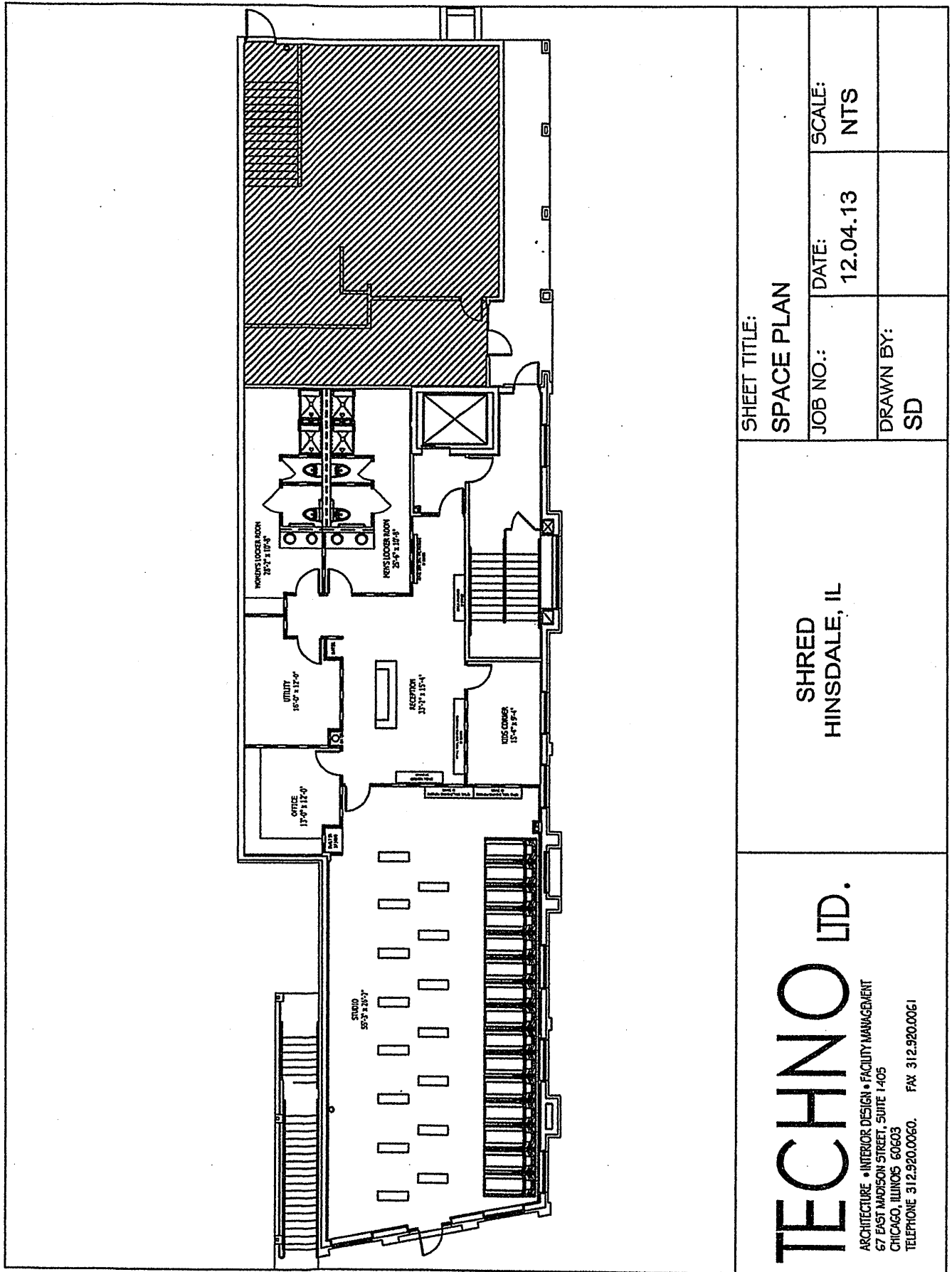


EXHIBIT "1"







VILLAGE OF HINSDALE

FOUNDED IN 1873

COMMUNITY DEVELOPMENT DEPARTMENT SPECIAL USE PERMIT CRITERIA

Must be accompanied by completed Plan Commission Application

Address of proposed request: 230 East Ogden Avenue, Hinsdale, IL 60521

Proposed Special Use request: A physical fitness facility (7791) on a B-3 zoned property

Is this a Special Use for a Planned Development? ☐ No ☒ Yes (If so this submittal also requires a completed Planned Development Application)

REVIEW CRITERIA

Section 11-602 of the Hinsdale Zoning Code regulates Special use permits. Standard for Special Use Permits: In determining whether a proposed special use permit should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Plan Commission and Board of Trustees should weigh, among other factors, the below criteria Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

FEES for a Special Use Permit: \$1,225 (must be submitted with application)

1. *Code and Plan Purposes.* The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established.

The use is an allowable use in the B-3 Zoning District, as a Special Use. The B-3 District is a general business district that is intended to serve the Hinsdale suburban community with a full range of locally oriented business uses commonly located along established traffic routes. Shred415 Hinsdale, a fitness studio on Ogden Avenue, meets this criteria.

2. *No Undue Adverse Impact.* The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

A fitness studio located on Ogden Avenue is a relatively low intensity of use for the property, and therefore does not have an adverse impact on the adjacent properties nor on the public health, safety, or general welfare of the area (see attached plan for space, as it shows there is no outside use for the property except for parking spaces).

3. *No Interference with Surrounding Development.* The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations

As stated previously, the work out studio is sound proof so as not to disturb the other tenants in the building located above, below and to the south of Shred415 Hinsdale's space. It will not interfere in any way with the use and development of the neighboring property. There have been no complaints from the neighboring properties.

4. *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

No changes to any public facilities are necessary. The use of the property as a fitness studio has had and will continue to have no negative impact on any public services.

5. *No Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

This has not been an issue nor will the request create an issue.

6. *No Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

There will be no impact or destruction of significant features, as no additional work will be performed on the property.

7. *Compliance with Standards.* The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Applicant is seeking a variation to only one condition of the Village ordinance previously approved on September 16, 2014 granting a Special Use with four (4) conditions (see attached as Exhibit "A"). The sole request with this application is to permit classes to start at 5:00 am each day rather than 6:00 am. All the rest of the conditions shall stay in place.

8. *Special standards for specified special uses.* When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district.

All of the conditions of the approved special use are being met and both neighbors Nancy Fong and Dave Breyer and Carol and Josh Frank have approved the request to permit classes to start at 5:00 am each day rather than 6:00 am. E-mails are attached as Exhibit "B".

9. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider the following:

Public benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Allowing the studio to open an hour earlier will provide for additional access to the fitness studio for the current users and the surrounding community. There have been numerous users that have requested the change. Some are attached as Exhibit "C" and the list was created in one week.

Alternate locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Not applicable.

Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

The change of one hour in the starting time does not affect the building design, site design, landscaping, and screening.

EXHIBIT " A "

VILLAGE OF HINSDALE

ORDINANCE NO. O2014-31

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A
PHYSICAL FITNESS FACILITY IN THE B-3 GENERAL BUSINESS ZONING
DISTRICT AT 230 E. OGDEN AVENUE

WHEREAS, an application seeking a special use permit to operate a physical fitness facility at 230 E. Ogden Avenue, Hinsdale, Illinois (the "Subject Property"), in the B-3 General Business Zoning District, was filed by Petitioner Shred415 Hinsdale, LLC (the "Applicant") with the Village of Hinsdale; and

~~WHEREAS, physical fitness facilities are permitted as special uses in the B-3 General Business Zoning District pursuant to Section 5-105(c)(11) of the Hinsdale Zoning Code ("Zoning Code"); and~~

WHEREAS, the Subject Property is legally described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the application has been referred to the Plan Commission of the Village and has been processed in accordance with the Zoning Code, as amended; and

WHEREAS, on July 9, 2014, the Plan Commission held a public hearing on the application pursuant to notice thereof properly published in *The Hinsdalean* on June 19, 2014, in accordance with Illinois law, and, after considering all of the testimony and evidence presented at the public hearing, the Plan Commission recommended approval of the Application by a vote of four (4) in favor, one (1) against and two (2) absent, subject to certain conditions, all as set forth in the Plan Commission's Findings and Recommendation for Plan Commission Case No. A-13-2014 ("Findings and Recommendation"), a copy of which is attached hereto as Exhibit B and made a part hereof; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees of the Village, at a public meeting on July 28, 2014, considered the application and the Findings and Recommendation of the Plan Commission and made its recommendation to the Board of Trustees. The Zoning and Public Safety Committee also confirmed that the Applicant had contacted the two adjacent single-family residences to confirm that they were aware of the request for the special use and the proposed hours of operation, as directed by the Plan Commission. The Zoning and Public Safety Committee also received and reviewed a parking exhibit submitted by the Applicant prior to the July 28 meeting, again as directed by the Plan Commission, identifying the specific parking

EXHIBIT " A "

spaces that will be unavailable during the hours of 6:00 a.m. and 8:00 a.m. due to their proximity to adjacent single-family residential uses. A copy of the parking exhibit is attached hereto as Exhibit C and made a part hereof; and

WHEREAS, the President and Board of Trustees of the Village have duly considered the Findings and Recommendation of the Plan Commission, recommendation of the Zoning and Public Safety Committee and all of the materials, facts and circumstances affecting the Application, and find that the Application, with the conditions specified below, satisfies the standards set forth in Section 11-602 of the Zoning Code relating to special use permits.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

Section 1: Incorporation. The foregoing recitals are incorporated into this Section 1 by reference as findings of the President and Board of Trustees;

Section 2: Approval of Special Use for a Physical Fitness Facility. The President and Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and the Zoning Code, hereby approves a special use permit for a Physical Fitness Facility in the B-3 Central Business Zoning District on the Subject Property located at 230 E. Ogden Avenue, Hinsdale, Illinois, legally described in Exhibit A, subject to the following conditions:

1. No classes shall take place prior to 6:00 a.m. on any day;
2. There will be no parking within twenty (20) feet of a single-family structure prior to 8:00 a.m. on any day;
3. Conformance by Applicant and patrons with the parking exhibit identifying the specific parking spaces that will be unavailable prior to 8:00 a.m. on any day, a copy of which is attached hereto as Exhibit C.
4. Installation of a new, solid, 8-foot privacy fence along the entire south property line.

Section 3: Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 4: Severability and Repeal of Inconsistent Ordinances. Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid

EXHIBIT "A"

for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 5: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 16th day of September 2014.

AYES: Trustees Elder, Angelo, Haarlow, Hughes, Saigh

NAYS: None

ABSENT: Trustee LaPlaca

APPROVED this 16th day of September 2014.



Thomas K. Cauley, Jr.
Thomas K. Cauley, Jr., Village President

Christine M. Bruton
Christine M. Bruton, Village Clerk

ACKNOWLEDGEMENT AND AGREEMENT BY THE APPLICANT TO THE CONDITIONS OF THIS ORDINANCE:

By: L. Roemer

Its: Shred 415 - owner

Date: 9/12, 2014

EXHIBIT " A "

EXHIBIT A

LOT 22 AND THE NORTH HALF OF LOT 23 IN HINSDALE
HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHEAST
QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
THEREOF RECORDED APRIL 8, 1922, AS DOCUMENT NO. 155000, IN
DUPAGE COUNTY, ILLINOIS.

PINS: 09-01-209-004-0000 AND 09-01-209-014-0000

COMMONLY KNOWN AS: 230 E. OGDEN AVENUE, HINSDALE,
ILLINOIS

EXHIBIT "A"

EXHIBIT B

FINDINGS AND RECOMMENDATION
(ATTACHED)

HINSDALE PLAN COMMISSION

RE: Case A-13-2014 – 230 E. Ogden Avenue – Special Use Permit to Allow a Physical Fitness/Personal Training Facility.

DATE OF PLAN COMMISSION REVIEW: July 9, 2014

DATE OF COMMITTEE REVIEW: July 28, 2014

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. Peter Coules, representing Shred415, (the "applicant"), submitted an application to the Village of Hinsdale for the property located at 230 E. Ogden Avenue (the "subject property").
2. The subject property is located within the B-3, General Business District in which physical fitness and personal training facilities are special uses.
3. The applicant proposes to operate a 1,500 square foot physical fitness/personal training facility, with a retail component, on the main level of the subject property.
4. The applicant made a presentation and identified their other facilities around the Chicagoland area.
5. The applicant indicated that the intended class sizes would be anywhere from one-on-one instruction to classes of 26 and would be open from 5 a.m. to 9 p.m., Monday through Friday, as well as 6 a.m. to 5 p.m., Saturdays and Sundays.
6. While most Commissioners agreed that this was a great use for the Village in general, certain Commissioners expressed concerns with the 5 a.m. start time, identifying the main concern being noise produced by car doors and remote locking devices so early in the morning, given the proximity of the adjacent residential homes.
7. Other Commissioners acknowledged those concerns but also recognized the proximity to Ogden Avenue and identified other uses in the B-3 District that would have similar hours of operation, present similar concerns, and would be permitted as of right, without special uses.
8. As a result of the concerns, the applicant indicated that they would be willing to delay start times until 6 a.m. and would willing to place additional parking restrictions on available parking for those members attending classes between 6 a.m. and 8 a.m.
9. While the applicant confirmed they had sent out the required notifications to everyone within 250 feet of the subject property, certain Commissioners also expressed an interest in having the applicant again reach out to the two homes immediately adjacent to the parking lot again, to make certain they were fully aware of the proposal.
10. Given the applicant's willingness to acknowledge and agree to the conditions set forth in discussions, the Plan Commission generally finds that the Application, as a whole, satisfies the standards in Section 11-602 of the Zoning Code applicable to approval of a special use permit. Among the evidence relied upon by the Plan Commission was the testimony given by the applicant, as well as the applications and various plans submitted and considered for the June 9th, Plan Commission meeting.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, by a vote of 4 "Ayes," 1 "Nay," and 2 "Absent" recommends that the President and Board of Trustees approve the Application for a Special Use permit to allow a personal training/fitness facility at 230 E. Ogden Avenue, subject to the following conditions:

- The applicant, prior to the July 28, 2014 Zoning and Public Safety Committee (ZPS) meeting, contact the two adjacent single-family residences to confirm that they are aware of the request and more importantly, the proposed hours of operation.
- No classes will take place prior to 6 a.m.
- There will be no parking within 20 feet of a single-family structure during the hours of 6 a.m. and 8 a.m.
- The applicant, prior to the July 28th, 2014 ZPS, submit to staff a parking exhibit which identifies the specific parking spaces that will be unavailable during the hours of 6 a.m. and 8 a.m. This document shall be included as an exhibit to any approving ordinance.

THE HINSDALE PLAN COMMISSION

By:

Mark Bryson
ChairmanDated this 10th day of Sept, 2014.

EXHIBIT "A"

EXHIBIT C

PARKING EXHIBIT
(ATTACHED)

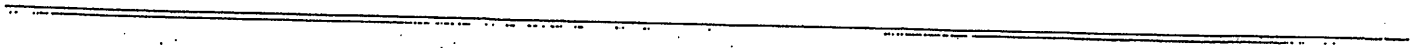


EXHIBIT "A"

GEOMETRIC S

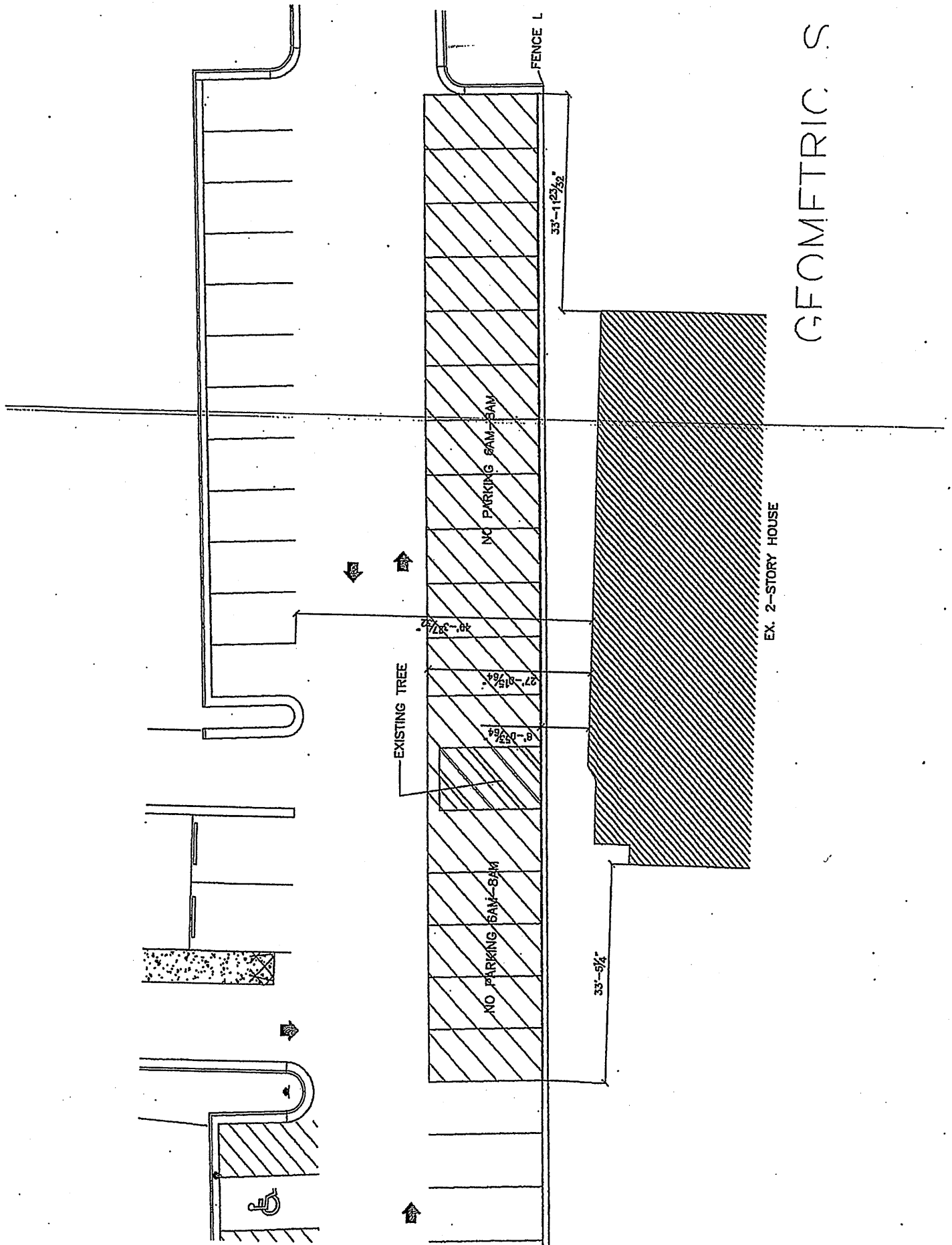


EXHIBIT "A"

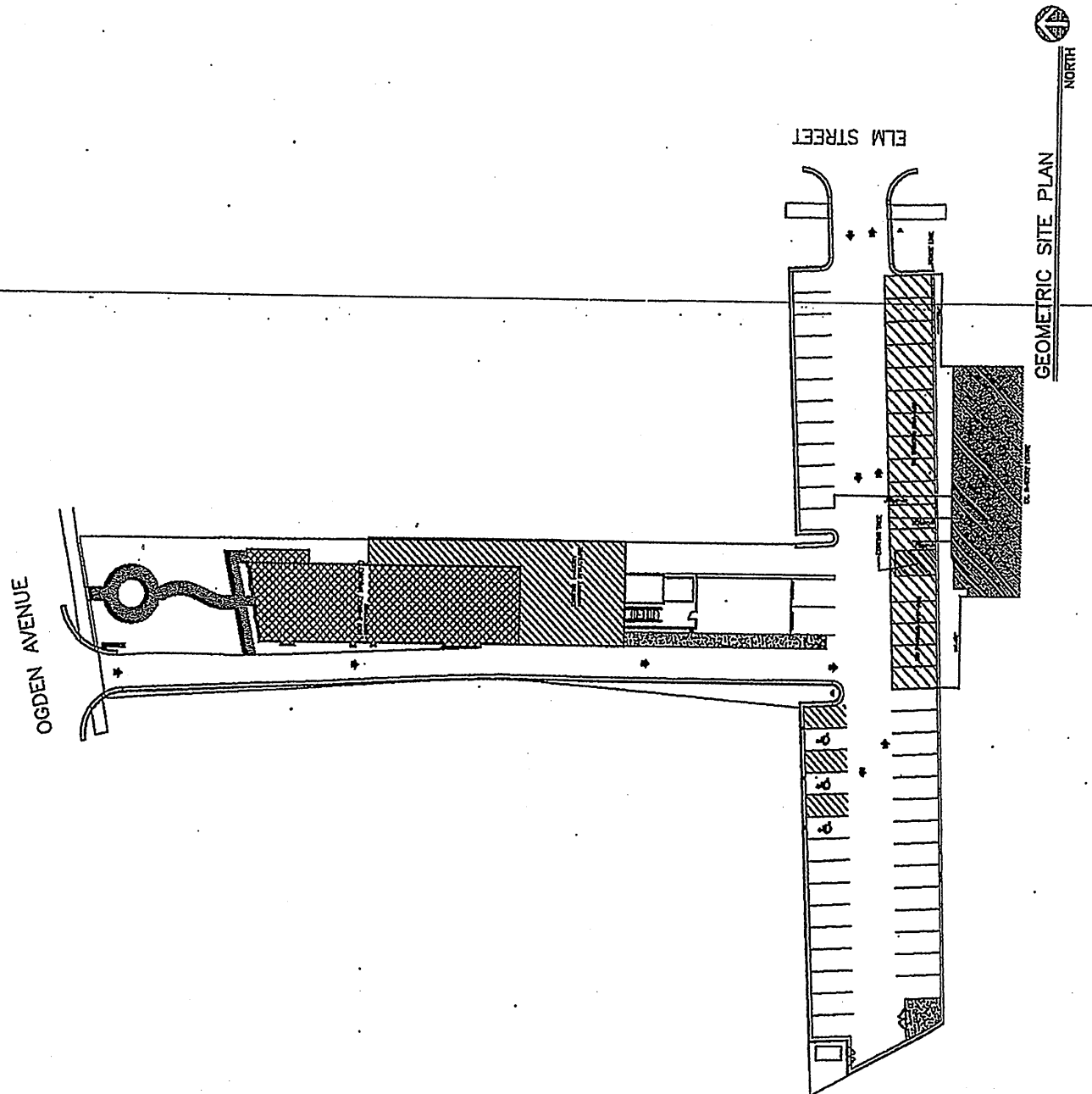
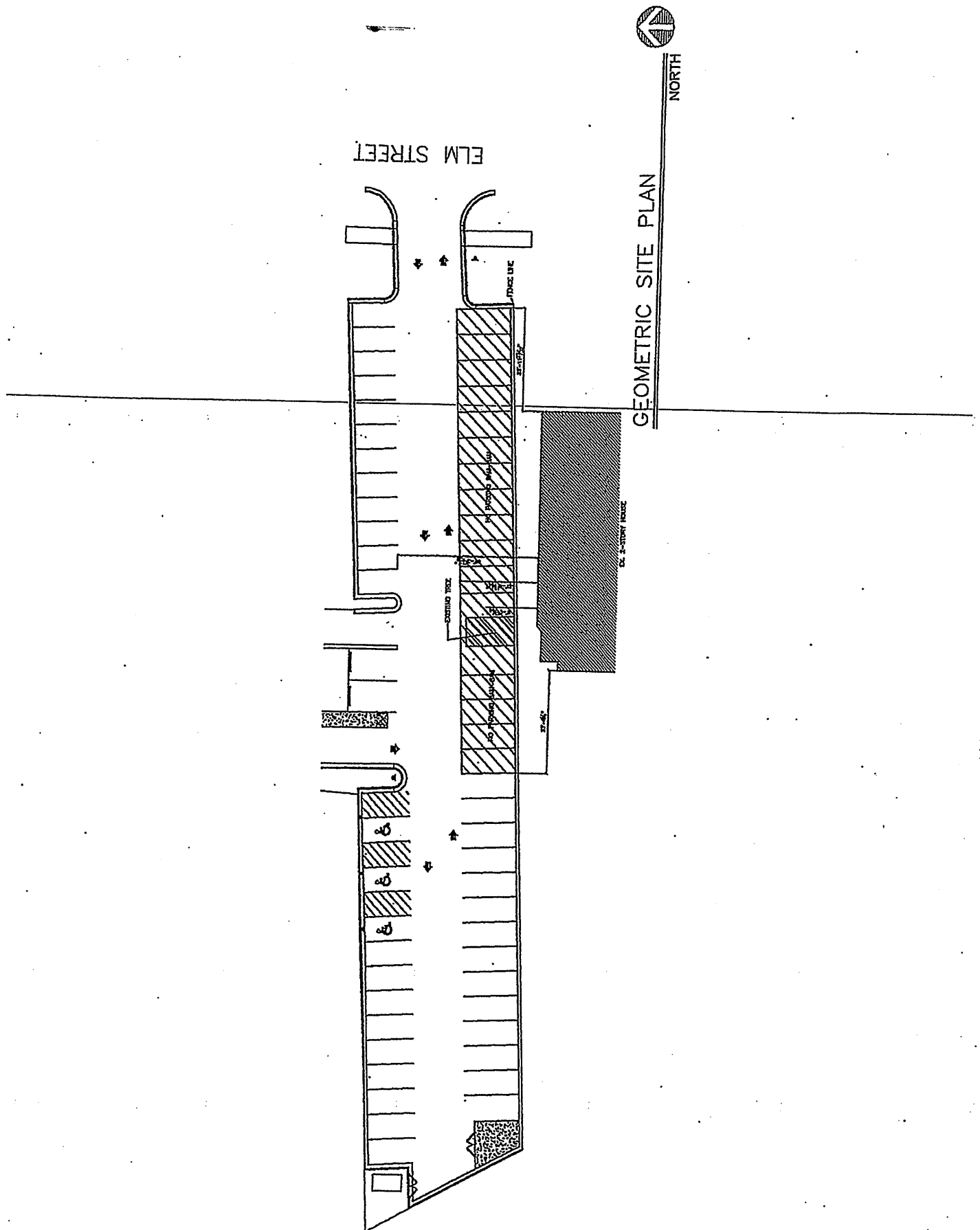


EXHIBIT - A -



NORTH

ELM STREET

GEOMETRIC SITE PLAN

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Attachment 1

Subject: Re: Shred415

Date: Wednesday, October 14, 2015 at 8:51:47 PM Central Daylight Time

EXHIBIT "B"

From: Nancy Fong

To: Matt Micheli

CC: Breyer, Dave

Hi Matt,

Dave and I are so happy that Shred415 has grown so much in such a short period of time at the Hinsdale location. We will support your decision to move forward with your petition for an earlier class time with the same restrictions for parking. Please let us know if you need anything from us in your petition with the village. We appreciate you contacting us before you started your process.

Nancy & Dave

From: "Matt Micheli" <matt@shred415.com>
To: "Nancy Fong" <nancyfong@comcast.net>
Cc: "Dave Breyer" <davebreyer@comcast.net>
Sent: Wednesday, October 14, 2015 2:02:23 PM
Subject: Shred415

Dear Nancy,

I hope this note finds you well. I am writing to touch base with you about Shred415. With tremendous support from the Hinsdale community, our business has been ramping up and we have built a wonderful client base, so much so that our clients have started asking for an additional morning class. As you may recall, the Hinsdale zoning board originally asked us to agree to start classes no earlier than 6 am with the understanding that we could petition the village for an earlier class time in the future. To meet the needs of our clients, we are contemplating petitioning the village for a class that would commence around 5 am. As you know, our clients are prohibited from parking in the spots near your house prior to 8 am (hopefully that restriction is proving effective) and if we seek an additional morning class, that parking restriction would also apply. Before we begin the process with the village, I wanted to reach out to you and get your thoughts on the addition of a 5am class. Please feel free to call if me you would like to discuss, my contact information is below.

Thank you,
Matt

Matthew Micheli
matt@shred415.com

SHRED415

CORPORATE
2105 N. SOUTHPORT AVE.
CHICAGO, IL 60614
TEL: 773.360.8228
CELL: 773.230.5336

Subject: Re: Shred415 Hinsdale

Date: Saturday, October 24, 2015 at 3:04:34 PM Central Daylight Time

From: Carol Frank

To: Matt Micheli

EXHIBIT "B"

Hi Matt,

Thanks for reaching out about the plans to add an early class. Even though I don't love the idea of increased traffic that early in the morning, I don't want to stand in the way of your business and I understand the need to satisfy your clients. We will be supportive of your request for an early class as well. Would you be willing to extend some free passes to us? We are interested in trying out some of your classes, especially given the proximity. Thank you, and good luck moving forward with the village.

-Carol and Josh Frank

On Fri, Oct 23, 2015 at 3:32 PM, Matt Micheli <matt@shred415.com> wrote:

Dear Mrs. Frank,

My name is Matt Micheli and I work for Shred415. I received this email address from your neighbor, Nancy Fong. As I am sure you are well aware, Shred415 opened its doors at 230 E Ogden over the summer. With tremendous support from the Hinsdale community, we have built a wonderful client base, so much so that those clients have started asking for an additional morning class. During our zoning approval process, the Hinsdale zoning board asked us to agree to start classes no earlier than 6:00 am with the understanding that we could petition the village for an earlier class time in the future. To meet the needs of our clients, we are contemplating petitioning the village for a class that would commence around 5:00 am. Under our current zoning, our clients are prohibited from parking in the spots closest to the residential neighborhood prior to 8:00 am. That parking restriction would apply, to the extent we add an additional morning class.

Before we begin the process with the village, I wanted to reach out and get your thoughts on the addition of a 5:00 am class. I have already contacted Nancy Fong and Dave Breyer and they are supportive of Shred415's request for an additional class. Just today, Nancy and I have been exchanging emails about some questions she had regarding the parking lot. I am working to get her additional information and if you like, I can loop you in on that discussion.

I am always available if you would like to discuss. My contact information is below.

Sincerely,
Matt

Matthew Micheli
matt@shred415.com

SHRED415

CORPORATE
2105 N. SOUTHPORT AVE.
CHICAGO, IL 60614
TEL: [773.360.8228](tel:773.360.8228)
CELL: [773.230.5336](tel:773.230.5336)
SHRED415.COM

FACEBOOK: [Shred415](https://www.facebook.com/Shred415)
INSTAGRAM: [shred415](https://www.instagram.com/shred415)
TWITTER: [@SHRED415](https://twitter.com/SHRED415)

EXHIBIT "C"

Name	Address	Phone Number	Email
Stephanie Adams		630-780-0296	smwadams@gmail.com
Sarah Barclay	606 E Third St, Hinsdale 60521	317-509-6090	sarah.barclay@hotmail.com
Jason Barclay	606 E Third St, Hinsdale 60521	317-523-1406	
Julie Canna	4312 Grand Ave, Western Springs 60558	312-339-3852	hawkins_juliem@yahoo.com
Jen Cousino	643 S. Lincoln St. Hinsdale, 60521	773-329-0787	jen.cousino@gmail.com
Jen Data	4123 Grove Ave, Western Springs, 60558	312-720-8960	jennifer_waring@hotmail.com
Jean Erhardt	201 N Evergreen Ave, Elmhurst, 60126	630-476-0296	erhardt@ccmlawyer.com
Kelli Giannopolous	4200 Grand Ave, Western Springs, 60558	312-925-8570	kelli.giannopolous@gmail.com
Grace Halm	4143 Grove Ave, Western Springs, 60558	708-638-8106	gracehalm@yahoo.com
Kevin Halm	4143 Grove Ave, Western Springs, 60558	708-638-7407	khalm226@yahoo.com
Kristin Hartman	5404 Caroline Ave, Western Springs, 60558	773-294-6623	khartman11@gmail.com
Colleen Heidkamp	4130 Woodland Ave, Western Springs 60558	773-383-9543	colleenheidkamp@gmail.com
Kelly Horneman	923 Knox Lane, Batavia 60510	224-545-7759	kelly.cullerton@icloud.com
Nora Hughes	8816 Dee Road Unit D, Des Plaines, 60016	620-200-6088	norahughes87@gmail.com
Schweta Heidecke	845 E 22nd st, unit 406 Lombard, 60148	630-991-7387	schwetakasbekar@gmail.com
Jill Keeve		708-845-0040	jkeeve40@gmail.com
Eloise Kucia		773-960-5797	eloisekucia@gmail.com
Lisa Leathers	20 Waverly Ave, Clarendon Hills, 60514	847-338-1919	lisam@omnibusadv.com
Kara Lee	519 Phillippa St, Hinsdale, 60521	773-562-9157	kara.lee@disney.com
Julie Lewin	241 S. Prospect ave, Clarendon Hills, 60514	773-450-1035	julie_courcelle@yahoo.com
Jason Lovelace	3903 Grand Ave, Hinsdale, 60558	312-925-7991	jason.lovelace@careerbuilder.com
Jill Lovelace	3903 Grand Ave, Hinsdale, 60558	708-420-358	jill.lovelace@me.com
Wendy Macri	733 W 8th St, Hinsdale, 60521	312-404-9310	wendy.macri@gmail.com
Cindy Maquet	326 5th St, Downers Grove, 60515	773-458-4880	cindymaquet@hotmail.com
Erin McCormick	800 S. La Grange Road, La Grange, 60525	708-567-2834	erin-mccormick@hotmail.com

EXHIBIT "C"

Sheila McNaughton	5129 Lawn, Western Springs, 60558	312-909-1091	sheilamcnaughton@gmail.com
Lauren Meister	6009 Ridgewood Circle, Downers Grove, 60516	630-677-1176	laurenmeister07@gmail.com
Kristin Myros	721 N. Kensington Ave, LaGrange Park, 60526	773-727-0782	kristinmartino@gmail.com
Dawn Noll	4247 Franklin Ave, Western Springs, 60558	614-561-4978	osusunrise@hotmail.com
Carrie O'Brien	4150 Grand Ave, Western Springs, 60558	773-580-7016	carrie0@gmail.com
Alyssa Orosz		708-846-5176	alysa.m.orosz@gmail.com
Yvonne Petrovic	1000 Village Center #105, Burr Ridge, 60527	312-498-4036	yvonnepetrovic@yahoo.com
Michael Podboy	166 N Walnut, Elmhurst, 60136	312-330-4035	michael.podboy@inventrustproperties.com
Lalita Reddy	1415 S. Campus Parkway, Chicago, 60608	402-250-680	lalitap1@yahoo.com
Jon Reepmeyer	3900 Grand Ave, Western Springs, 60558	312-804-0442	jreepmeyer@roti.com
Laura Reepmeyer	3900 Grand Ave, Western Springs, 60558	312-823-0552	laura.reepmeyer@ppmamerica.com
Matt Riordan	648 Harding Road, Hinsdale, 60521	708-935-5423	mriordan59@yahoo.com
Jessica Roessler	400 Leitch Ave, LaGrange, 60525	708-829-8697	jessroessler@gmail.com
Kris Rostan	4613 Middaugh Road, Downers Grove, 60515	630-220-3634	davez1233@live.com
Jule Rouse	300 S. Clifton, Park Ridge, 60068	773-447-8256	jule.rouse@gmail.com
Allyson Russo	263 Middaugh Road, Clarendon Hills, 60514	312-399-0169	russo@russolaw.com
Shelia Ryan	4001 Central Ave, Western Springs, 60558	312-498-6635	shelia.morrissey@gmail.com
Bri Savic	329 Ashbury Place, Lemont, 60439	630-280-4071	malabri33@yahoo.com
Amie Schumacher	341 S. Catherine Ave, LaGrange, 60525	312-532-789	amie.schumacher15@gmail.com
Maria Shepherd	601 S. Lincoln Ave, Hinsdale, 60521	312-451-2393	mariashepherd@gmail.com
Jim Smith	15509 Monterey Ave, Oakbrook Terrace, 60181	708-945-9497	jsmith@evergreenpark.org
Katie Speetzen	441 S Edgewood Ave, LaGrange, 60525	773-859-1595	krspeetzen@gmail.com
Jennifer Sperry	436 Norfolk Ave, Clarendon Hills, 60514	773-870-0885	idelong10@gmail.com
Leah Thulin	4709 Wallbank Ave, Downers Grove, 60515	708-932-3706	leahthulin@sbcglobal.net
Carrie Thangamani	832 S. Lincoln, Hinsdale, 60521	773-318-7817	chiden126@yahoo.com
Mike Truckenmiller	541 E Hickory St, Hinsdale, 60521	630-222-5543	mtruckenmiller@yahoo.com

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

BEFORE THE HINSDALE PLAN COMMISSION

In the Matter of:)
)
230 East Ogden)
CASE NO. A-13-2014)

REPORT OF PROCEEDINGS had and testimony
taken at the hearing of the above-entitled
matter before the Hinsdale Plan Commission, at
19 East Chicago Avenue, Hinsdale, Illinois, on
the 9th day of July, A.D. 2014, at the hour of
7:30 p.m.

BOARD MEMBERS PRESENT:

MR. NEALE BYRNES, Chairman;
MR. STEPHEN CASHMAN, Member;
MS. JULIE CRNOVICH, Member;
MS. LAURIE MCMAHON, Member;
MR. LUKE STIFFLEAR, Member.

1 ALSO PRESENT:

2 MR. SEAN GASCOIGNE, Village Planner.

3

4 CHAIRMAN BYRNES: Is there someone here
5 for 230 East Ogden?

6 MR. COULES: Yes. Good evening. Peter
7 Coules on behalf of the petitioners. The
8 petitioner is Shred415 Hinsdale, LLC. They are
9 a proposed tenant in the property at 230 East
10 Ogden.

07:36:54PM

11 (WHEREUPON, the witnesses were
12 duly sworn.)

13 CHAIRMAN BYRNES: We're opening the
14 public hearing.

15 MR. COULES: It's a request for a
16 special use of a physical fitness facility in
17 the B-3 Zoning District. Nowhere in town is a
18 physical fitness facility allowed unless it's
19 being used as a special use. And the B-3 is
20 also supposed to be along corridors and
21 transportation-type areas. That's why this case
22 makes a lot of sense because we're right there

07:37:31PM

1 on Ogden Avenue.

2 They bring something very unique to
3 the Village. They do a combination of both
4 cardio and weight training for people of all
5 ages and all strengths. You set it to yourself
6 of how fast you can go, how much strength you
7 can handle. They have classes of approximately
8 up to 26 is their maximum at any given time with
9 about four to six people there working because

07:38:00PM

10 they also have daycare for children while
11 they're there.

12 This property under the zoning code
13 needs to have 56 parking spaces. It has 57.
14 There's no variances being requested. In fact,
15 we have the architect here that actually went
16 out and counted them because Sean and I couldn't
17 figure it out ourselves at one point. So we had
18 the architect go out and figure it out after
19 that point.

07:38:21PM

20 They also hired the architect to be
21 proactive. This whole place is being built with
22 a lot of sound baffling. They understand who

1 their neighbors are in the building, who's
2 actually the landlord. And the idea is to keep
3 all the sound directly in the unit. And there
4 was a study done, and there was a statement put
5 in there that none of the sound will go to the
6 exterior of the building of this property.

7 The hours of operation are -- on
8 weekdays they're asking for 5:00 a.m. to
9 9:00 p.m.; and on weekends 6:00 a.m. to

07:38:51PM

10 approximately 6:00 p.m. That's when they run
11 their classes.

12 They also have shown that -- they
13 have done surveys and studies. They have opened
14 their fourth facility. A fifth one is going to
15 be opening, also, soon. They're in Chicago, and
16 they're in Northfield, and they're opening up in
17 St. Louis actually in two weeks. This hopefully
18 will be the sixth facility.

07:39:15PM

19 They show that 80-something percent
20 of the people that come and utilize these
21 facilities stop and grocery shop.
22 60-something percent of the people actually go

1 out and get coffee. It's a bizarre number, but
2 I think all of us drink a lot of Starbucks, and
3 we keep them all in business. There's two in
4 town here alone. They also show that
5 50-something percent of the people bring kids
6 there, and kids often want people to stop there
7 after. That's why it's important to be along a
8 corridor so people can get to other places.
9 Daycare is utilized greatly in these facilities.

07:39:42PM

10 They also show that about a third of the people
11 stop and meet their friends for lunch.

12 So people come here, they workout,
13 then it's done all in classes. It's a different
14 type of thing where the owners are the -- it's
15 instructor-led classes all the time. No one
16 just walks into this facility at an off time and
17 just works out by themselves. Everybody works
18 out in classes at all given days during the time
19 of the day (sic).

07:40:07PM

20 It's also an interesting thing is
21 they've been just named in Crain's this week --
22 it's online, it's coming out in papers -- one of

1 the best top ten entrepreneurs for 2014.
 2 They've been written up with the way they do
 3 business in Crain's, Chicago Magazine, Vogue,
 4 Maria Schriver's blog; they've been on Fox News.

5 This is not people that are doing
 6 this because they have a desire to all of a
 7 sudden try this for the first time. They build
 8 them out right. 1500 square feet. They keep it
 9 to -- the sound directly in the place. They

07:40:34PM 10 move on. There's no variances at all being
 11 requested with this use at this property. Like
 12 I said, we only have to be here because they're
 13 not allowed anywhere in town. B-3 allow vets,
 14 they allow grocery stores, they allow a lot of
 15 other high end uses, intensive uses of property.
 16 That's why they're here looking along Ogden
 17 Avenue.

18 And the two owners that are
 19 proprietors are here tonight. They also have
 07:41:01PM 20 their architect and engineer here tonight to
 21 answer any questions anyone may have about the
 22 way this is being done. And that's what's

1 behind the whole facility.

2 MS. MCMAHON: I had a question on the
 3 diagram. Could you tell me which side on this
 4 is Ogden Avenue?

5 MR. COULES: The dark side, the top of
 6 the page.

7 UNIDENTIFIED AUDIENCE MEMBER: No.

8 MR. COULES: You come in on Ogden and
 9 you work out right on Ogden?

07:41:26PM 10 MS. MCMAHON: So you would envision
 11 most people would come in that narrow driveway
 12 from Ogden?

13 MR. COULES: Most of the parking,
 14 though --

15 CHAIRMAN BYRNES: You come in on Ogden,
 16 you can't go back out that way, though.

17 MR. COULES: This is the driveway.

18 MS. CRNOVICH: It's one way from Ogden.

19 MR. COULES: There's an entrance in the

07:41:44PM 20 back. There's a back door. You see the
 21 corridor along the side?

22 MR. STIFFLEAR: Do you have a survey

1 available, or am I missing that?

2 MR. COULES: I didn't have a survey
 3 available of this property. Of the whole
 4 property you're talking about?

5 MR. STIFFLEAR: Yeah. With the parking
 6 spaces.

7 MR. COULES: The architect is here who
 8 counted them. I don't think I have a survey of
 9 the property.

07:42:08PM 10 MS. CRNOVICH: It's kind of a funny
 11 piece of property. Isn't the parking --

12 MS. MCMAHON: It goes way wide.

13 MR. COULES: It's almost like a T that
 14 goes across the back.

15 MR. STIFFLEAR: Can we get that
 16 included in the package that goes to the next
 17 part of the process?

18 MR. COULES: Yes. That's not a problem
 19 at all. Like I stated, we are not the owners of
 07:42:28PM 20 this property, but we are the tenants. I know
 21 he originally submitted a survey with the site
 22 plan because the building is not being changed

1 at all. So the Village has a survey on record,
 2 but we'll try to get a copy from him, also.

3 CHAIRMAN BYRNES: Peter, where's the
 4 entrance to this facility then?

5 MR. COULES: Off of Ogden there's a
 6 long walkway past the existing property.

7 CHAIRMAN BYRNES: Where you actually go
 8 in the facility?

9 MS. MCMAHON: Like, where you walk in?

07:43:01PM 10 CHAIRMAN BYRNES: I know that part
 11 there --

12 MR. COULES: They park in the back and
 13 walk along this walkway. If I may approach,
 14 that may make it easier.

15 CHAIRMAN BYRNES: You can approach the
 16 bench any time.

17 MR. COULES: This is their door. So
 18 this is not their facility. They have a walkway
 19 in, and their door is right here (indicating).

07:43:24PM 20 MS. MCMAHON: I thought you said this
 21 is Ogden (indicating).

22 CHAIRMAN BYRNES: This is Ogden right

1 here (indicating).

2 MR. COULES: That's Ogden up there
3 (indicating).

4 MS. MCMAHON: It would have been nice
5 to have that. It was really hard to figure out.

6 MR. COULES: Sorry about that.

7 MS. MCMAHON: So that's Ogden. So
8 you're coming in here (indicating)?

9 MR. COULES: Correct. Go to the back
10 to park, then you come right in this walkway
11 here (indicating).

12 CHAIRMAN BYRNES: So is this the extent
13 of the Shred415?

14 MR. COULES: And the front.

15 CHAIRMAN BYRNES: So you can come in
16 the front?

17 MR. COULES: That's more of a fire
18 exit. They don't want people to be utilizing
19 Ogden for safety reasons because no one parks
20 really up there. You don't want people to be
21 running in the front door off of Ogden Avenue.

22 MS. CRNOVICH: Well, there's no

07:43:41PM

07:44:04PM

1 parking.

2 MR. COULES: Well, they can drop people
3 off. We don't want anyone to do that. That's
4 more of a fire door.

5 CHAIRMAN BYRNES: Is the fire door
6 alarmed or something?

7 MR. COULES: It's there now. It's not
8 alarmed, but it's not going to be utilized.

9 UNIDENTIFIED AUDIENCE MEMBER: It's an
10 existing door, but it's not going to be
11 utilized.

12 MS. CRNOVICH: So you will have --
13 There's times you could have 30 to 32 people in
14 the building?

15 MR. COULES: At the maximum, yes. That
16 is a correct statement.

17 MS. CRNOVICH: So if classes are
18 starting at 5:00, employees are arriving at
19 4:30?

20 UNIDENTIFIED AUDIENCE MEMBER: 4:45.

21 MS. CRNOVICH: My concern is the
22 parking lot is adjacent to single-family

07:44:22PM

07:44:43PM

1 residential.

2 MR. COULES: Correct.

3 MS. CRNOVICH: And if you look at the
4 definition of the purpose of special use
5 permits: Special uses are those uses having
6 some special impact or uniqueness that requires
7 a careful review of their location, design,
8 configuration and special impact.

9 And I take that to mean like on the
10 neighboring properties. I don't have a problem
11 with the use, but I do have a problem with the
12 parking lot, people using the parking lot at
13 4:30 in the morning.

14 MR. STIFFLEAR: If you look at the
15 specific standards for approval and special use
16 permit, it's no undue adverse impact on the
17 proposed use and will not have a substantial or
18 undue adverse effect upon the adjacent property.

19 MR. COULES: And the character of the
20 area. Which this is zoned B-3, which is a
21 higher use.

22 MR. STIFFLEAR: For example, the other

07:45:13PM

07:45:45PM

1 uses that you outlined here, which are permitted
2 uses, have general times which operate from
3 8:00 in the morning until 8:00 or 9:00 at night.
4 If we're talking about starting at 4:45, if we
5 had a site plan with parking, I mean there are
6 literally parking spaces which are three feet
7 away from bedrooms. And I think at least I am
8 going to take that into consideration.

9 And I'd like to know how do we
10 mitigate that impact on the neighbors when
11 you've got people arriving at 4:45 in the
12 morning with car doors slamming, people setting
13 their electronic alarms and the honking go off?
14 I specifically would like to see, if possible,
15 some type of during the hours of 5:00 to 8:00 in
16 the morning parking limited to a space further
17 away from the residential area.

18 MR. COULES: That's fine. They're
19 amenable to that.

20 CHAIRMAN BYRNES: Where would that
21 space be then?

22 MR. COULES: That's further away from

07:46:15PM

07:46:42PM

1 the back wall, in reality.

2 MS. CRNOVICH: It seems to me most of
3 the spaces were against that back fence.

4 MR. COULES: There's about 20 of them
5 against the fence.

6 MR. STIFFLEAR: Is that shared space
7 with the other tenants?

8 MR. COULES: Yes.

9 MS. CRNOVICH: I think along the fence
10 it's only for 230, according to the signs.

07:47:03PM

11 MS. MCMAHON: On the south end of the
12 lot, it says 230 only. I don't know about the
13 north side of the lot.

14 CHAIRMAN BYRNES: But it only said that
15 for a few spaces. It wasn't for 57 spaces.

16 MR. COULES: No.

17 MS. CRNOVICH: I've been over there
18 quite a few times trying to figure out where
19 cars could park as not to disturb the neighbors.

07:47:26PM

20 My concerns are car doors slamming, the
21 electronic locks, which can be quite loud. I
22 can imagine you could hear not just the house

1 adjacent to the property, but a couple houses
2 away; headlights from cars coming in. Most
3 parking lots, as you know, especially when it's
4 a business adjacent to residential have a
5 10-foot, 20-foot buffer; and this has nothing.

6 MR. STIFFLEAR: I don't necessarily
7 have a problem with that during permitted uses,
8 normal hours of use, which are 8:00 a.m. to
9 8:00 p.m., which raises -- What alarms me is

07:48:03PM

10 that happening at 4:45, which could be ten feet
11 away from a kid's window that's going to school.
12 I think that needs to be considered.

13 MR. CASHMAN: Can you go back over the
14 early hours and the whole rationale and
15 everything?

16 MR. COULES: You start your first class
17 at what, 5:15?

18 MS. MICHELI: Normally when we open our
19 studio, we start at 6:00 a.m. We don't start as
20 early as 5:00 a.m. But our 6:00 a.m.'s get so
21 packed, that we end up starting with opening up
22 a 5:00 a.m. class due to the amount of people

07:48:36PM

1 that want to workout before they go to work.

2 That's the rationale behind it.

3 MS. CRNOVICH: I don't have a problem
4 except with the early morning hours being next
5 to residential.

6 MS. MICHELI: Yeah, I totally
7 understand.

8 MS. CRNOVICH: And I've been over and
9 I've looked at the parking lot. It seems to me

07:48:57PM

10 most of the parking is along the fence which
11 runs east and west. I was trying to figure out
12 how you could just have certain spaces like for
13 early morning hours.

14 MS. MICHELI: We absolutely could.

15 MS. CRNOVICH: How do you control that?

16 MS. MICHELI: It's usually the people
17 coming to early morning classes are the same
18 people every time, and there's a huge community
19 around that. So we could absolutely communicate
20 with them to make sure that they're using
21 certain spaces.

07:49:24PM

22 A lot of these people are parents,

1 moms and dads, just as we are. And so I feel
2 like we don't want to wake the neighbors, they
3 don't want to wake the neighbors. They probably
4 live in Hinsdale or the surrounding area.

5 MS. CRNOVICH: I understand that -- and
6 I know because I live across the street from a
7 parking lot, they don't take that into
8 consideration.

9 MS. MICHELI: We could absolutely
10 communicate that to everybody and make sure
11 people are aware. We can even mark the spot.

07:49:47PM

12 MR. STIFFLEAR: There's no way to
13 enforce that.

14 MS. CRNOVICH: I would consider it if
15 there had been a plan or if there is a plan as
16 you move forward. As of now, if you look at
17 standard for special use permits, 11-602(e),
18 which Luke cited, if you look at B, no undue
19 adverse impact upon adjacent property or the
20 character of the area; and then will not -- C,
21 will not interfere with the use of neighboring
22 property --

07:50:12PM

1 MR. STIFFLEAR: This wouldn't be an
2 issue if the parking were in front on Ogden.

3 MS. CRNOVICH: Right.

4 MR. COULES: Right. But when the
5 building was designed --

6 MR. STIFFLEAR: Yeah. But that's why
7 we have special uses.

8 MR. COULES: Correct. But I mean, the
9 building was designed with the parking in the
10 back.

07:50:32PM

11 MS. CRNOVICH: And I know there's one
12 house, you know, along the fence line.

13 MR. COULES: Correct.

14 MS. CRNOVICH: But nowhere in the code
15 does it say it has to be five homes that we
16 consider it. To me one house is too many as it
17 is.

18 MS. MICHELI: For sure.

07:50:49PM

19 MS. CRNOVICH: Especially when you're
20 considering a residence because that is probably
21 somebody's biggest investment.

22 MR. CASHMAN: I know personally some

1 people that live in those houses there, and
2 they've literally petitioned the county for
3 reduction in their property taxes because that
4 lot and the one -- that Gateway Square.

5 MR. STIFFLEAR: Is this the same
6 neighborhood that we had with Fox's maybe a year
7 or two ago?

8 MR. CASHMAN: Exactly. Which
9 ultimately changed the whole circulation in
10 there --

07:51:15PM

11 MR. COULES: Correct. We could
12 actually post signs along the back fence about
13 not parking before certain hours.

14 MR. STIFFLEAR: How many spaces is
15 that? How far away --

16 MR. COULES: There's like one house
17 there, so it's only about eight spaces wide.

18 MS. CRNOVICH: You know, I've been over
19 there so many times trying to figure out what
20 you could do. And I really think as you move
21 forward, you need a plan in place because this
22 would just be -- If I lived in that house, I'm a

07:51:29PM

1 light sleeper -- I mean, what if somebody goes
2 to bed late every night and they're woken up
3 every morning at 4:30? I'm sure you understand
4 where I'm coming from?

5 MR. COULES: I do.

6 MS. MICHELI: Absolutely.

7 MR. COULES: And there is one neighbor
8 there, and we can do what it takes to make it
9 work.

07:51:55PM

10 MS. CRNOVICH: And my main concern is
11 what do you call the car thing that's automatic
12 that makes so much noise?

13 CHAIRMAN BYRNES: For the locks?

14 MS. CRNOVICH: Yeah. A couple houses
15 away. I don't know why they ever invented
16 those. I have a feeling it would be too
17 disruptive.

18 MR. CASHMAN: Just to play devil's
19 advocate on this with regard to special uses,

07:52:12PM

20 one that really jumps out at me is plumbing,
21 heating and air-conditioning contractors is a
22 permitted use. Those guys are at job sites at

1 all sorts of times. So they can get there --
2 they're moving trucks and parking in spaces. So
3 there are early hour uses already in --

4 MS. CRNOVICH: But not this many
5 people.

6 MR. CASHMAN: I'm just saying -- I just
7 wanted to see if everyone in there has normal
8 business hours.

9 MR. COULES: My client has even stated
10 they're willing to put a rope in front of those
11 spots, those like eight spots or whatever every
12 morning to block them off.

07:52:39PM

13 MR. STIFFLEAR: I don't want to give
14 the impression that I'm okay that even the other
15 spots further away are okay. I don't even know
16 how far that is. We don't have a site plan to
17 look at that or to say just the reduction of
18 that one row at least I'm okay with that because
19 a slamming car door, whether it's five feet away
20 or whether it's 13 feet away, I still think can
21 be heard inside of a bedroom. So I want to go
22 on record with that.

07:52:58PM

1 MS. CRNOVICH: I've been in favor of
2 all other special use permits for physical
3 fitness facilities, but those have been in
4 business commercial districts and not adjacent
5 to residential. And this is just too close,
6 especially without a buffer.

7 MR. CASHMAN: We haven't received any
8 feedback from anyone that's been notified?

07:53:28PM

9 MR. COULES: No. No one has contacted
10 me. I don't know if anyone contacted the
11 Village.

12 MS. CRNOVICH: Did you hear from
13 anybody, Sean?

14 MR. GASCOIGNE: No, we have not.

15 MR. COULES: There's been no
16 opposition.

17 MR. STIFFLEAR: Until the doors start
18 slamming.

07:53:48PM

19 MR. CASHMAN: Well, Koshgarian's right
20 there. That's a busy early morning operation.

21 MR. STIFFLEAR: I hear what you're
22 saying about that, and that's why I think we

1 have a special use as opposed to a permitted use
2 so we can evaluate those. For example, I would
3 have no issue with this at all if parking just
4 were not close. I actually think it's a great
5 business.

6 MS. CRNOVICH: Yeah. I think it's
7 fantastic.

8 MR. STIFFLEAR: And it will be well
9 served here in Hinsdale.

07:54:05PM

10 MS. CRNOVICH: And I think maybe one
11 reason you have not heard from any of the
12 neighbors, they probably did not know the hours
13 of operation. That might have made a
14 difference.

15 MR. STIFFLEAR: People just don't pay
16 attention all the time.

17 MS. CRNOVICH: They don't pay
18 attention.

19 CHAIRMAN BYRNES: It's summertime, too.

07:54:19PM

20 MS. CRNOVICH: It's summer, right.

21 CHAIRMAN BYRNES: Without a site plan,
22 I can't see exactly where we are.

1 MR. STIFFLEAR: To give an example to
2 the group, I mean, we had this, what, two to
3 three years ago at Fox's where they were looking
4 to have, you know, traffic flow go behind these
5 exact same homes. And we were, in my
6 estimation, probably 50 to 100 feet away, and it
7 ultimately got turned down.

8 Here we're talking about business
9 hours which are not late at night but earlier in
10 the morning, which in my opinion is probably
11 more disturbing, which would vary by user, but
12 you're five feet away.

13 MS. CRNOVICH: And I think once the
14 neighbors find out the hours -- I've walked the
15 property dozens of times seeing if there was
16 enough parking away from the fence. I don't
17 think there is.

18 MR. STIFFLEAR: That parking lot in the
19 front of the building, is that available?

07:55:11PM

20 MR. COULES: Pardon me?

21 MR. STIFFLEAR: The parking in the
22 front of the building, is that part of it?

1 MR. CASHMAN: That's the adjacent
2 structure.

3 MR. COULES: Right. That's next door.

4 MR. STIFFLEAR: We just don't have the
5 information. As I'm looking at the parallel,
6 the parking in back behind that same structure
7 is part of your building.

8 MR. COULES: Correct.

9 MR. STIFFLEAR: But the parking in
10 front is not.

07:55:30PM

11 MR. COULES: Correct. In fact, at one
12 point when this was being built, you saw all the
13 Range Rovers and all that parked, actually, on
14 this property. That's this property.

15 MS. CRNOVICH: It's a funny lot.

16 MR. COULES: Yes.

17 MS. CRNOVICH: I do see -- I did notice
18 a lot of signs over there, too, saying parking
19 only for 230 East Ogden, so I imagine parking
20 has been a problem over there.

07:56:02PM

21 MR. STIFFLEAR: I think all the dealers
22 go there --

1 MR. COULES: They can do away with
2 5:00 a.m., but they can't do away with 6:00 a.m.
3 they said for their use because people just come
4 at that hour.

5 MS. CRNOVICH: I still think 5:30 is --

6 CHAIRMAN BYRNES: There's one house
7 here, but I mean (inaudible) --

8 MS. CRNOVICH: I really think one
9 reason we did not hear from any neighbors is
10 they did not know the hours of operation.

07:56:30PM

11 (Inaudible discussion among the
12 Board.)

13 MR. COULES: When they do start at
14 6:00, they stated two staff get there at 5:45.
15 The rest of the people get there two,
16 three minutes before classes.

17 MR. STIFFLEAR: But then 32 people
18 participate or can participate.

19 MR. COULES: Up to 26 participants.
20 That's the maximum for the class.

07:57:41PM

21 MS. MCMAHON: You're talking 30 cars.
22 That's a lot.

1 MR. STIFFLEAR: In my opinion, I want
2 to view this as being pro business in the
3 community, also, because these classes that they
4 have, there's waiting lists constantly for them
5 in the city. You can't just go and sign up for
6 them in the morning. They're packed constantly.
7 And it's a good business. I think it would do
8 very well here.

9 But as I look at our -- at least my
10 job as part of the Plan Commission is more of a
11 land use following the statutes of the code,
12 it's more so than other areas of being pro
13 business. I don't want to say it's
14 insurmountable, but I think in my opinion it's a
15 big barrier.

07:58:33PM

16 MS. CRNOVICH: Yeah. I'm sorry. I
17 can't be in favor of the plan because of it
18 being a special use. Maybe if you could come up
19 with a different plan or --

07:58:56PM

20 MR. COULES: There is no other parking.
21 So the inherent problem the Board is having is
22 over the parking. And in the B-3, as Steve

1 pointed out, there's a lot of other business --

2 MR. STIFFLEAR: It's not the parking.
3 It's the hours.

4 MR. COULES: Correct. But there's a
5 lot of other businesses under B-3 that could be
6 open that early. It allows coffee shops. A
7 coffee shop can go in there right now under the
8 B-3. It would be open that early. There's a
9 lot of uses that are allowed under B-3. This is
10 not an office district.

07:59:21PM

11 It's a B-3 because you're on Ogden
12 Avenue. And people chose to live one block away
13 from Ogden Avenue. They're willing to block
14 spaces off. They're willing to work and do
15 everything they can to make it as plausible as
16 possible. They'll hire people to go through the
17 rigmarole of making sure not a single sound
18 leaves this building.

19 MR. STIFFLEAR: It's not the part of
20 the sound in the building. It's getting into
21 the building that we're concerned about.

07:59:43PM

22 MS. CRNOVICH: Sound is not a

1 concern --

2 MR. COULES: But people aren't going to
3 be hanging out outside. Like you say car doors.
4 They can park in front of their house and open
5 and close car doors at any hour of time or day
6 in town.

7 MR. STIFFLEAR: A group of 30?

8 MR. CASHMAN: A class size like say the
9 6:00 class you're talking about.

08:00:01PM

10 MR. COULES: 26 people.

11 MS. CRNOVICH: Four to six staff
12 members.

13 MR. COULES: Correct.

14 MS. CRNOVICH: That's a lot.

15 CHAIRMAN BYRNES: I thought there was a
16 5:00 class.

17 MR. COULES: They said they're willing
18 to get rid of the 5:00. They can't get rid of
19 the 6:00. There's only two staff that early.

08:00:12PM

20 MS. CRNOVICH: That amount of people,
21 you know, I'm sorry, I am not comfortable with
22 it.

1 CHAIRMAN BYRNES: If you had a 6:00
2 class and the people who work there get there at
3 5:45, let's say, and they're going to be, I
4 think, you know, very sensitive to the neighbors
5 because you're going to tell them about that.

6 MR. COULES: Correct.

7 CHAIRMAN BYRNES: You know, 6:00 are
8 people starting to be up at that time?

9 MR. STIFFLEAR: My kids don't get up
10 until 7:30 when they go to school.

08:00:40PM

11 CHAIRMAN BYRNES: They're not in high
12 school yet, are they?

13 MR. STIFFLEAR: That's right.

14 CHAIRMAN BYRNES: Give it a couple
15 years, man.

16 MS. CRNOVICH: I still think that's too
17 early. Or if there's older people.

18 CHAIRMAN BYRNES: I think Peter has got
19 a point that you do -- this is an issue that

08:00:53PM

20 came up with Fox's, and I think we all agreed on
21 this. If you buy a house next to O'Hare
22 Airport, you can't complain if you see planes.

1 What happened? You know, so --

2 MR. STIFFLEAR: When you buy a house in
3 this location as they have, though, they also
4 have protections of the code that says there are
5 permitted uses there. And the permitted uses in
6 this location are generally for what I would
7 call conforming hours, 8:00 to 8:00.

8 And our code has a second section
9 which is special uses, which provide for special

08:01:23PM

10 consideration such as this. And this falls, in
11 my opinion, in one of those special
12 considerations. I mean, if the first class were
13 at 8:00 a.m. every day, I would have no problem.
14 I think we'd already be done with this
15 conversation.

16 MR. COULES: I understand. But I don't
17 want to nitpick because it's never good as a
18 lawyer to nitpick, but a lot of the uses allowed
19 in here are contractor offices, contractor

08:01:41PM

20 yards, people that sell tiles, people that
21 handle and do that kind of work. There's coffee
22 shops. It doesn't say a grocery store has to

1 start later. A lot of the uses are going to be
2 either early morning or late night. This is
3 B-3. This is not B-1. This is not office.
4 Otherwise the town should really rezone the
5 property because in reality you're either going
6 to have people there early or you're going to
7 have people there late on either of those uses.
8 They're both an evil if you have a child in the
9 house, I guess. But you chose to live there.

08:02:13PM

10 So they go home at least early enough. They're
11 closed early on weekends. They're not going to
12 be there late in the evening, and they can try
13 to do their best, and they will do their best --
14 they've been in business. They get all kinds of
15 positive write-ups. You're not going to read
16 bad things about them -- to try to keep people
17 away from that back parking area.

18 MS. CRNOVICH: I agree with that,
19 except I think when we're looking at special
20 uses, we have to look at each location and the
21 surrounding properties. And each one is
22 different. And this is a unique case because

08:02:38PM

1 it's right up against residential. Like I said,
2 the other special uses we've had over the past
3 year for physical fitness facilities, no problem
4 because none of them were right in a
5 neighborhood and with such early morning hours.
6 So unless there's a solution for that, I'm
7 just -- I just think --

8 MR. COULES: Well, there has to be a
9 special use for any physical fitness wherever it
10 goes in town. It's not zoned anywhere. It's
11 not allowed anywhere.

08:03:16PM

12 MR. CASHMAN: We weren't working out
13 when this code was built.

14 MR. COULES: It's not allowed anywhere.
15 You can't have it anywhere. You can't even have
16 it in industrial zoning.

17 MS. CRNOVICH: It's all the eating
18 places bringing all these in.

08:03:37PM

19 MR. COULES: So they're willing to do
20 everything they can to fluster those evils over
21 there, and they are going to -- they already
22 agreed to starting at 6:00 in the morning. And

1 they're not there late at night. Some other use
2 could be there late at night.
3 CHAIRMAN BYRNES: These right here just
4 to the -- that goes with this other building?

5 MR. COULES: Correct.

6 (Inaudible discussion among
7 the Board.)

8 MR. CASHMAN: Was there ever thought in
9 these early hours doing some kind of valet setup

08:04:18PM 10 so that there is some control on where cars are
11 placed? Because I agree with Luke's comment
12 that, you know, the first week you tell them,
13 and two weeks later who knows where they're
14 going to park.

15 MR. COULES: That's why they offered to
16 rope off a certain section.

17 MR. CASHMAN: I think if you did
18 something to control it.

19 MR. COULES: Well, the owners offered
08:04:38PM 20 to rope off the back area in the early morning.

21 MR. CASHMAN: The spaces on the south,
22 so you'd lose half the spaces?

1 MR. COULES: Correct.

2 CHAIRMAN BYRNES: How many people in
3 the class did we say?

4 MR. COULES: 26 is the maximum, and
5 there's two people there for the 6:00 a.m.
6 class, so there's 28 people. And there's 57
7 spots.

8 MR. STIFFLEAR: Did you say the owner
9 of the building is here?

08:05:00PM 10 MR. COULES: No. The owner of the
11 building is not here.

12 MR. STIFFLEAR: If you look at the back
13 parking lot, there's two sections. I think
14 there's four rows.

15 MR. COULES: Correct.

16 MR. STIFFLEAR: And the two rows that
17 are closest to the building, there are
18 approximately 25 spaces.

19 MR. COULES: Correct.

08:05:13PM 20 MR. STIFFLEAR: On any given morning at
21 6:00 a.m., how many of those are filled with
22 cars there overnight?

1 MR. COULES: Overnight?

2 MR. STIFFLEAR: Or at 6:00 a.m. in the
3 morning?

4 MR. COULES: No one stays there
5 overnight.

6 MR. STIFFLEAR: So all those 25 spaces
7 are available?

8 MR. COULES: Correct. That's why we
9 can block off the back along the south wall. We
08:05:34PM 10 can block them off from 6:00 to 8:00. It's not
11 an issue.

12 Neale, what I suggested when Luke
13 asked the question is we can block off those
14 spots from 6:00 to 8:00 a.m. That alleviates
15 the issue.

16 MR. STIFFLEAR: How is that enforced?

17 MR. COULES: They'll actually put a
18 rope up.

19 UNIDENTIFIED AUDIENCE MEMBER: We have
08:06:06PM 20 a really great rapport with our clients.

21 MS. ROEMER: Tracy Roemer, T-R-A-C-Y
22 R-O-E-M-E-R. We see repeat clients. If you're

1 coming in at 6:00 a.m., we see our clients three
2 times a week. We have a great rapport with
3 them. It's a great community. If we ask them
4 to not park there, they're not going to park

5 there. I mean, it's just as easy as that. We
6 have a front desk person tell people all the
7 time where they can park. Even if it's street
8 cleaning, we tell them to go move their car. If
9 it's zoned off for a reason, we tell them to go

08:06:38PM 10 move their car. They're very accepting of
11 things that we ask them to do. I don't see our
12 clients walking in and not doing what we ask
13 them to do. They're people like you and me that
14 would be kind enough to just say I'm not going
15 to wake up our neighbors. We'll park on the
16 other spots.

17 MR. COULES: But you are amenable to
18 blocking them off?

19 MS. ROEMER: Absolutely.

08:06:58PM 20 MS. MICHELI: Our staff will do it.

21 MR. COULES: Their staff will do it
22 every morning.

1 MS. ROEMER: Our Old Town location in
2 our parking structure, we made placard signs.
3 We have six placard signs in special spots
4 because we share space that we put up on the
5 walls making sure that our employees and clients
6 don't park anywhere else. We're happy to do
7 that, as well, at our own expense.

8 CHAIRMAN BYRNES: Can I make a
9 suggestion? What if they -- You're certainly
10 willing to try to work this out, and we're
11 trying to do the same thing. If they would --
12 you know, to take what they've proposed here and
13 block off that back row of parking at whatever
14 hour 6:00 to 8:00.

15 MR. STIFFLEAR: The back two rows.

16 MR. COULES: I don't want to violate
17 any fire codes.

18 MS. MCMAHON: What do you mean by two
19 rows?

20 MR. STIFFLEAR: The ones that face
21 south and the ones that face north. So that
22 will give two above it.

1 MS. MCMAHON: So the east end of the
2 parking lot, basically?

3 MR. CASHMAN: The two above it is not
4 their parking lot. That's the adjacent lot.

5 MR. STIFFLEAR: In back of the
6 building.

7 CHAIRMAN BYRNES: These back rows
8 over -- these aren't their spaces. All their
9 spaces are here (indicating).

10 (Inaudible discussion among
11 the Board.)

12 MR. COULES: They also will send
13 notices that can be part of the approval to all
14 the people that sign up about the early morning
15 parking.

16 MS. ROEMER: Every time you sign up for
17 a class, there's a 24-hour E-mail reminder that
18 goes out to our clients. And we can actually
19 put in that reminder that states that your
20 parking -- where you're parking. Please be
21 cognizant of the neighbors, parking, closing the
22 doors. We can put that in our E-mail reminder

1 to every client.

2 MR. CASHMAN: It would be helpful if
3 there had been some type of neighbor meeting
4 already.

5 MS. CRNOVICH: It would.

6 MR. CASHMAN: Because those are the two
7 silent voices are those two houses that are just
8 south of here.

9 MS. CRNOVICH: What I would recommend
10 is -- Tonight my vote will be no just until
11 there is a plan in place or moving -- as you
12 move forward to the trustees because I think the
13 trustees would like to see studied further,
14 something in writing, other solutions. You
15 could do maybe a neighbor meeting I think would
16 be great.

17 MR. COULES: We already offered to
18 block off the back row. If we blocked off the
19 back two rows as requested by Luke, we're down
20 to 22 spots. That's not enough because it's the
21 two rows there and then the one row also in the
22 back on the right.

1 MR. STIFFLEAR: That's why it's a
2 difficult situation.

3 MS. CRNOVICH: It is.

4 MR. CASHMAN: I would think just taking
5 the row that faces to the south and the fence
6 line would be the simplest approach because then
7 you have a 24-foot aisle to the closest spaces,
8 and then --

9 MR. COULES: And they're amenable to
10 that. If that's one of the conditions for
11 approval, they're amenable to roping that off
12 every morning from 6:00 to 8:00.

13 MR. CASHMAN: Then you have ingress and
14 egress --

15 MR. COULES: Correct, it doesn't block
16 ingress and egress.

17 MR. CASHMAN: -- and everyone parks on
18 the north spaces initially, and then there's
19 parking in the south spaces.

20 MR. COULES: And they're going to park
21 as close to the building as they can because we
22 all know they're running late to get to class.

1 MS. CRNOVICH: Well, I think, you know,
2 moving forward, I think you would put something
3 like this in writing --

4 MR. COULES: We already have. It's of
5 record.

6 MR. GASCOIGNE: I was actually going to
7 suggest that if that's the direction that the
8 Commission wants to go, that they provide for
9 the ZPS a parking exhibit that actually
10 identifies which areas are going to be

08:11:04PM

11 available --

12 MR. COULES: Correct. And we're
13 willing to do that.

14 MR. GASCOIGNE: -- and which are not so
15 that we can attach that to the ordinance.
16 Because then if it's attached to the ordinance,
17 then that is a document that is enforceable.
18 And if it's before office hours, the police can
19 go out there and if they see that the ordinance
20 is actually being violated, there's things that
21 can be done for that. If there's an exhibit
22 versus language --

08:11:18PM

1 MR. CASHMAN: Say it's a problem for
2 the neighbors, the neighbors at least have
3 recourse then.

4 MR. COULES: Right. And the person
5 doesn't get cited -- in that case is not the
6 person who parked there, it would be the actual
7 person who is the landlord.

8 MR. GASCOIGNE: Correct. It would be a
9 violation of the exhibit that would be
10 attached --

08:11:42PM

11 MR. COULES: And we have no problem
12 with attaching such an exhibit.

13 MR. GASCOIGNE: I would suggest that
14 they provide an exhibit of some sort showing
15 where they're going to be able to park and where
16 they're going to --

17 MS. CRNOVICH: They need to go out
18 there and look at the parking, do diagrams where
19 exactly the parking is and what parts you would
20 rope off and if you have enough spaces as you
21 move forward.

08:12:00PM

22 MR. COULES: We're willing to do that.

1 We're willing to give that Exhibit to the
2 Village. The whole south -- I can't do much
3 more than the south wall. If I take the north
4 wall, I block off ingress and egress. The fire
5 district will say no.

6 MS. CRNOVICH: I understand. That's
7 why I think there needs to be a plan.

8 MR. COULES: That is the plan.

9 MR. CASHMAN: You need to notify those
10 two houses closest to the fence line.

08:12:20PM

11 MR. COULES: We will. I'll send them
12 another letter.

13 MR. CASHMAN: Introduce yourselves
14 explaining the operation, the hours and what
15 efforts you're trying to make to address their
16 concerns. But right now we're just guessing at
17 their concerns.

18 MR. STIFFLEAR: We've had situations
19 here where we've sent stuff off to the Board of
20 Trustees before to quickly move it through, and
21 it got kicked back to us.

08:12:36PM

22 MS. CRNOVICH: And that's exactly --

1 MR. CASHMAN: Sometimes that's when the
2 neighbors find out about it.

3 MR. STIFFLEAR: Right. And it's also
4 because they want us to maybe reconsider things.
5 If we move this forward with anything, I would
6 suggest that we move it forward with great
7 detail to the trustees so they can get our full
8 input. For example --

9 CHAIRMAN BYRNES: Make a motion then.

10 MR. STIFFLEAR: I can understand what
11 you're saying if you can accommodate -- I do
12 think this will be a great business for this
13 community. But what I do have concerns with is
14 enforcement. You know, once this gets through
15 us, we've had situations before where, you know,
16 special use permits just simply aren't enforced
17 and then we have fights about them. That
18 instance is going right on in the community now.
19 So I'd rather have detailed explanation of
20 what's going to happen. We can vote on that and
21 move that forward.

08:12:58PM

08:13:24PM

22 MR. COULES: And we'll go one step

1 further to back what Sean had stated. We also
 2 are amenable to providing the Exhibit that staff
 3 approves of that comes back to you guys to make
 4 sure it meets what you're stating so the Exhibit
 5 is part of it. Because if the Exhibit is part
 6 of the ordinance, there's going to be actual Xed
 7 out spots from 6:00 to 8:00 a.m. on that
 8 Exhibit.

08:13:48PM

9 MS. MCMAHON: Can I just clarify are we
 10 talking about the whole south side of the
 11 parking lot or the southeast side?
 12 CHAIRMAN BYRNES: The whole south side,
 13 I think.

14 MS. MCMAHON: All the way across?

15 MR. COULES: Yes.

16 MR. CASHMAN: If you pull in nose
 17 first --

18 MR. COULES: Nose first you'd be facing
 19 the houses.

08:14:05PM

20 MR. CASHMAN: -- you'd be facing the
 21 houses?

22 MR. COULES: Correct.

1 MR. CASHMAN: Basically then you have
 2 that aisle open with parking facing north closer
 3 to the building?

4 MR. COULES: And that would be from
 5 6:00 to 8:00 a.m.

6 MR. STIFFLEAR: Is that for the whole
 7 building or just for the residents of -- or for
 8 the -- just for the --

9 MR. COULES: I don't know what anyone
 10 else -- there's only one other user in the
 11 building presently. I have no idea what their
 12 hours are. It's the imaging center.

13 MR. CASHMAN: So it would be for the
 14 whole building or just this use?

15 MR. STIFFLEAR: How do you enforce that
 16 if there's five cars parked in there?

17 MR. COULES: It's going to be roped
 18 off.

08:14:48PM

19 CHAIRMAN BYRNES: They're going to rope
 20 it off.

21 MR. COULES: It's real simple.

22 MS. CRNOVICH: I'm sorry. I still have

1 too many questions --

2 CHAIRMAN BYRNES: (Inaudible.)

3 MR. COULES: Yes, you can. If the
 4 landlord says no, we don't sign a lease. We
 5 don't move in.

6 MR. STIFFLEAR: Do we rope anything
 7 else off in Village like that on a daily basis?

8 MR. CASHMAN: It's not really roping as
 9 you've put it.

08:14:57PM

10 MR. COULES: Cones.

11 MR. CASHMAN: Cone in each spot, so
 12 what valets do to block off spots.

13 MR. STIFFLEAR: Or you put a sign up
 14 that says, no parking.

15 MR. CASHMAN: Then you can quickly pick
 16 them up.

17 MR. STIFFLEAR: That would be a way for
 18 no parking before 8:00 a.m.

19 MR. COULES: They want to be good
 20 neighbors. That's not an issue.

08:15:15PM

21 MS. CRNOVICH: And I understand that.
 22 I understand what you're trying to do now. But

1 I am not comfortable unless I see the plan,
 2 unless I see it in writing what's going to be
 3 done. But I'm sure you can do that as it moves
 4 forward.

5 MR. STIFFLEAR: Also, if we have no
 6 parking signs, we wouldn't have any issues with
 7 fire.

8 MR. COULES: Correct.

08:15:38PM

9 MR. STIFFLEAR: And also if you look at
 10 this, these spots along here may be closer to
 11 the residence than these spots (indicating). I
 12 mean, these spots that we were talking about
 13 potentially having before may be another ten
 14 feet away from the home.

15 MR. CASHMAN: That's why I think
 16 meeting with them -- if they start with the
 17 proposal that they're going to block out, in
 18 simplistic terms, just the south spaces, if they
 19 meet with the neighbor -- especially that
 20 neighbor that's right on the fence line, maybe
 21 their preference is they put cones on the east
 22 section spaces and leave all the north and south

08:16:04PM

1 open that's basically in their backyard. And I
2 want the neighbors to be brought into the mix.

3 MR. STIFFLEAR: Is that property even
4 occupied right now?

5 MR. CASHMAN: The house, yes. The
6 house three doors down is the empty one.

7 MR. COULES: Correct. That green card
8 is the only one that came back not picked up.

9 CHAIRMAN BYRNES: All right. I think
10 it's our preference that they come back with a
11 detailed plan, you know, that spells out
12 exactly --

13 MR. COULES: The problem with that is
14 without having an August meeting, you're not
15 here until September, they're going to lose
16 their lease. I'll just tell you right now.

17 MR. STIFFLEAR: I don't want to be
18 pressured into this.

19 MR. COULES: I'm not pressuring you.
20 I'm just telling you we're willing to work it
21 out to block spaces. You've got to have so many
22 open. You've got to have the aisle open for any

1 user who's there in the morning or any user
2 that's there at night.

3 MR. STIFFLEAR: But we can address that
4 by having no parking signs. I don't think we
5 should set a precedent on having businesses rope
6 off parking spaces.

7 MR. COULES: We'll put up signs. We'll
8 do whatever you guys want. We'll do cones.
9 We'll do signs. We'll do a combination of them.

10 Whatever you guys would like, they're amenable
11 to that.

12 MS. CRNOVICH: It still has to go to
13 the Board of Trustees.

14 MR. COULES: Correct.

15 MR. CASHMAN: There won't be a finding
16 of fact until September.

17 MR. COULES: Correct.

18 MR. CASHMAN: Well, I mean, at that
19 point there will be a document attached to it.

20 MR. COULES: Correct.

21 CHAIRMAN BYRNES: I mean, can I get a
22 motion that they would approve the special use

1 permit as submitted provided that they start at
2 6:00 in the morning and that they would rope off
3 the entire south end of the parking lot.

4 MR. STIFFLEAR: Let's have discussion
5 about that. I'm not certain that the entire
6 south end of the parking lot is the best
7 solution.

8 MS. CRNOVICH: And that's my concern.
9 I'm saying we can take a vote here tonight, and
10 maybe it can go on to ZPS, and you will have
11 more details for them or a better plan.

12 CHAIRMAN BYRNES: I mean, I just want
13 to move the thing along.

14 MS. CRNOVICH: Well, that's why I think
15 we could vote and the ZPS can decide.

16 MR. STIFFLEAR: I'm willing to make a
17 vote on it understanding that when it comes back
18 under findings -- When would this go to ZPS,
19 Sean?

20 MR. GASCOIGNE: At the end of this
21 month. July 28th, I think.

22 MR. STIFFLEAR: And if it doesn't come

1 back appropriately, any one of us as a
2 representative of Hinsdale can go and say, this
3 is what we were expecting; this is what came
4 through. So let's have the discussion then
5 about, you know, which lots -- which parking
6 spaces should not be there.

7 MS. MCMAHON: I don't think we can
8 decide that today. I think it has to be figured
9 out with a better schematic and maybe with input
10 from the neighbors.

11 MR. STIFFLEAR: Number of spaces and
12 the length of the residence. Solution?

13 MR. CASHMAN: I think this is a work in
14 progress. So I think if we're going to vote at
15 all, then I'm in favor of proposing blocking off
16 the south spaces, to changing the first class to
17 6:00 versus 5:00, and obviously our concerns and
18 things are being documented. And that when it
19 comes back to us in September for actual voting
20 on the findings of fact, there will actually be
21 a site plan attached, and ZPS would have had a
22 chance to --

1 MR. STIFFLEAR: Can we make any changes
2 to it at that point, though?

3 MR. GASCOIGNE: Changes?

4 MR. STIFFLEAR: When it comes back for
5 findings and recommendations? We can't because
6 all we're doing is --

7 MR. GASCOIGNE: Memorializing what was
8 discussed and voted on.

9 MS. MCMAHON: What if we said what you
10 just said but asked the ZPS or the next body
11 that sees it to look hard at the schematic and
12 determine whether that is the right one?

13 MS. CRNOVICH: We are just advisory.
14 So the final decision is the trustees. So no
15 matter what we do here tonight, it will go to
16 the trustees anyway.

17 MR. COULES: But it makes a big
18 difference with the kind of vote that one needs
19 with what you guys do here tonight.

20 MS. CRNOVICH: No, they'll understand
21 the circumstances in this.

22 CHAIRMAN BYRNES: It's going to be a

1 little bit of a work in progress.

2 MR. COULES: Correct.

3 CHAIRMAN BYRNES: That's why I'd like
4 to do a vote tonight.

5 MR. COULES: Right. Because the hard
6 part is going to be -- you guys may tell us --
7 And we're amenable to anything for blocking out
8 as long as we don't have problems with the fire
9 district for the early morning. But you guys

10 might be amenable to one thing, and the ZPS may
11 tell us they want different spots.

12 MR. CASHMAN: The beauty of democracy.

13 MR. COULES: Exactly right. So

14 everybody we go in front of might have a
15 different idea of what spots they want us to
16 block off from 6:00 to 8:00 a.m. And we're
17 willing to do what the Village wants us to do.

18 MR. CASHMAN: When would you be meeting
19 with the ZPS?

20 MS. ROEMER: The 28th of July.

21 MR. COULES: The 28th of July.

22 MR. GASCOIGNE: I was going to say --

1 my suggestion would be, if that's the direction
2 that they're going to go, then obviously the
3 concern is the proximity to the residential. So
4 they can move forward with the exhibit, if
5 that's the direction the Plan Commission wants
6 to go in moving it forward with parking, is that
7 you put the burden on them to determine which 26
8 or 28 spots they have are furthest from
9 residential and mark those off, and then bring
10 that to the ZPS.

11 Because it's clear what the concern
12 is. It's the residential. So, it's not a
13 matter of which 26 or 28 parking spots we want
14 to pick. It's we want the ones furthest from
15 residential, so have them measure that out and
16 put the burden on them to figure it out --

17 CHAIRMAN BYRNES: Then they come to
18 them then with more of a concrete proposal.

19 MR. GASCOIGNE: Exactly.

20 MR. COULES: Correct. And I'll tell
21 you right now on record, I'm going to send
22 another letter out tomorrow to the two neighbors

1 that actually do live there, explain we're
2 starting at 6:00. We're willing to block off
3 some parking spaces. Do you have a preference
4 if it's more than just the south wall.

5 If it's okay with the Board, that's
6 how I'm going to preface it because it's too
7 hard to -- Because one neighbor might say, I
8 want those four across way, and the other
9 neighbor is going to want these three across the
10 way, and it's not going to work for everybody
11 exactly the same.

12 MR. CASHMAN: I think it's going to be
13 the immediate neighbor, the one --

14 MR. COULES: Correct. The ones right
15 there.

16 MR. CASHMAN: That's where -- the third
17 issue we talked about, the 6:00 a.m. class, no
18 parking or -- some kind of parking restrictions,
19 meeting with those two neighbors at least,
20 reaching out to them. I mean, they might not
21 even be around, but it would be nice to reach
22 out to them and try to meet with them because

1 together you might find the solution to the
2 parking.

3 MR. STIFFLEAR: Sean, what is the
4 recourse if the parking is not followed? Do the
5 police just write a ticket?

6 MR. GASCOIGNE: That was what I was
7 saying with the Exhibit. If we attach an
8 exhibit showing the parking spaces that are
9 allocated to this use between 6:00 and 8:00 a.m.

08:22:37PM 10 and that's being attached to the special use
11 ordinance and that's being violated and a
12 neighbor calls on that, they can contact the
13 Village. And if it's outside of Village hours,
14 the police department would go out there, they'd
15 document it as to what the violation was. There
16 wouldn't necessarily be a ticket written, but
17 there's recourse in terms of the Village in
18 terms of taking away the special use. If the
19 Board deems that -- if they're repeat offenders,
08:23:00PM 20 they could ultimately take away the special use,
21 say you've lost the special use for abusing --
22 that is one of the functions of the special use

1 is that there's an ordinance attached to it.
2 It's not a permitted use.

3 MR. STIFFLEAR: It would be very, very
4 difficult and Peter would be up here suing us.

5 CHAIRMAN BYRNES: Peter wouldn't do
6 that.

7 MR. COULES: No, I wouldn't do that.
8 I've walked away from those.

9 CHAIRMAN BYRNES: Can I get a motion to
08:23:22PM 10 approve the special use permit including the
11 6:00 starting time and including the fact that
12 you're going to contact the two neighbors and
13 report back to ZPS and that you're going to rope
14 off an appropriate number of parking spaces.

15 MR. COULES: Instead of rope off, can
16 we use block off? Because I like the sign idea
17 and the cone idea better than the ropes so kids
18 aren't running through there in the dark and
19 hitting the ropes.

08:23:52PM 20 MR. STIFFLEAR: If I can interrupt, I
21 think we should be specific about this, though.
22 Ropes and cones I don't necessarily like because

1 it commits you to an ongoing responsibility,
2 which over time will lax.

3 No. 3, rather than saying a number
4 of spaces, I would rather than say no closer
5 than, you know, 20 feet to the residence -- 20
6 feet -- you don't want to say residential lot
7 line, but to the residential structure. That
8 way it can provide --

9 MR. COULES: They're amenable to signs.
08:24:25PM 10 That's fine. That's great.

11 CHAIRMAN BYRNES: I'm okay with that.

12 MR. COULES: They'll put up any kind of
13 appropriate restrictions that are necessary.

14 MR. STIFFLEAR: Is 20 feet appropriate
15 to a residential structure?

16 MS. CRNOVICH: That's my problem.
17 There's too many unknowns.

18 MR. COULES: I don't know. I grew up
19 on a 40-foot lot, so --

08:24:44PM 20 MR. CASHMAN: If we blocked off say
21 just the south row, by default that would be
22 18 --

1 MR. COULES: 18 minimum.

2 MR. CASHMAN: 18 plus the traffic
3 aisle.

4 MR. COULES: Right. It would be 18
5 plus the aisle.

6 MR. STIFFLEAR: We don't want to give
7 up those eight parking spots which are 50 feet
8 away from the house which would probably be the
9 best place -- the ones furthest back all the way
08:25:04PM 10 to the west are the ones we would want to have
11 them fill first.

12 MS. CRNOVICH: This is a unique
13 situation because most business parking lots
14 have to be, what, 10 feet, 20 feet from
15 residential --

16 MR. COULES: Ten feet from the property
17 line.

18 MS. CRNOVICH: Right -- this is -- you
19 know, in a buffered zone, so this is existing.

08:25:24PM 20 MS. MCMAHON: Can we just delegate to
21 ask the ZPS to figure out the specifics without
22 us -- I don't know if we're really equipped to

1 do that.

2 MR. STIFFLEAR: We can put in a
3 recommendation.

4 MS. CRNOVICH: We're advisory. But
5 until I have --

6 MR. STIFFLEAR: I would suggest we
7 say -- I don't know if you guys have this in
8 front of you, but I would say 20 feet from the
9 lot line and the structure of the property.

08:25:50PM 10 That way it will force them to backfill from the
11 spots that are furthest away from their actual
12 business but also all the spots open that are
13 close to the residential property.

14 CHAIRMAN BYRNES: Okay. So say that
15 again.

16 MS. MCMAHON: That's a suggestion, not
17 a hard fact, but it's our suggestion.

18 MR. STIFFLEAR: That's a suggestion but
19 then when Peter comes back with the site plan

08:26:14PM 20 and all the parking spots or measurements on
21 there, he can say -- and it may not be 28 or 29
22 parking spots. It may be less during then, and

1 that will be up to the business owners to
2 decide.

3 MR. COULES: Like I said, the beauty is
4 the architect is here, so he'll be able to go
5 out and take actual measurements based on the
6 recommendation tonight.

7 MR. CASHMAN: Looking at house, the
8 east end of the house is the garage. So I don't
9 know if there's a bedroom above it or not. So

08:26:39PM 10 there could be spots where they don't mind
11 parking there because it's already acoustically
12 buffered by just their own structure. That's
13 where I think getting the neighbors involved --
14 starting somewhere and getting the neighbors
15 involved, I think you'll find a solution to
16 keeping the cars away from the neighbor's house
17 early in the morning. The rest of the day -- I
18 mean, it's a great program. And I like working
19 out early in the morning, so I understand the
08:27:07PM 20 whole motivation.

21 CHAIRMAN BYRNES: So we're going to say
22 there cannot be any parking within 20 feet. We

1 recommend that there be no parking within
2 20 feet of --

3 MR. STIFFLEAR: The residential
4 property -- or the residential structure.

5 CHAIRMAN BYRNES: The residential
6 structure. Can we work with that?

7 MR. COULES: That's fine.

8 CHAIRMAN BYRNES: So 6:00 a.m., no
9 parking within 20 feet of the residential
08:27:30PM 10 structure; and you're going to talk to the two
11 neighbors.

12 MR. STIFFLEAR: And just so we clarify,
13 restricted parking only until 8:00 a.m.

14 MR. COULES: Correct.

15 CHAIRMAN BYRNES: 6:00 a.m. to
16 8:00 a.m.

17 MR. COULES: All that's acceptable.

18 CHAIRMAN BYRNES: Motion -- do I have
19 a --

08:27:46PM 20 MR. STIFFLEAR: Motion to approve?

21 CHAIRMAN BYRNES: Yeah.

22 Second?

1 MR. CASHMAN: Second.

2 CHAIRMAN BYRNES: Start with you.

3 MR. CASHMAN: Yes.

4 MS. CRNOVICH: No.

5 CHAIRMAN BYRNES: Yes.

6 MS. MCMAHON: Yes.

7 MR. STIFFLEAR: Yes.

8 MR. COULES: Thank you.

9 CHAIRMAN BYRNES: We'll close the
08:28:01PM 10 public hearing.

11 MR. COULES: I'll copy Sean in on the
12 letter I send to the neighbors tomorrow so he
13 can pass it on to everybody.

14 (WHICH WERE ALL THE PROCEEDINGS
15 HAD IN THE ABOVE-ENTITLED
16 CAUSE ON THIS DATE.)

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1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF DU PAGE)

3 I, TARA M. ZENO, CSR No. 84-4268, a
4 Notary Public within and for the County of
5 DuPage, State of Illinois, and a Certified
6 Shorthand Reporter of said state, do hereby
7 certify:

8 That previous to the commencement of
9 the examination of the witness, the witness was
10 duly sworn to testify the whole truth concerning
11 the matters herein;

12 That the foregoing hearing transcript
13 was reported stenographically by me, was
14 thereafter reduced to typewriting under my
15 personal direction and constitutes a true record
16 of the testimony given and the proceedings had;

17 That the said hearing was taken before
18 me at the time and place specified;

19 That I am not a relative or employee or
20 attorney or counsel, nor a relative or employee
21 of such attorney or counsel for any of the
22 parties hereto, nor interested directly or

1 indirectly in the outcome of this action.

2 IN WITNESS WHEREOF, I do hereunto set
3 my hand of office Chicago at, Illinois, this
4 22nd day of July, 2014.

5

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7

8

9 Notary Public, Cook County, Illinois.
10 My commission expires 5/23/18.

11

12

13

14 TARA M. ZENO, CSR No. 84-4268

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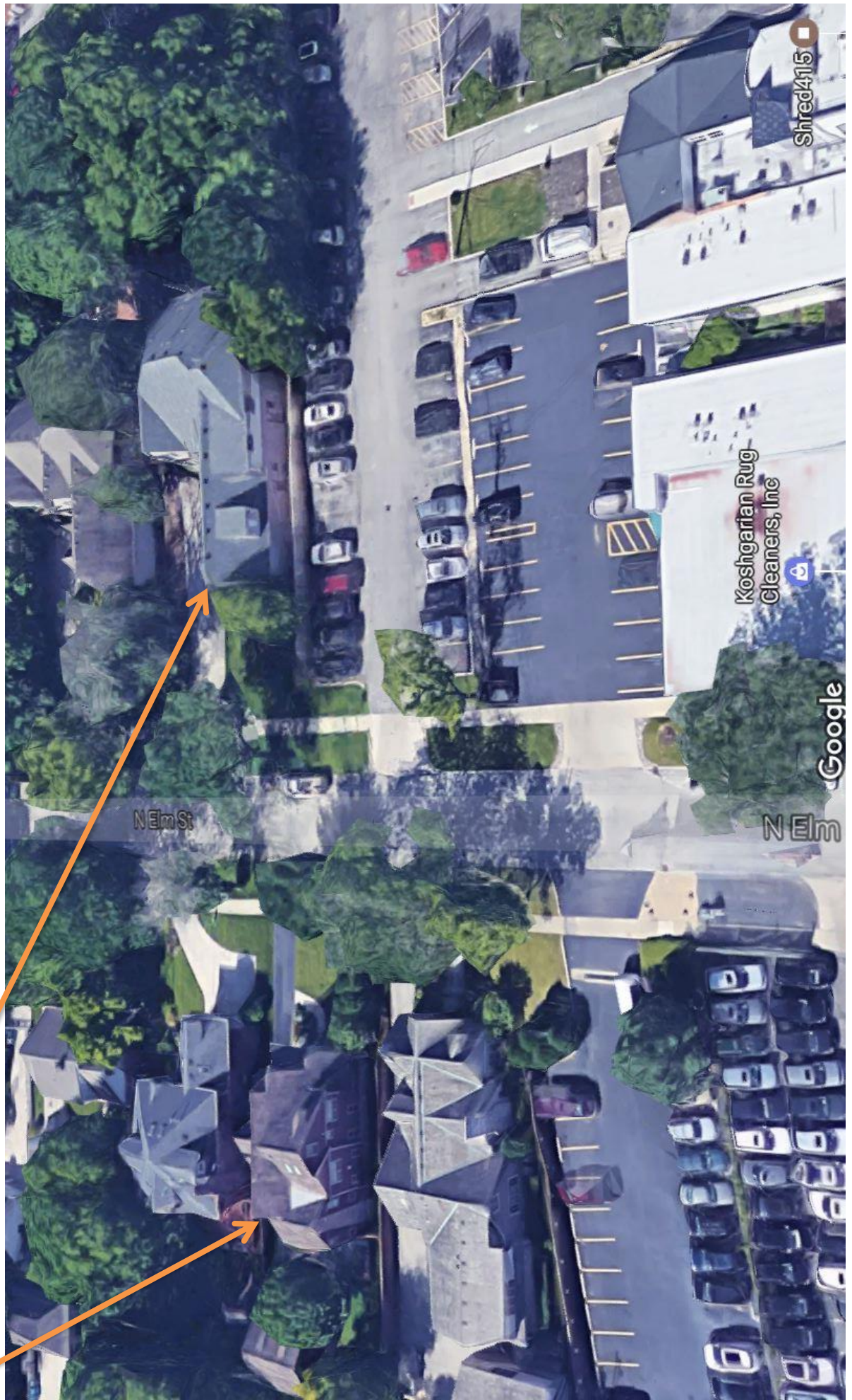
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Attachment : Aerial Parcel Map of 230 E. Ogden Ave.



**Attachment 5: Nearby Residence in Support for Special Use Amendment Request
805 N. Elm St. and 804 N. Elm St.**





Peter Coules <peter@donatellcoules.com>

Fw: Shred415 Hinsdale

1 message

Matt Micheli <matt@shred415.com>

Wed, May 24, 2017 at 10:04 AM

To: Peter Coules <peter@donatellcoules.com>, Berta Brazdeikyte <berta@donatellcoules.com>

From: Carol Frank <carolcee@gmail.com>

Sent: Friday, May 12, 2017 1:04 PM

To: Matt Micheli

Subject: Re: Shred415 Hinsdale

Hi,

Yes, we still support your adding a 5 AM class.

I have not taken a class. I've looked into the schedule but just can't seem to make it happen. Thanks for the offer, though!

~Carol



Peter Coules <peter@donatellcoules.com>

Shred415

1 message

Matt Micheli <matt@shred415.com>

Wed, May 24, 2017 at 9:37 AM

To: Berta Brazdeikyte <berta@donatellcoules.com>, Peter Coules <peter@donatellcoules.com>

From: Nancy Fong-Breyer <nancyfong@comcast.net>

Sent: Wednesday, May 24, 2017 5:49 AM

To: Matt Micheli

Cc: Dave Breyer; Erinn Vehrs

Subject: Re: Shred415

Thanks Matt for the update in parking procedures.

Dave and I are in support of Shred 415 having early classes.

Nancy




MEMORANDUM

DATE: June 14, 2017

TO: Chairman Cashman and Plan Commissioners

CC: Kathleen A. Gargano, Village Manager
Robb McGinnis, Director of Community Development/Building Commissioner

FROM: Chan Yu, Village Planner 

RE: 722-724 N. York Rd. – Hinsdale Animal Hospital
Exterior Appearance and Site Plan for a New Pet Hospital

Summary

The Village of Hinsdale has received an Exterior Appearance and Site Plan review application from Anthony Kremer, of Hinsdale Animal Hospital, requesting approval to construct a new pet hospital at 722-724 N. York Road in the B-1 Community Business District.

At the March 22, 2017, Board of Trustees (BOT) meeting, the Board approved a Special Use permit for the applicant to operate a pet hospital with boarding kennel and grooming services at 722-724 N. York Road. The applicant has requested 5 variations to construct the new animal hospital. On April 19, 2017, the Zoning Board of Appeals (ZBA) unanimously approved 3 of the 5 variations, and recommended approval for the remaining 2, which requires approval by the BOT. The 2 variations will be discussed at the June 13, 2017, Board meeting.

Request and Analysis

The facilities of the new building reflect the uses of a pet hospital, boarding kennel and grooming services. For example, the first floor plan features 10 exam rooms, treatment and play areas, and boarding space. The second floor plan will include a large treatment area, luxury suites, training room, X-ray and surgery rooms.

The site plan reflects the building footprint and setbacks after the conclusion of the ZBA (variation) meetings. Of note, the proposed building footprint illustrates that the new building is smaller than the existing building footprint, and that the front yard setback will remain the same. The new exterior appearance elevation illustrations also show the proposed building with the approved variations by the ZBA. On April 19, 2017, the ZBA unanimously approved:

1. An allowable building height of 35 feet as opposed to 30 feet.
2. To allow a front yard setback of 15 feet (modified to 17 feet) as opposed to 25 feet.
3. To permit off-street parking in a required front yard.



MEMORANDUM

The 2 additional variations, which the Board has final authority over, were recommended for approval by the ZBA. This includes to (1) allow a floor area ratio of .40 as opposed to the maximum floor area ratio of .35, and (2) waive the 10' landscape buffer requirement. Following the conclusion of the public hearing, the ZBA indicated its approval of the requested variations with one modification for a reduced front yard setback, which was approved at 17' instead of the requested 15'.

The exterior appearance exhibits show all four elevations of the new building, with various height references. The elevation sheet in particular, has an Elevation Key that defines the elements and features used for the building. For example, brick veneer, cast stone and metal copings with color definitions. The application also includes the tree preservation and landscape plan.

Process

Pursuant to Section 11-606, the Chairman of the Plan Commission (PC) shall at the public meeting on the application for exterior appearance review allow any member of the general public to offer relevant, material and nonrepetitive comment on the application. Within 60 days following the conclusion of the public meeting, the PC shall transmit to the BOT its recommendation, in the form specified in subsection 11-103(H) of this article, recommending either approval or disapproval of the exterior appearance and site plan based on the standards set forth in subsection F1 of this Section 11-606.

Attachments:

- Attachment 1 - Plan Commission Exterior Appearance/Site Plan Application and Exhibits
- Attachment 2 - Aerial Parcel Map of 722-724 N. York Road
- Attachment 3 - Birds Eye View of 722-724 N. York Road
- Attachment 4 - ZBA Findings of Fact and Recommendations



**VILLAGE
OF HINSDALE** FOUNDED IN 1873

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant

Name: Anthony Kremer
Address: 14411 IL-59
City/Zip: Plainfield 60544
Phone/Fax: (815) 436 / 8387
E-Mail: doctony@icloud.com

Owner

Name: Dorothea Lorenzetti, Kimberly & Robert Brockman - Trust
Address: 724 N. York Road
City/Zip: Hinsdale
Phone/Fax: () /
E-Mail: _____

Others, if any, involved in the project (i.e. Architect, Attorney, Engineer)

Name: Michael Matthys
Title: Vice President of Linden Group
Address: 10100 Orland Parkway
City/Zip: Orland Park
Phone/Fax: (708) 799 / 4400
E-Mail: mmatthys@lindengroupinc.com

Name: Jason Sanderson
Title: President of RWE Management
Address: 16W361 S Frontage Rd
City/Zip: Burr Ridge 60527
Phone/Fax: (630) 734 / 0883
E-Mail: jason@rwemangement.com

Disclosure of Village Personnel: (List the name, address and Village position of any officer or employee of the Village with an interest in the owner of record, the Applicant or the property that is the subject of this application, and the nature and extent of that interest)

- 1) _____
- 2) _____
- 3) _____

II. SITE INFORMATION

Address of subject property: 724 N. York Road

Property identification number (P.I.N. or tax number): 09 - 01 - 202 - 017

Brief description of proposed project: Approximately 12,000 s.f. 2-story Animal Hospital and Animal Boarding Facility

General description or characteristics of the site: Existing mixed use building with residential on the second floor and retail

on first floor. Approximate area is 13,000s.f. Building sits within the front yard set back approximately 15' from the front property line. There is

currently street parking located in front of the building in the parkway. The site has 2 access points onto N. York Road

Existing zoning and land use: B-1

Surrounding zoning and existing land uses:

North: O-2

South: O-2

East: O-2

West: O-2

Proposed zoning and land use: B-1

Please mark the approval(s) you are seeking and attach all applicable applications and standards for each approval requested:

☒ Site Plan Approval 11-604

☒ Design Review Permit 11-605E

☒ Exterior Appearance 11-606E

☒ Special Use Permit 11-602E

Special Use Requested: Animal Hospital
Animal Boarding / Commercial Kennel

☒ Map and Text Amendments 11-601E

Amendment Requested: Special use for
Animal Hospital and Commercial Kennel

☐ Planned Development 11-603E

☐ Development in the B-2 Central Business District Questionnaire

TABLE OF COMPLIANCE

Address of subject property: 724 North York Ave

The following table is based on the B-1 Zoning District.

	Minimum Code Requirements	Proposed/Existing Development
Minimum Lot Area (s.f.)	30,144 s.f.	30,144 s.f.
Minimum Lot Depth		
Minimum Lot Width		
Building Height	30' Max	30'/35' (Tower)
Number of Stories	2	2
Front Yard Setback	25'	15'
Corner Side Yard Setback	N/A	N/A
Interior Side Yard Setback	10'	10'
Rear Yard Setback	20'	20'
Maximum Floor Area Ratio (F.A.R.)*	0.35	0.4 (0.46 Existing)
Maximum Total Building Coverage*	N/A	N/A
Maximum Total Lot Coverage*	90%	80% (+/-24,000 s.f.)
Parking Requirements	44 spaces required	45 spaces provided
Parking front yard setback	25'	20'
Parking corner side yard setback	N/A	N/A
Parking interior side yard setback	10'	0'
Parking rear yard setback	20'	0'
Loading Requirements	1 space	1 space
Accessory Structure Information		

* Must provide actual square footage number and percentage.


Where any lack of compliance is shown, state the reason and explain the Village's authority, if any, to approve the application despite such lack of compliance: _____

CERTIFICATION

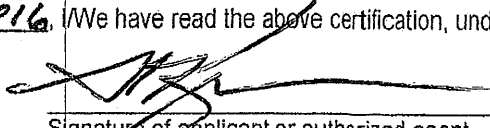
The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.
- B. The applicant understands that an incomplete or nonconforming application will not be considered. In addition, the applicant understands that the Village may require additional information prior to the consideration of this application which may include, but is not limited to, the following items:
1. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 2. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
 3. All existing and proposed surface and subsurface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines and easements and all other utility facilities.
 4. Location, size, and arrangement of all outdoor signs and lighting.
 5. Location and height of fences or screen plantings and the type or kind of building materials or plantings used for fencing or screening.
 6. A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.
 7. A traffic study if required by the Village Manager or the Board or Commission hearing the application.
- C. The Applicants shall make the property that is the subject of this application available for inspection by the Village at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicants shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten days following the change, and that failure to do so shall be grounds for denial of the application; and
- E. The Applicant understands that he/she is responsible for all application fees and any other fees, which the Village assesses under the provisions of Subsection 11-301D of the Village of Hinsdale Zoning Code as amended April 25, 1989.
- F. THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER HAS AGREED TO PAY SAID FEE, AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST SUBJECT PROPERTY FOR THE FEE PLUS COSTS OF COLLECTION, IF THE ACCOUNT IS NOT SETTLED WITHIN THIRTY (30) DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

On the 30 day of November, 2016. We have read the above certification, understand it, and agree to abide by its conditions.

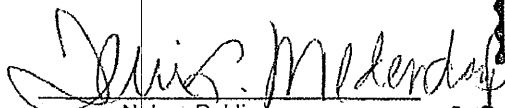

Signature of applicant or authorized agent

MICHAEL MATTHYS
Name of applicant or authorized agent


Signature of applicant or authorized agent

A.T. KREMER
Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this 30th day of
November, 2016.


Notary Public

4



**VILLAGE OF HINSDALE
PROPERTY OWNER'S AUTHORIZATION
FOR PC / ZBA / ARC**

Date: December 6, 2016

I, Dorothea Lorenzetti, Kimberly & Robert Brockman – Trust, Owner of the Property
(Property Owner: Chicago Title & Land Trust Co, as Successor Trustee to Harris Bank Hinsdale as Trustee under the provisions of a Trust Agreement dated January 14, 1987 and known as Trust Number L-1497, Dorothea A Lorenzetti, Kimberly Brockman and Robert Brockman, and the address of the property is commonly known as 724 York Rd, 218 Fuller Rd & 133 Fuller Rd, Hinsdale, IL 60521)

located at: 724 N York Road – Hinsdale, IL 60521, do hereby authorize

Tony Kremer, DVM (Contract Purchaser); Jason Sanderson (General Contractor), Michael J Matthys (Architect)

_____ to represent me in the following
Authorized Agent

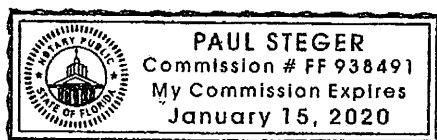
PC / ZBA / ARC matter(s):

1. Request for **Text Amendment** to add Animal Hospital and Commercial Kennel as a special use in the B-1 District.
2. Request for **Special Use** to construct and operate an **Animal Hospital and Commercial Kennel** at 724 N York Rd.
3. A height variation is being requested to allow the entrance tower architectural feature to exceed the maximum 30'-0" and allow a height of 35'-0" for this element only as depicted in the proposed elevations.
4. A front yard setback variation is being requested to reduce the required front setback from 25' to 15'-0". The existing building is currently located within the setback 15.38' from the front property line.
5. The applicant is requesting that the maximum F.A.R. be increased from .35 to .40. This increase would be under the Max. F.A.R. of .50 in the surrounding O-2 District which surrounds the site on all sides.
6. The applicant is requesting that the parking lot setback in the front yard be reduced from 25' to 15' to match building setback variation.
7. The applicant is requesting that the required 10' landscape buffer be **removed** to accommodate the odd shape lot and allow for a double loaded parking isle to run to the back of the property.

in the Village of Hinsdale

Paul Steger
Notary Signature

(SEAL)



Kimberly Brockman
Property Owner Signature

Kimberly Brockman
Property Owner Printed Name
1813 Forest Drive
Oldsmar, FL 34677
Address
727-642-4729
Phone and Fax Number No Fax No.



**COMMUNITY DEVELOPMENT
DEPARTMENT
EXTERIOR APPEARANCE AND
SITE PLAN REVIEW CRITERIA**

Address of proposed request: 14411 IL-59

REVIEW CRITERIA

Section 11-606 of the Hinsdale Zoning Code regulates Exterior appearance review. The exterior appearance review process is intended to protect, preserve, and enhance the character and architectural heritage and quality of the Village, to protect, preserve, and enhance property values, and to promote the health, safety, and welfare of the Village and its residents. Please note that Subsection Standards for building permits refers to Subsection 11-605E Standards and considerations for design permit review.

*****PLEASE NOTE*** If this is a non-residential property within 250 feet of a single-family residential district, additional notification requirements are necessary. Please contact the Village Planner for a description of the additional requirements.**

FEES for Exterior Appearance/Site Plan Review:

Standard Application: \$600.00

Within 250 feet of a Single-Family Residential District: \$800

Below are the criteria that will be used by the Plan Commission, Zoning and Public Safety Committee and Board of Trustees in reviewing Exterior Appearance Review requests. Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

1. *Open spaces.* The quality of the open space between buildings and in setback spaces between street and facades.

Site landscaping will be improved to meet code requirements.

2. *Materials.* The quality of materials and their relationship to those in existing adjacent structures.

The building will be constructed of high quality materials including Masonry, Stone, and Glass. Stone detailing will include stone arches. Facade will include dec. lighting.

3. *General design.* The quality of the design in general and its relationship to the overall character of neighborhood.

The building is designed is influenced by traditional architecture with brick and stone detailing consistent with the overlay district. The entrance is accented with a tower element that adds architectural character.

4. *General site development.* The quality of the site development in terms of landscaping, recreation, pedestrian access, auto access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

The site development will be maximized in order to meet parking requirements. Existing street parking will be removed and replaced with parkway material per the zoning code. Additional landscape improvements will enhance the front yard.

5. *Height.* The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

The proposed 2 story building will replace an existing 2 story building. The proposed height will be 30' except at the entrance feature where the height is proposed at 35' high. The surrounding O 2 District allows for buildings up to 3 stories and 40' tall. +

6. *Proportion of front façade.* The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

The 2 story front facade of the proposed building is visually compatible with its surroundings.

7. *Proportion of openings.* The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

Window width and height are compatible with buildings in the area.

8. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

The building has a rhythm of punched openings in brick which is consistent with surrounding buildings and consistent with the desired overlay district style guidelines.

9. *Rhythm of spacing and buildings on streets.* The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.

The building is proposed in the same location as the existing building and will not alter the existing building spacing significantly.

10. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

The entrance is pronounced with a higher architectural element that is oriented toward the entrance drive. This creates a desirable rhythm along the public way, providing open space. +

11. *Relationship of materials and texture.* The relationship of the materials and texture of the façade shall be visually compatible with the predominant materials to be used in the buildings and structures to which it is visually related.

The building materials are predominantly brick and stone that include brick details such as soldier coursing, rowlock coursing, and various stone accents including stone arches. These materials create a texture that is visually compatible with buildings in the vicinity and in Hinsdale Mill overlay district.

12. *Roof shapes.* The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

The building is being proposed with a flat roof. There are buildings in the vicinity that have flat roofs.

13. *Walls of continuity.* Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

N.A.

14. *Scale of building.* The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

See submitted elevations.

15. *Directional expression of front elevation.* The buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

The front elevation relates to N. York Road.

16. *Special consideration for existing buildings.* For existing buildings, the Plan Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

N.A.

REVIEW CRITERIA – Site Plan Review

Below are the criteria that will be used by the Plan Commission and Board of Trustees in determining if the application does not meet the requirements for Site Plan Approval. Briefly describe how this application will not do the below criteria. Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

Section 11-604 of the Hinsdale Zoning Code regulates Site Plan Review. The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this code was enacted unless careful consideration is given to critical design elements.

1. The site plan fails to adequately meet specified standards required by the Zoning Code with respect to the proposed use or development, including special use standards where applicable.

Special use and variations are being requested for Animal Hospital, Commercial Kennel, parking set back, front yard building set back, building height, and F.A.R.

2. The proposed site plan interferes with easements and rights-of-way.

N.A.

3. The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.

N.A.

4. The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.

N.A.

5. The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably creates hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off the site.

A traffic study has been completed and concluded that the proposed use does not pose a significant change to traffic from existing uses

6. The screening of the site does not provide adequate shielding from or for nearby uses.

Screening will be provided where possible but due to site restraints the applicant is requesting a variance to locate parking up to property line. I these areas screening can not be provided.

7. The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.

The proposed structure and landscaping are compatible with nearby structures and uses.

8. In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.

The proposed site plan proposes to remove on street parking and replace with parkway and proposes to remove alley north of building and replace with foundation plantings.

9. The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned ordinance system serving the community.

The site plan will meet all engineering requirements for site drainage.

10. The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility system serving the Village.

Available site utilities have been assumed to be adequate to service the proposed building. If this is not the case applicant will provide adequately for such services.

11. The proposed site plan does not provide for required public uses designated on the Official Map.

N.A.

12. The proposed site plan otherwise adversely affects the public health, safety, or general welfare.

There is no reason to argue that the proposed site plan adversely affects the public health, safety, or general welfare. Hinsdale Animal Hospital has operated on Ogden Avenue in Hinsdale since 1950. It has a long history of providing a high quality of animal care to the residents of Hinsdale with public convenience that contributes to the general welfare of the neighborhood and community.

III. EXTERIOR APPEARANCE AND SITE PLAN REVIEW CRITERIA

1. *Open spaces.* The quality of the open space between buildings and in setback spaces between street and facades.

Site landscaping will be improved to meet code requirements.

2. *Materials.* The quality of materials and their relationship to those in existing adjacent structures.

The building will be constructed of high quality materials including Masonry, Stone, and Glass. Stone detailing will include stone arches. Facade will include decorative lighting.

3. *General design.* The quality of the design in general and its relationship to the overall character of neighborhood.

The building is designed is influenced by traditional architecture with brick and stone detailing consistent with the overlay district. The entrance is accented with a tower element that adds architectural character.

4. *General site development.* The quality of the site development in terms of landscaping, recreation, pedestrian access, auto access, parking, servicing of the property and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

The site development will be maximized in order to meet parking requirements. Existing street parking will be removed and replaced with parkway material per the zoning code. Additional landscape improvements will enhance the front yard.

5. *Height.* The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

The proposed 2 story building will replace an existing 2 story building. The proposed height will be 30' except at the entrance feature where the height is proposed at 35' high. The surrounding O-2 District allows for buildings up to 3 stories and 40' tall.

6. *Proportion of front façade.* The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

The 2 story front facade of the proposed building is visually compatible with its surroundings.

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The building is proposed in the same location as the existing building and will not alter the existing building spacing significantly.

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N.A.

14. *Scale of building.* The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

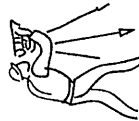
See submitted elevations.

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The front elevation relates to N. York Road.

16. *Special consideration for existing buildings.* For existing buildings, the Plan Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

N.A.



RUSSELL W. SCHOMIG, PLS
WILLIAM K. SCHOMIG

• BOUNDARY • TOPOGRAPHICAL • SUBDIVISIONS • ALTA/ACSM • CONDOMINIUMS • SITE PLANS • CONSTRUCTION • FEMA CERTIFICATES •

SCHOMIG LAND SURVEYORS, LTD. PLAT OF SURVEY

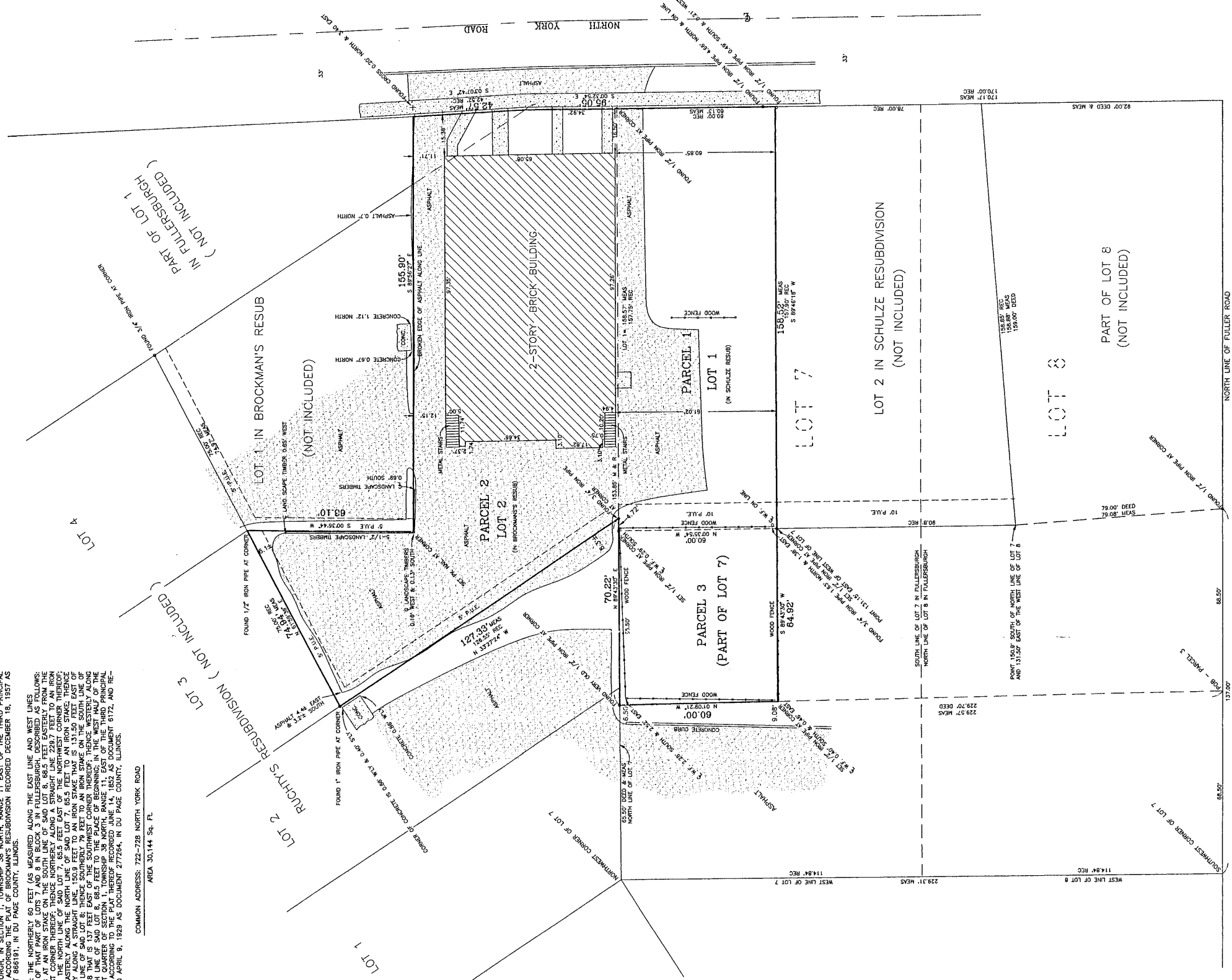
909 EAST 31st STREET
LA GRANGE PARK, ILLINOIS 60526
SCHOMIG-SURVEY@GLOBALNET
PHONE (708) 352-1452
FAX (708) 352-1454

PARCEL 1: LOT 1 IN CHARLES SCHULZE RESUBDIVISION OF PARTS OF LOT 7 AND 8 IN BLOCK 3 OF THE PLAT OF FULLERSBURGH, IN SECTION 38, NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1956 AS DOCUMENT 611735, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 2 IN BROCKMAN'S RESUBDIVISION OF LOT 8 IN RUCHTY'S RESUBDIVISION OF LOT 7 IN FULLERSBURGH, IN SECTION 38, NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF BROCKMAN'S RESUBDIVISION RECORDED DECEMBER 18, 1957 AS DOCUMENT 886191, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 3: THE NORTHERLY 60 FEET (AS MEASURED ALONG THE EAST LINE AND WEST LINES THEREOF) OF THAT PART OF LOTS 7 AND 8 IN BLOCK 3 OF SAID FULLERSBURGH, AS SHOWN ON THE PLAT THEREOF, THENCE NORTHERLY ALONG A STRAIGHT LINE 228.7 FEET TO AN IRON STAKE ON THE NORTH LINE OF SAID LOT 7, 65.5 FEET EAST OF THE NORTHWEST CORNER THEREOF, THENCE SOUTHERLY ALONG A STRAIGHT LINE 150.3 FEET TO AN IRON STAKE THAT IS 131.50 FEET EAST OF THE WEST LINE OF SAID LOT 8; THENCE SOUTHERLY 79 FEET TO AN IRON STAKE ON THE SOUTH LINE OF SAID LOT 8 THAT IS 54.0 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG A STRAIGHT LINE 68.10 FEET TO THE PLACE OF BEGINNING, IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 38, NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1923 AS DOCUMENT 6172, AND RECORDED APRIL 9, 1929 AS DOCUMENT 277264, IN DU PAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 722-728 NORTH YORK ROAD
AREA 30.144 SQ. FT.



THE CUSTOMER LISTED BELOW PROVIDED THE LEGAL DESCRIPTION SHOWN HEREON. WE DO NOT GUARANTEE THAT THIS IS THE CORRECT LEGAL DESCRIPTION FOR THE TRANSACTION INTENDED.

IMPORTANT: COMPARE LEGAL DESCRIPTION TO DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY FOR CLARIFICATION OR CORRECTION AND, UNLESS OTHERWISE NOTED, THE FIELD WORK WAS COMPLETED PER SURVEY DATE LISTED BELOW.

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SURVEY DATE: NOVEMBER 23, 2010
BUILDING LOCATED: NOVEMBER 23, 2010
ORDERED BY: KIM BROCKMAN
PLAT NUMBER: 101175; FC 2424, 108-140 SCALE: 1" = 20'



STATE OF ILLINOIS } ss.
COUNTY OF COOK }
WE, SCHOMIG LAND SURVEYORS, LTD., AS AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYOR CORPORATION, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AFFIXED TO THIS PLAT.

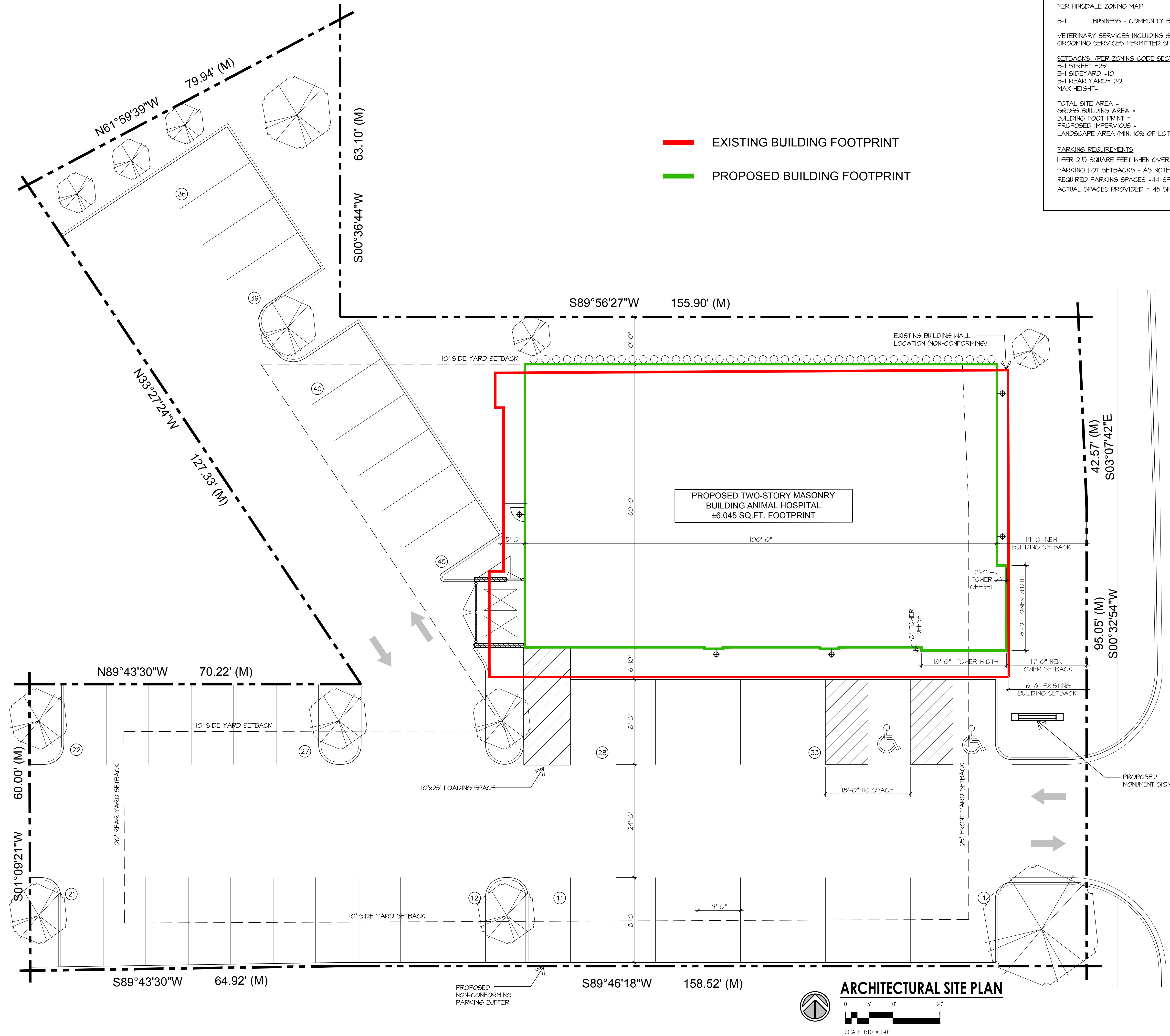
ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT. DIMENSIONS SHOWN IN FEET AND DECIMAL PARTS OF A FOOT, UNLESS OTHERWISE NOTED, ARE ASSUMED, AND SHOWN TO INDICATE ANGULAR RELATIONSHIP OF LOT LINES.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

L.P. = IRON PIPE FENCE
W.F. = WOOD FENCE
B.L. = BUILDING LINES
P.U. = BUILDING EASEMENT
D.E. = DRAINAGE EASEMENT

BY: *Russell W. Schomig*
PROFESSIONAL ILLINOIS LAND SURVEYOR LICENSE # 035-002446

P:\2015\05\0101\Drawing\Architectural\Architectural\Architectural.dwg, 6/9/2017 12:39 PM, A-0.1



ZONING	
PER HINSDALE ZONING MAP	
B-1	BUSINESS - COMMUNITY BUSINESS DISTRICT
VETERINARY SERVICES INCLUDING GROOMING PERMITTED IN B3 ONLY GROOMING SERVICES PERMITTED SPECIAL USE IN B2	
SETBACKS (PER ZONING CODE SECTION 5-110)	
B-1 STREET = 25'	
B-1 SIDEYARD = 10'	
B-1 REAR YARD = 20'	
MAX HEIGHT =	2 STORIES - 30'-0"
TOTAL SITE AREA = 30,144 S.F. / .64 ACRES	
GROSS BUILDING AREA = 12,090 SF	
BUILDING FOOT PRINT = 6,045 SF	
PROPOSED IMPERVIOUS = 24,300 SF	
LANDSCAPE AREA (MIN. 10% OF LOT AREA-3,014 SF)	5,650 SF
PARKING REQUIREMENTS	
1 PER 275 SQUARE FEET WHEN OVER 10,000 SQ.FT.	
PARKING LOT SETBACKS - AS NOTED	
REQUIRED PARKING SPACES = 44 SPACES	
ACTUAL SPACES PROVIDED = 45 SPACES	



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INTERIOR ARCHITECTURE
LANDSCAPE ARCHITECTURE
10100 ORLAND PARKWAY, SUITE 110
ORLAND PARK, ILLINOIS 60467
P: 708.799.4400 F: 708.799.4434
WWW.LINDENGROUPINC.COM

RWE MANAGEMENT
COMPANY
18 W 341 S. Frontage Rd., Suite 106
Burr Ridge, IL 60527
(630) 734-0883
JASON@RWE.COM

HINSDALE ANIMAL HOSPITAL
724 N. YORK ROAD
HINSDALE, IL 60521

DATE	DRAWN	DESCRIPTION
11-17-2016	BH	OWNER REVIEW
11-29-2016	BH	ZONING REVIEW
12-20-2016	BH	ZONING MEETING

2015-0101
PROJECT NUMBER

FILE NUMBER
6-9-2017
DATE

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ARCHITECTURAL
SITE PLAN

SHEET NAME
A-0.1
SHEET
OF

PRELIMINARY



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



SOUTH-EAST PERSPECTIVE

ELEVATION KEY NOTES	
1	BRICK VENEER
2	CAST STONE
3	4" CAST STONE BAND OR CAP
4	8" CAST STONE BAND
5	COMPOSITE METAL PANELS, COLOR: MEDIUM GRAY
6	METAL COPINGS, COLOR: MEDIUM GRAY
7	METAL BRACKETS, DECORATIVE, COLOR: MEDIUM GRAY
8	METAL ANCHORS, COLOR: MEDIUM GRAY
9	EXTERIOR LIGHTING FIXTURE
10	SCREENING FOR ROOFTOP EQUIPMENT



WEST ELEVATION



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LAND PLANNING
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10100 ORLAND PARKWAY SUITE 110
ORLAND PARK, ILLINOIS 60467
P:708.799.4400 F:708.799.4434
WWW.LINDENGROUPINC.COM

RWE MANAGEMENT
COMPANY
18 W 361 S. Frontage Rd., Suite 106
Burr Ridge, IL 60527
(630) 724-0863
JACOB@RWE.COM

HINSDALE ANIMAL HOSPITAL
724 N. YORK ROAD
HINSDALE, IL, 60521

DATE	DESCRIPTION
11-17-2016	OWNER REVIEW
11-29-2016	ZONING REVIEW
12-20-2016	ZONING MEETING

2015-0101
PROJECT NUMBER

FILE NUMBER
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ELEVATIONS AND
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P:708.799.4400 F:708.799.4434
WWW.LINDENGROUPINC.COM

RWE MANAGEMENT
COMPANY

16 W 361 S. Frontage Rd., Suite 106
Burr Ridge, IL 60527
(630) 734-0883
JACOB@RWE.COM

HINSDALE ANIMAL HOSPITAL

724 N. YORK ROAD
HINSDALE, IL 60521

DATE DESCRIPTION
OWNER REVIEW
ZONING REVIEW
ZONING MEETING

DATE DRAWN BY
11-17-2016 BH
11-29-2016 BH
12-20-2016 BH

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PROJECT NUMBER

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ORLAND PARK, ILLINOIS 60467
P:708.799.4400 F:708.799.4434
WWW.LINDENGROUPINC.COM

RWE | MANAGEMENT COMPANY

6 W 361 S. Frontage Rd., Suite 106
Bismarck, ND 58507

(630) 734-0883

JOURNAL OF MANAGEMENT INQUIRY

CHINSDALE ANIMAL HOSPITAL

724 N. YORK ROAD

HINSDALE II 60521

DATE	DRAWN	DESCRIPTION
11-17-2016	BH	OWNER REVIEW
11-29-2016	BH	ZONING REVIEW
12-20-2016	BH	ZONING MEETING

2015-0101

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FIRST FLOOR PLAN

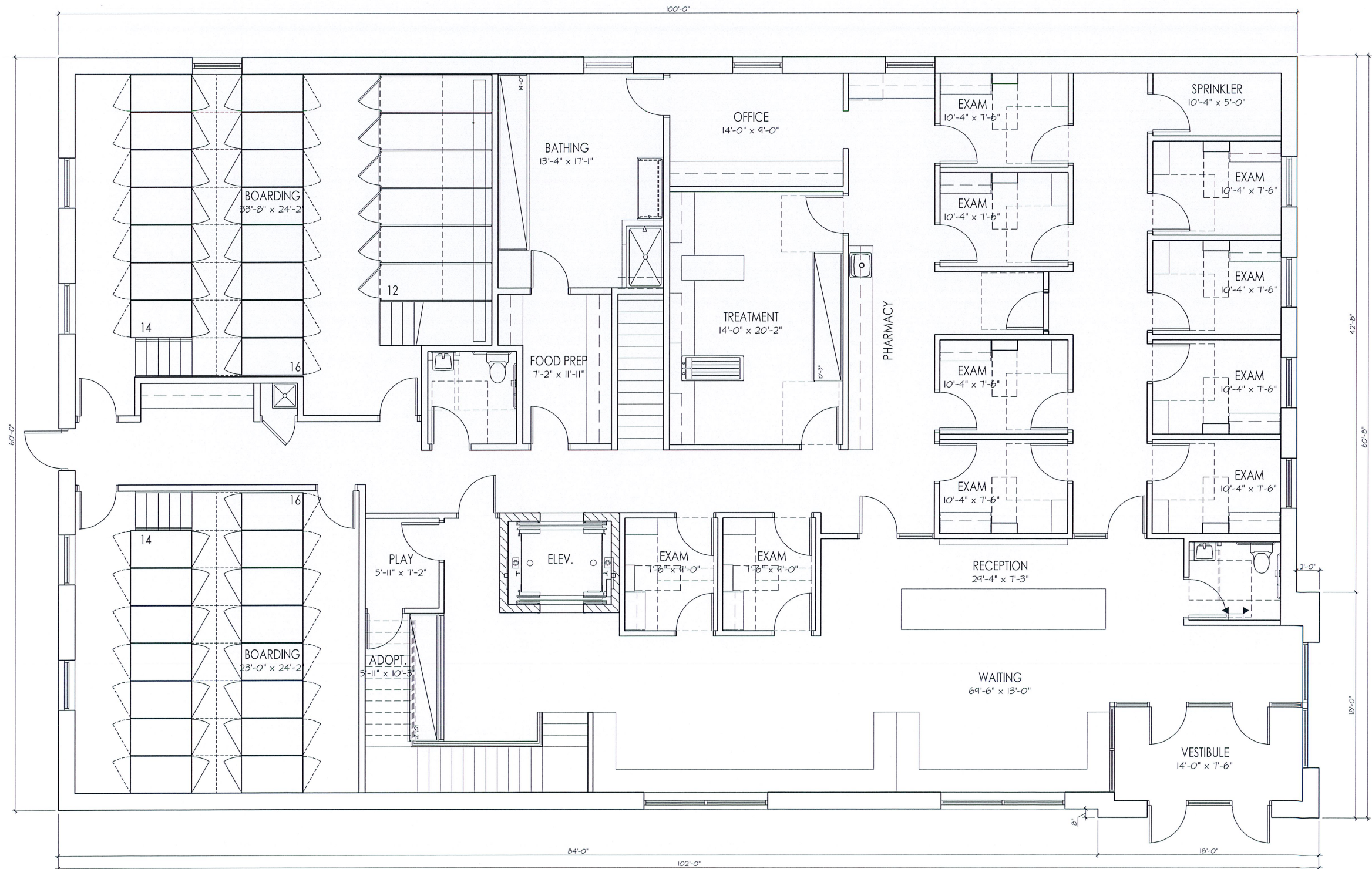
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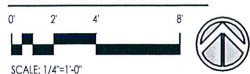
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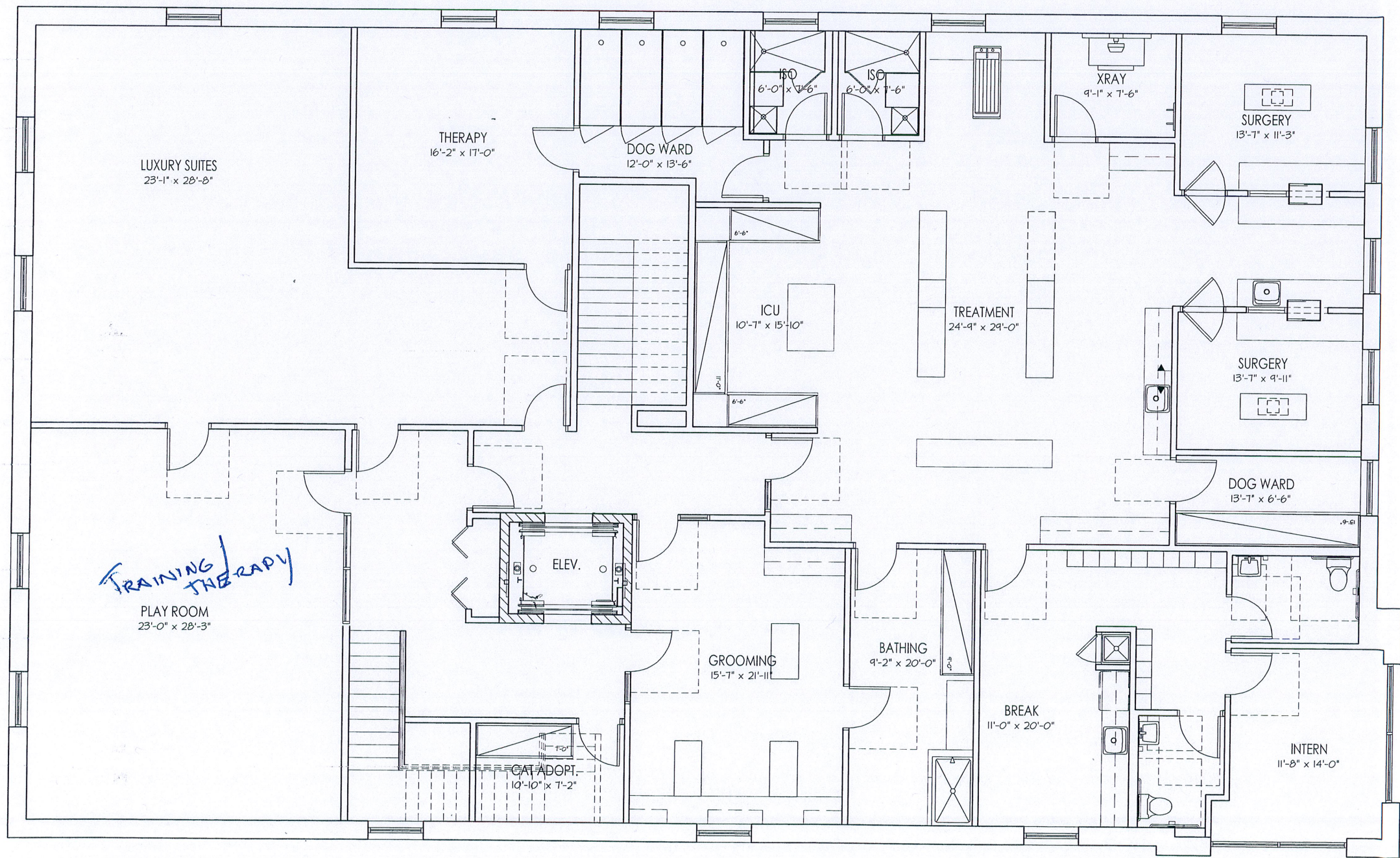
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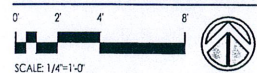


FIRST FLOOR PLAN





SECOND FLOOR PLAN



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10100 ORLAND PARKWAY, SUITE 110
ORLAND PARK, ILLINOIS 60467
P: 708.799.4400 F: 708.799.4434
WWW.LINDENGROUPINC.COM

RWE MANAGEMENT
COMPANY

16 W 361 S. Frontage Rd., Suite 106
Burr Ridge, IL 60527
(630) 734-8883
JANDREW@RWE.COM

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724 N. YORK ROAD
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DATE	DRAWN	DESCRIPTION
11-17-2016	BH	OWNER REVIEW
11-29-2016	BH	ZONING REVIEW
12-20-2016	BH	ZONING MEETING

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SECOND FLOOR PLAN

SHEET NAME

A-2.0
SHEET

Attachment 1

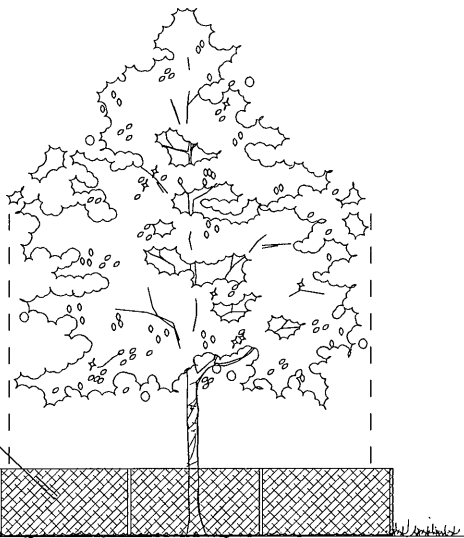
NOTES:

- Existing tree location are based upon site observations and are approximate. Actual tree locations to be determined by Surveyor.
- Tree identification was performed during the winter months. As a result, tree health and species was hard to determine.
- Grading and construction equipment shall be forbidden from encroaching within the drip line of a tree designated for preservation. The drip line area is the ground area under a tree canopy from the trunk to the outer most branches.
- Crushed limestone and other materials detrimental to trees shall not be placed or stored within the drip line of any tree designated for preservation, nor at any higher location where drainage toward the tree could affect its health.
- Snow fencing shall be installed at the periphery of the trees drip line and maintained throughout the entire project.
- Tree trunks and branches shall be protected when construction must occur within the tree drip line area.
- In the event that underground utilities lines are proposed within ten feet (10') of the trunk of a tree, auguring of the utility line should be considered.

ALL EXISTING LANDSCAPING NOTED FOR PRESERVATION, SHALL BE PROTECTED DURING CONSTRUCTION VIA PLASTIC SAFETY FENCING. FENCING SHALL BE 4' HIGH AND ATTACHED TO STEEL DRIVEN POSTS SET NO FARTHER THAN 8' O.C. IT SHALL BE INSTALLED AT THE PERIPHERY OF THE DRIP LINE OF EXISTING PLANT MATERIAL OR BEYOND TO PREVENT STORAGE OF VEHICLES OR MATERIALS AND THE ENCROACHMENT OF GRADING AND CONSTRUCTION EQUIPMENT.

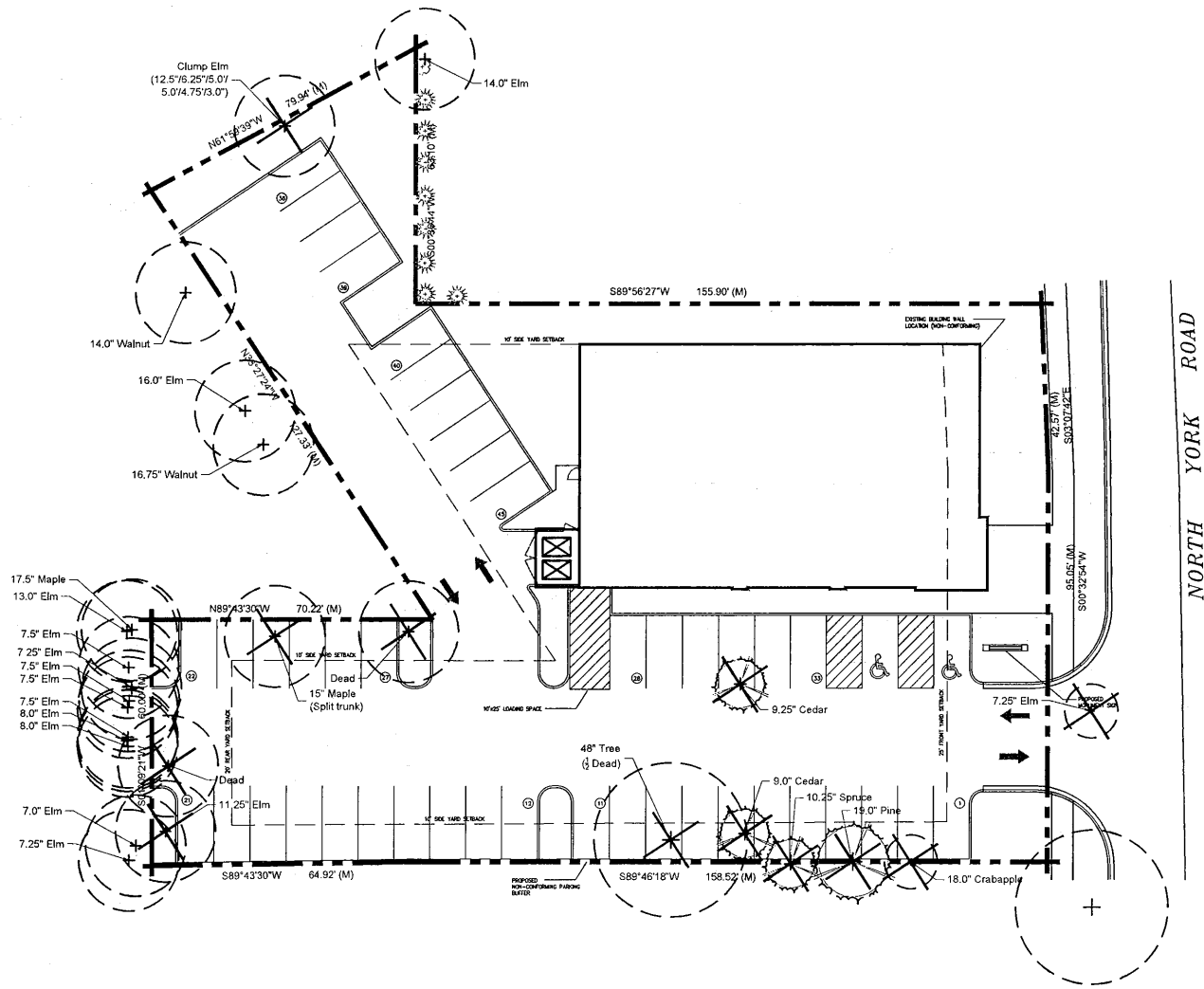
CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES-PREVENTING COMPACTION OF ROOT SYSTEMS OF EXISTING TREES AND SHRUBS. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.

ORANGE POLYETHYLENE SAFETY FENCING
PLACED AT OR BEYOND DRIP-LINE



TREE PRESERVATION DETAIL

NTS



SCALE 1" = 20'

CALL
JULIE
48 HOURS

BEFORE YOU DIG
1-800-892-0123
TOLL FREE
Operates 24 Hours
Every Day



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REVISIONS

Final Plan	1/23/17

RWE
MANAGEMENT COMPANY
16 W 361 S. Frontage Rd.
Burr Ridge, IL 60527
Phone: (630)-734-0883
Fax: (630)-734-0884
E Fax: (270)-682-0883

HINSDALE ANIMAL HOSPITAL
724 N. YORK ROAD
HINSDALE, IL.

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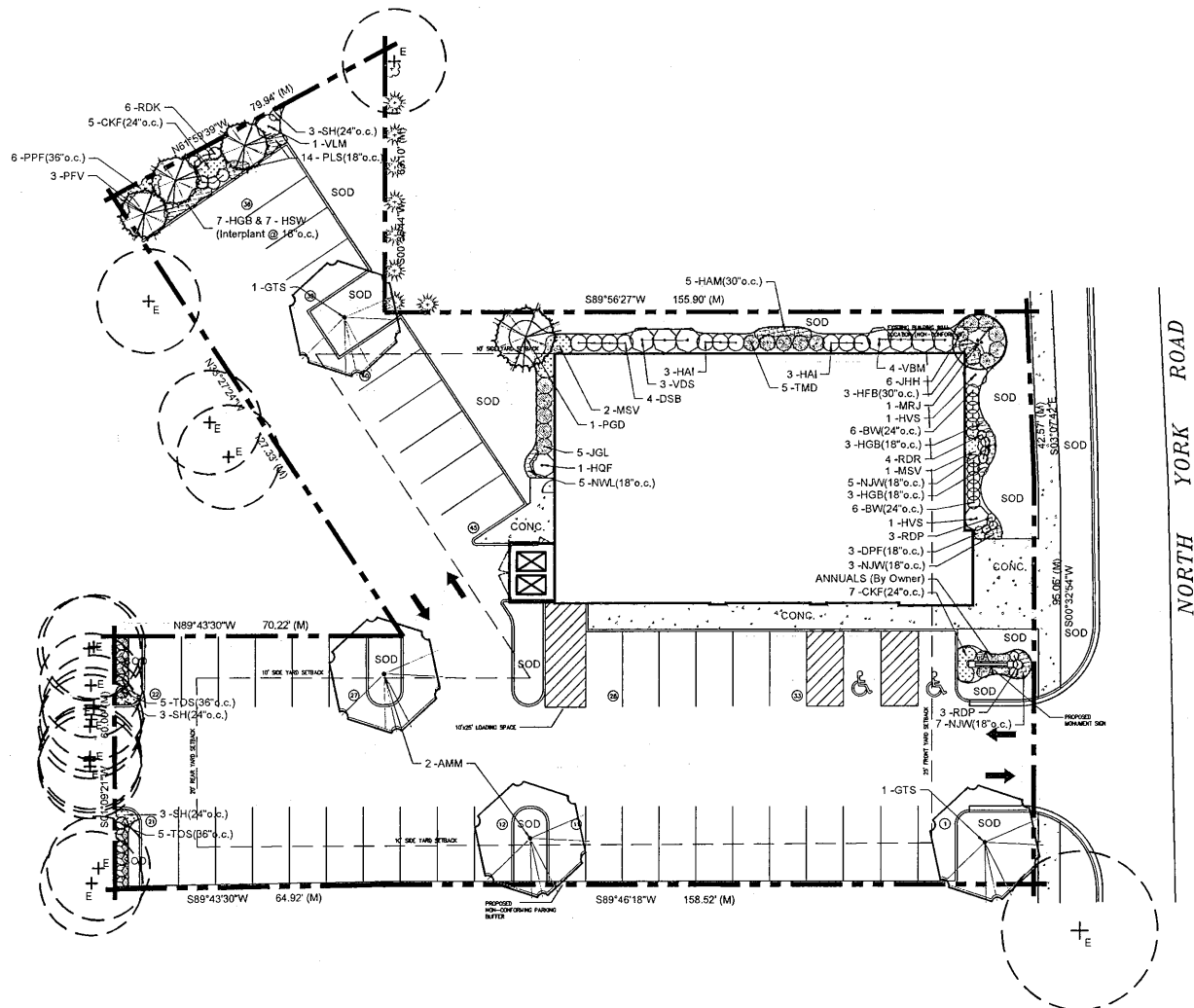
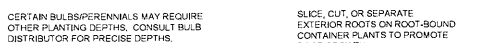
Landscape Architecture
Park & Recreation Design
Site & Community Planning
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TREE
PRESERVATION
PLAN

PROJECT NO.: JOB NO.:
L3016 8925A

DATE: 12/29/16
SCALE: 1"=20'
PLANNER: RM
DRAWN BY: RM
CHECKED: _____

SHEET
TP-1
Attachment 1



All plant material shall be guaranteed for one (1) year from the date of acceptance.

<u>QTY</u>	<u>ITEM</u>	<u>DESCRIPTION</u>
125 CY	Imported Soil	6" Topsoil (By Excavating Contractor)
525 SY	Sod	Kentucky Bluegrass Blend (mineral base)
12 CY	Mulch	Shredded Hardwood Bark
2 CY	Mulch	Compost (Yard Waste or Mushroom)

411 H

1.1



SCALE 1" = 20'

A horizontal scale bar with alternating black and white segments. It is marked with '0' at the left end, '20' in the middle, and '40' at the right end. The text 'SCALE 1" = 20\'' is centered above the bar.

CALL
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1-800-892-0123
TOLL FREE
Operates 24 Hours
Every Day

SHEET

L-1

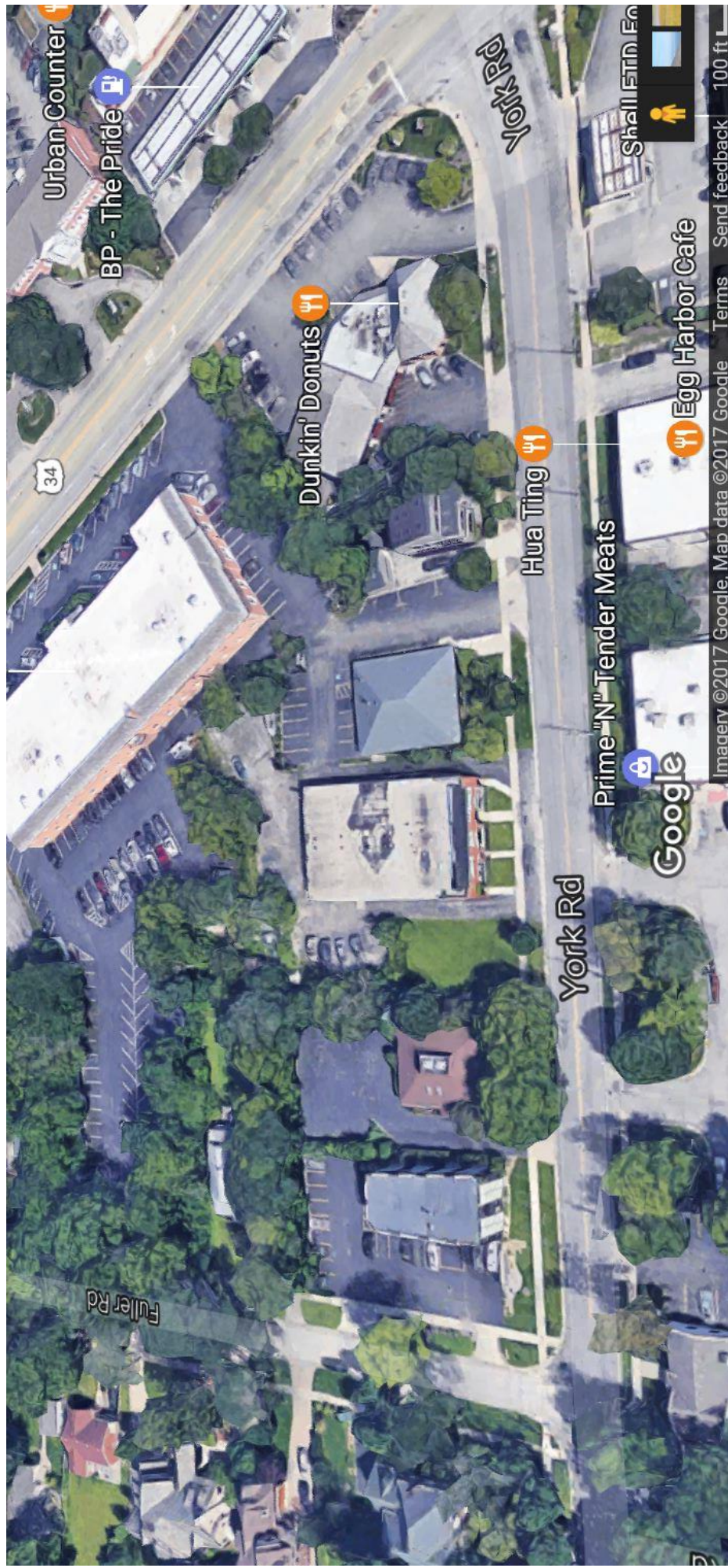
Attachment

Attachment 2: Aerial Parcel Map of 722-24 N. York Road

Please Note: 722-724 N. York Rd. was rezoned to B-1 in 2011 (O2011-12)



Attachment 3: Birds Eye View of 722-724 N. York Road (facing west)



**FINDINGS OF FACT AND RECOMMENDATION OF THE
VILLAGE OF HINSDALE ZONING BOARD OF APPEALS TO
THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

ZONING CASE NO. **V-02-17**

APPLICATION: **For Certain Variations Relative to Construction of a new Commercial Building for use as an Animal Hospital at 724 N. York Road, Hinsdale, Illinois.**

PETITIONER: **Anthony Kremer, d/b/a Hinsdale Animal Hospital**

PROPERTY OWNER: **Purchase of the Property by Petitioner is pending**

PROPERTY: **724 N. York Road, Hinsdale, Illinois (the “Property”)**

HEARING HELD: **Wednesday, April 19, 2017, at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.**

SUMMARY OF REQUEST AND RECOMMENDATION: The Village of Hinsdale has received a request from Anthony Kremer, d/b/a Hinsdale Animal Hospital (the “Applicant”) for certain variations relative to the proposed construction of a new commercial building (the “New Building”) to be used as an animal hospital on the Property, located in the B-1 Community Business Zoning District at 724 N. York Road (the “Application”). The Applicant has requested variations to the following Sections of the Zoning Code of the Village of Hinsdale (“Zoning Code”):

- Section 5-110 of the Zoning Code to allow a floor area ratio of .40 as opposed to the maximum floor area ratio of .35 allowed in a B-1 District;
- Section 9-107.A.1. to waive the ten (10) foot parking lot landscape buffer requirement.

Collectively, these two (2) variation requests shall be referred to herein as the “Requested Variations.”

In addition to the Requested Variations, three (3) additional variations over which the Zoning Board of Appeals of the Village of Hinsdale (“ZBA”) has final authority were sought and approved by the ZBA. Those variations were to 1) Section 5-110.A.1.a. of the Zoning Code, to allow a height of thirty-five (35) feet as opposed to the thirty (30) feet allowed in a B-1 District; 2) Section 5-110.C.1.a. of the Zoning Code, to allow a front yard setback of fifteen (15) feet (this was modified to seventeen (17) feet by the ZBA at the Public Hearing) as opposed to the twenty-five (25) feet required in a B-1 District; and 3) Section 9-104.G.2.b. to permit off-street parking in a required front yard (together, these three (3) variations are the “Additional Variations” and, collectively with the Requested Variations, the “Variations”). The approval by the ZBA of the Additional Variations is detailed in a separate Final Decision of the ZBA.

On April 19, 2017, following the conclusion of the public hearing on this matter, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") recommended approval of the Requested Variations on a vote of five (5) in favor, and zero (0) opposed.

PUBLIC HEARING: At the combined public hearing on the Variations, the Applicant and a representative of the Applicant testified in support of the Variations. They described the challenges posed by the unusual shape of the Property. They had originally proposed preserving certain walls of the existing building, but the Village Board had indicated a preference for a new building on the Property. The height variation relates only to a tower that was incorporated into the building design based on the Board of Trustee's request for an element that would create architectural interest. The requested front yard setback is similar to that of the existing building and is driven by the odd shape of the Property. The footprint of the new proposed building is actually slightly smaller than that of the existing building. They are doing their best to utilize the odd-shaped lot. While the Applicant is requesting a small floor area ratio variation, the proposed floor area ratio would be compliant if the Property had the same zoning designation as the adjacent lot; the Property had been rezoned by a previous owner. The possibility of barking dogs was discussed; the building will be designed in the back half to limit the ability of dogs to be heard in the front half of the building and outside. The closest neighbors will be further away from the building at the Property than they are at the present site of the animal hospital. They are proud of their record on being a good neighbor and in designing buildings that minimize the noise heard outside. The setback for the parking lot is designed to match the fifteen (15) foot building set back and to maximum use of the lot for parking purposes. The elimination of the required landscape buffer is driven by the odd shape of the lot and will allow a double-loaded parking aisle to run to the back of the Property. The impact of traffic is lessened by the unique hours of the proposed hospital (7:00 a.m. to 8:00 p.m.). Required parking is forty-four (44) spaces and the proposed parking at this point is forty-five (45) spaces.

There being no further questions or members of the public wishing to speak on the application, the Public Hearing was closed.

The ZBA then deliberated and, following motions and seconds on each of the Requested Variations, recommended approval of the Requested Variations on a vote of five (5) in favor, and zero (0) opposed.

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variations:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*
2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or*

nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. All members agree that the Property is an irregular, oddly-shaped lot that presents difficult and unique conditions and challenges relative to creating a viable commercial use with parking on the site. The odd-shape is a primary driving force behind the various Variations requested.

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid.* The irregularity of the shape of the Property is not self-created. The need for certain variations, including the floor area ratio variation, was caused by the rezoning of the Property by a previous owner, which resulted in more restrictive bulk standards.

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.* In this case, requiring the Applicant to conform to the provisions of the Zoning Code for which relief is sought would severely limit the ability to, among other things, provide adequate on-site parking or to make commercially viable use of the Property.

5. *Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.* The ability to maintain adequate on-site parking and to site a new commercial building on this oddly-shaped lot are not special privileges. The Variations are not sought to make more money from use of the Property, but are instead sought in order to make a viable commercial use of the Property. The Property, due to its rezoning by a previous owner, has a different floor area requirement than the adjacent properties with a different zoning designation.

6. *Code And Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.* The ZBA found this standard to have been met.

7. *Essential Character Of The Area: The variation would not result in a use or development on the subject property that:*

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The granting of the Variations will allow the development of the oddly-shaped Property with a brand new commercial building that is visually interesting, commercially viable, and that has adequate on-site parking. The impacts on adjacent properties will be minimal; animal noise will be minimized by the noise-deadening design of the back half of the building. Traffic impacts would be minimal, as visitors will be spread out over the extended hours of the facility, and on weekends. On-site parking is anticipated to be adequate to serve the facility. The proposed building will replace an existing building, and utilities are already in place. The Variations will not endanger the public health or safety.

8. *No Other Remedy: There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.* This standard has been met. Without the Variations, the building would have to be significantly smaller and would be unable to meet parking requirements.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a vote of five (5) in favor and zero (0) opposed, recommends to the President and Board of Trustees that the following Requested Variations relative to the proposed construction of the New Building to be used as an animal hospital on the Property, located in the B-1 Community Business Zoning District at 724 N. York Road, be GRANTED:

- **A Variation from Section 5-110 of the Zoning Code to allow a floor area ratio of .40 as opposed to the maximum floor area ratio of .35 allowed in a B-1 District;**
- **A Variation from Section 9-107.A.1. to waive the ten (10) foot landscape buffer requirement.**

Signed: _____
Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____