



MEETING AGENDA

PLAN COMMISSION
Wednesday, May 10, 2017
7:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)

1. CALL TO ORDER

2. MINUTES - Minutes of April 12, 2017

3. SIGN PERMIT REVIEW

- a) Case A-17-2017 – 12 E. Hinsdale Ave. – Hinsdale Wine shop – Project Sign Permit application in the Historic Downtown District.
- b) Case A-18-2017 – 8 W. Hinsdale Avenue – County Line Audio Video – 3 Wall Sign Permit applications in the Historic Downtown District.

4. MAJOR ADJUSTMENT TO EXTERIOR APPEARANCE/SITE PLAN

- 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.

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-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.
- b) 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.

6. SCHEDULE OF PUBLIC HEARING - No discussion will take place except to determine a time and date of hearing

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

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
April 12, 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 Krillenberger, Commissioner Fiascone, Commissioner Unell, Commissioner Crnovich

ABSENT: Commissioner Ryan, Commissioner McMahon

ALSO PRESENT: Chan Yu, Village Planner
Applicant Representatives for Case: A-09-17 and A-13-17

Approval of Minutes

Chairman Cashman asked for comments on March 8th meeting minutes, no concerns were shared & Chairman Cashman motioned to approve the minutes. The motion was unanimously approved (6-0, 2 absent, 1 abstained).

Findings and Recommendations

Case A-38-2016 – 525-527 W. Ogden Ave. – Kensington School – Text Amendment and Special Use Permit for Child Daycare not operated by/for a Membership Organization and concurrent Exterior Appearance/Site Plan Application. Chairman Cashman asked for comments and concerns relating to this case, none were noted and the Chairman asked for a motion to approve the Findings and Recommendations as submitted. Commissioner Krillenberger motioned to approve, Commissioner Peterson seconded the motion and the Commission unanimously approved the motion (7-0, 2 absent).

Case A-26-2016 – 21 W. Second St. – TinkRworks, LLC – Text Amendment to Section 6-106(B)(7) to include Tutoring and Concurrent Special Use Permit Application to allow tutoring educational services in the O-2 Limited Office District. Chairman Cashman asked for comments and concerns relating to this case, none were noted and the Chairman asked for a motion to approve the Findings and Recommendations as submitted. Commissioner Krillenberger motioned to approve, Commissioner Willobee seconded the motion and the Commission unanimously approved the motion (7-0, 2 absent).

Case A-33-2016 – 534 Chestnut St. – Christine Stec – Text Amendment to Section 6-106(B)(7) to include Tutoring and Concurrent Special Use Permit Application to allow tutoring educational services in the O-2 Limited Office District. Chairman Cashman asked for comments and concerns relating to this case, none were noted and the Chairman asked for a motion to approve the Findings and Recommendations as submitted. Commissioner Unell motioned to approve, Commissioner Crnovich seconded the motion and the Commission unanimously approved the motion (7-0, 2 absent).

Plan Commission Minutes
April 12, 2017

Case A-01-2017 – 17 W. Maple St. – Unitarian Church of Hinsdale – Exterior Appearance and Site Plan for new Windows and roof solar panels on the Unitarian Church of Hinsdale Religious Education Building. . Chairman Cashman asked for comments and concerns relating to this case, none were noted and the Chairman asked for a motion to approve the Findings and Recommendations as submitted. Commissioner Krillenberger motioned to approve, Commissioner Unell seconded the motion and the Commission unanimously approved the motion (7-0, 2 absent).

Schedule of 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 PC scheduled a public hearing for Case A-07-2017 for the May 10, 2017, PC meeting.

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. The PC scheduled a public hearing for Case A-08-2017 for the May 10, 2017, PC meeting.

Sign Permit Review

Case A-09-2017 – 908 Elm Street – AMITA Health – Two (2) Sign Permit applications to construct a new Ground Sign and Wall Sign. Chairman Cashman asked the applicant to step forward and begin the proposal for this case. Mr. Doug Merit, from a company called Icon & representing Amita Health, began the presentation by explaining that a comprehensive approach would be taken for upgrading signs for all Amita facilities in Hinsdale. Mr. Merit addressed the PC by stating that no wall sign currently exists at this facility, Amita occupies 36% of the floor space at this location and the wall sign would provide way finding and match the materials and the theme of the overall property. The wall sign would be white in color with blue to match the shade of blue found in other Amita signs in Hinsdale. Mr. Merit went on to discuss the ground sign blending in with the color and material of primary building at this location as well as the color theme of the Amita signs at other Hinsdale locations.

The PC shared concerns of the sign being too tall and requested a one foot reduction in height of the ground sign. Mr. Merit was agreeable to reducing the height of the sign to 7 feet (from the original 8 foot height). Chairman Cashman shared his concerns of the location of the sign & the aesthetics of the sign. Mr. Merit was agreeable to an 8 inch sign cap (4 inch increase) and a cast stone base requested. Chairman Cashman shared his concerns that after a visit to the location, he felt the proposed location of the sign posed a safety hazard because it obstructed the line of sight for traffic and requested the sign be re-located and updated plans be submitted to conform to the 100 foot sight distance triangle described in the code. Chairman Cashman also requested the updated plan with newly re-located sign be evaluated by the Police Chief to ensure all traffic obstructions were eliminated. Mr. Merit was agreeable to these requests.

A motion was made and seconded to recommend approval with conditions to submit a revised ground sign site plan with a 100' sight distance triangle (review with Police Chief too regarding line of sight), exhibit showing a 7-foot height (1' reduction), 8-inch sign cap (4" increase), and cast stone base. The motion was unanimously approved 7-0 (2 absent).

Plan Commission Minutes

April 12, 2017

With no comments or questions about the wall sign, Chairman Cashman requested a motion to approve the wall sign application as submitted. Commissioner Crnovich motioned, Commissioner Peterson seconded and the PC unanimously approved the motion 7-0 (2 absent).

Case A-13-2017 – 25 W. Chicago Avenue – Baird & Warner – Sign Permit application to re-face a legal nonconforming Ground Sign.

Gary Stephens, VP of Sales for Baird & Warner Real Estate, described the process of changing the panels of the existing ground sign to read Baird & Warner (from Brush Hill). It was stated that all other parts of the sign would remain unchanged and the current wall sign would be removed to comply with allowable square footage of signage.

The PC had concerns about allowing the non-conforming ground sign to remain due to a change in ownership. The zoning ordinance, Section 10-106(F)(3), states that non-conforming signs will be removed when a change of ownership occurs. After considering correspondence and research of the business partnership status between Baird & Warner and Brush Hill, the PC determined a change of ownership had taken place, requiring the removal of the non-conforming ground sign.

Chairman Cashman suggested the applicant work on a new wall sign application the is code compliant for the potential of being administratively approved, allowing the Baird and Warner name to be visible as the process of a conforming ground sign occurs. After considering the aspects of the suggested course of action, Mr. Stephens and the PC felt a continuance, rather than a withdrawal of the application, was the best course of action. The PC unanimously continued the application to review the outcome at the May 10th meeting, 7-0 (2 absent).

Adjournment

The meeting was adjourned at 8:15 PM, after a unanimous vote (7-0, 2 absent) to adjourn the meeting.

Respectfully Submitted,
Jennifer Spires, Community Development Secretary




MEMORANDUM

DATE: May 10, 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: 12 E. Hinsdale Avenue – Hinsdale Wine Shop (Historic Downtown District)
1 New Blade Sign

Summary

The Village of Hinsdale has received an application from Hinsdale Wine Shop requesting approval to install a new Code compliant blade sign at 12 E. Hinsdale Avenue. Hinsdale Wine Shop is in the B-2, Central Business District, and within the Historic Downtown District boundary.

Request and Analysis

The proposed blade sign is non-illuminated, has 3 colors and doubled faced. The blade sign bracket projects 2 feet from the building face and the bottom of the sign is 8 feet from grade. The blade sign is 18 inches tall by 15 inches long, which is approximately 1.9 square feet and under the 3 square feet limit. Given the above, the requested blade sign is Code compliant.

Process

Per Section 11-607(D) and the nature of the request, this application would require a meeting before the Plan Commission (PC) and does not require public notification. Per municipal code Section 14-5-1(B), the Historic Preservation Commission (HPC) shall review signage in the Historic District. The final decision of the HPC shall be advisory only. The PC maintains final authority on signage with no further action required by the Board of Trustees.

Attachments:

- Attachment 1 – Sign Application and Exhibit
- Attachment 2 - Zoning Map and
- Attachment 3 - Street View of 12 E. Hinsdale Avenue



VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN PERMIT

Applicant

Name: Hinsdale Wine Shop
Address: 12 E. Hinsdale Ave
City/Zip: Hinsdale 60521
Phone/Fax: (630) 654-9862 /
E-Mail: sean@hinsdalewineshop.com
Contact Name: Sean Chaudhry

Contractor

Name: Maximum Printing
Address: 911 Burlington Ave
City/Zip: Downers Grove 60515
Phone/Fax: (630) 737-0270 /
E-Mail: maxprint@maximumprinting.com
Contact Name: Frank

ADDRESS OF SIGN LOCATION: 12 E. Hinsdale Ave

ZONING DISTRICT: B-2 Central Business District

SIGN TYPE: Projecting Blade Sign

ILLUMINATION None

*Illumination cannot exceed 50 foot-candles as defined in Section 9-106(E)(b)

Sign Information:

Overall Size (Square Feet): 1.875 (1.5 x 1.25)

Overall Height from Grade: 8 Ft.

Proposed Colors (Maximum of Three Colors):

- ① Burgundy
- ② White
- ③ Black

Site Information:

Lot/Street Frontage: _____

Building/Tenant Frontage: _____

Existing Sign Information: Wall Sign

Business Name: Hinsdale Wine Shop

Size of Sign: 12 Square Feet

Business Name: _____

Size of Sign: _____ Square Feet

I hereby acknowledge that I have read this application and the attached instruction sheet and state that it is correct and agree to comply with all Village of Hinsdale Ordinances.

Sean Chaudhry
Signature of Applicant

4/11/2017
Date

James M Baker
Signature of Building Owner

4-11-2017
Date

FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE

Total square footage: _____ x \$4.00 = 0 (Minimum \$75.00)

Plan Commission Approval Date: _____ Administrative Approval Date: _____

24"

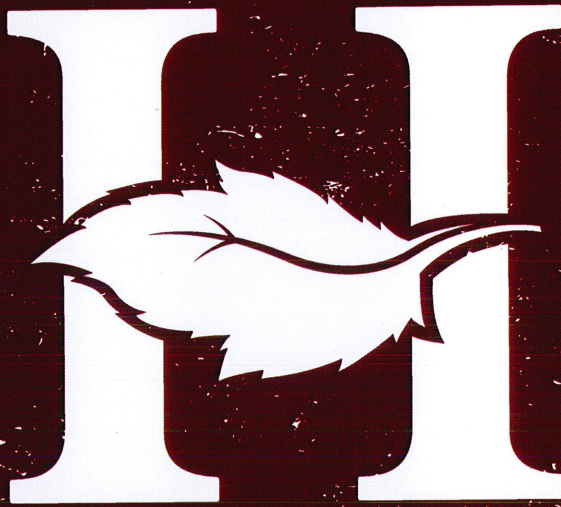
10.25"

WALL FOOTPRINT
11x1.25"

18"

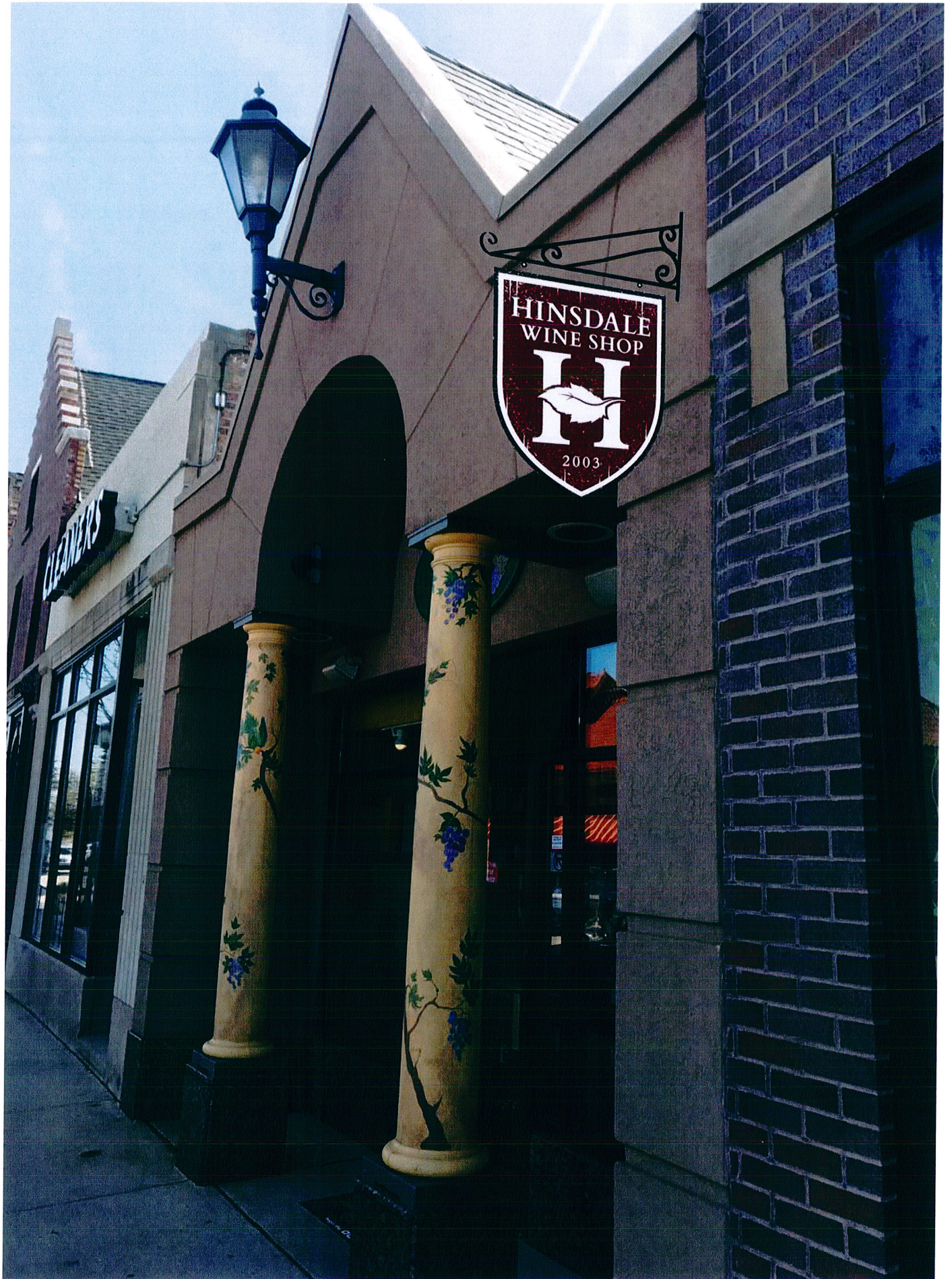
15"

HINSDALE
WINE SHOP

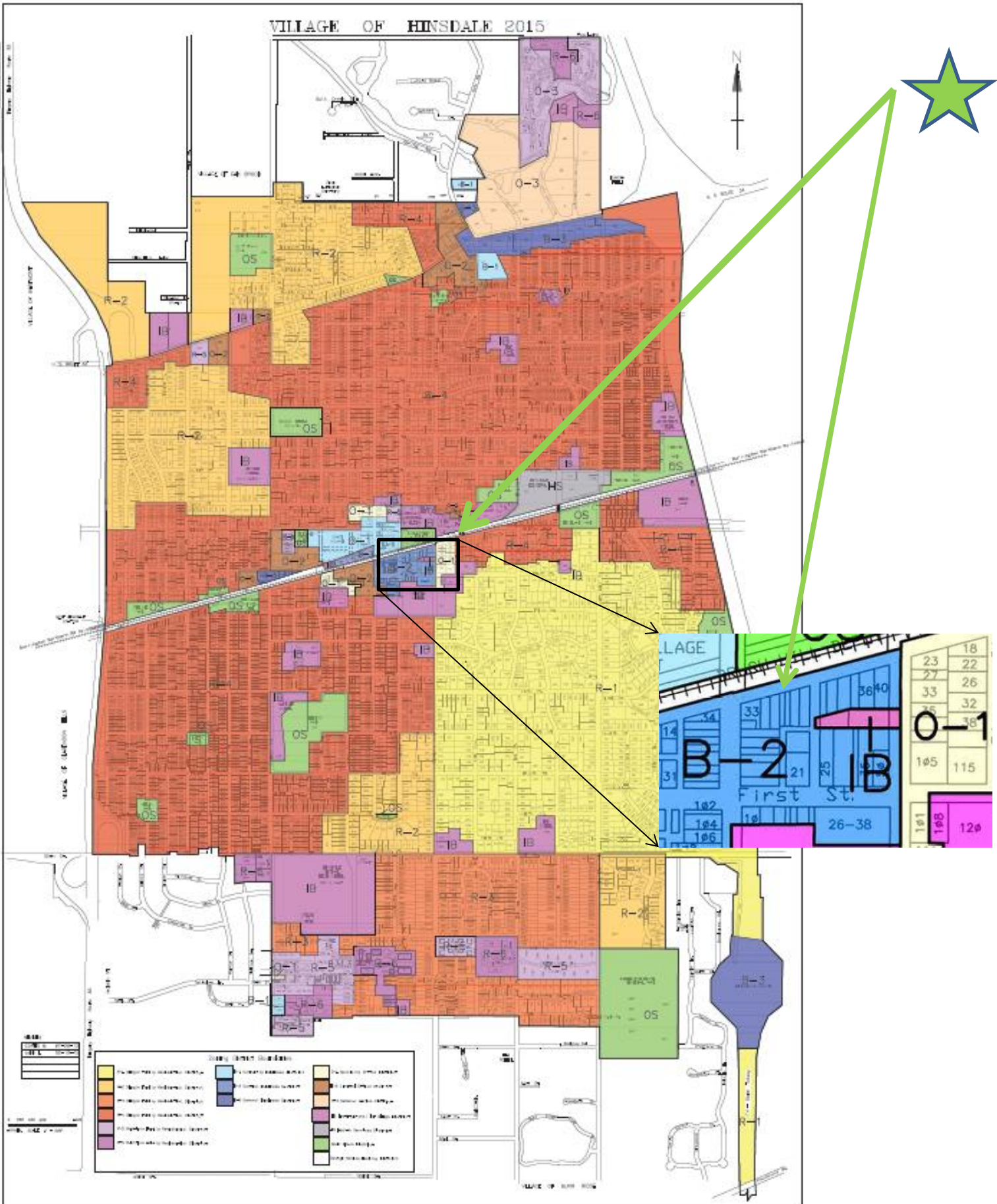


2003





Attachment 2: Village of Hinsdale Zoning Map and Project Location



Attachment 3: Street View of 12 E. Hinsdale Ave. (facing south)
Proposed Sign Location






MEMORANDUM

DATE: May 10, 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: 8 W. Hinsdale Avenue – County Line Audio Video (Historic Downtown District)
3 New Wall Signs (Modification Request for 1 additional wall sign)

Summary

The Village of Hinsdale has received an application from County Line Audio Video requesting approval to install 3 new wall signs at 8 E. Hinsdale Avenue. County Line Audio Video is a new business and locating in the B-2, Central Business District, and within the Historic Downtown District boundary.

Request and Analysis

The proposed 3 wall signs are non-illuminated and only 1 color. There is a large window head that projects slightly from the building face where the applicant is requesting to install the wall signage. It is white, includes a gable in the center, and matches the windows, front door and door frame. Since the gable in the center projects further than the rest of the window head, it splits the signage into 3 parts. To that end, the applicant is requesting a sign modification request for 3 wall signs because the limit is 2 per user.

When facing the building (south on Hinsdale Avenue), the left sign is 18" tall and 110" long for an area of 13.75 square feet (SF). The middle sign is a logo and is 10" tall and 32.5" long for an area of 2.26 SF. The right sign is approximately 10.13" tall and 110" long for an area of 7.74 SF. The combined area of the 3 signs is 23.75 SF and Code compliant. The building frontage length is 35 feet and 10 inches.

Process

Per Section 11-607(D) and the nature of the request, this application would require a meeting before the Plan Commission (PC) and does not require public notification. Per municipal code Section 14-5-1(B), the Historic Preservation Commission (HPC) shall review signage in the Historic District. The final decision of the HPC shall be advisory only. The PC maintains final authority on signage with no further action required by the Board of Trustees.

Attachments:

- Attachment 1 – Sign Applications and Exhibits
- Attachment 2 - Village of Hinsdale Zoning Map and Project Location
- Attachment 3 - Street View of 8 W. Hinsdale Avenue



VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN PERMIT

Applicant

Name: County Line Audio Video
Address: 8 W. Hinsdale Ave.
City/Zip: Hinsdale 60521
Phone/Fax: (857) 682 / 1822
E-Mail: Julie@countylineav.com
Contact Name: Julie Benjamin

Contractor

Name: FAST Signs
Address: 408 75th St.
City/Zip: Downers Grove 60514
Phone/Fax: (630) 984 / 0101
E-Mail: Janet.calahan@fastsigns.com
Contact Name: Janet

ADDRESS OF SIGN LOCATION: 8 W. Hinsdale Ave.

ZONING DISTRICT: Please Select One

SIGN TYPE: Please Select One wall mounted dimensional sign & letters

*Illumination cannot exceed 50 foot-candles as defined in Section 9-106(E)(b)

ILLUMINATION Please Select One NO, N/A

Sign Information:

10x98 > 18x110
6 x 110

Overall Size (Square Feet): 13.74 (x)

Overall Height from Grade: 13'8" Ft.

Proposed Colors (Maximum of Three Colors):

① Black

②

③

(LEFT SIDE)

Site Information:

Lot/Street Frontage:

Building/Tenant Frontage:

Existing Sign Information:

Business Name:

Size of Sign: Square Feet

Business Name:

Size of Sign: Square Feet

I hereby acknowledge that I have read this application and the attached instruction sheet and state that it is correct and agree to comply with all Village of Hinsdale Ordinances.

Julie Benjamin
Signature of Applicant

4-25-17
Date

Richard J. Pouchbark
Signature of Building Owner

4-27-17
Date

FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE

Total square footage: x \$4.00 = 0 (Minimum \$75.00)

Plan Commission Approval Date: Administrative Approval Date:



VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN PERMIT

Applicant

Name: County Wide Audio Video
Address: _____
City/Zip: _____
Phone/Fax: (____) _____ / _____
E-Mail: _____
Contact Name: Julie

Contractor

Name: Fast Signs
Address: _____
City/Zip: _____
Phone/Fax: (____) _____ / _____
E-Mail: _____
Contact Name: _____

ADDRESS OF SIGN LOCATION: 8 W. HINSDALE AVE.

ZONING DISTRICT: Please Select One

SIGN TYPE: Please Select One

ILLUMINATION Please Select One

*Illumination cannot exceed 50 foot-candles as defined in Section 9-106(E)(b)

Sign Information:

Overall Size (Square Feet): 224 (10 x 32.5)

Overall Height from Grade: 13' 8" Ft.

Proposed Colors (Maximum of Three Colors):

- ① Black
② _____
③ _____
(MIDDLE, LOGO)

Site Information:

Lot/Street Frontage: _____

Building/Tenant Frontage: _____

Existing Sign Information:

Business Name: _____

Size of Sign: _____ Square Feet

Business Name: _____

Size of Sign: _____ Square Feet

I hereby acknowledge that I have read this application and the attached instruction sheet and state that it is correct and agree to comply with all Village of Hinsdale Ordinances.

Julie Benjamin
Signature of Applicant

4.25.17
Date

Richard J. Pondevas
Signature of Building Owner

4.27.17
Date

FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE

Total square footage: _____ x \$4.00 = 0 (Minimum \$75.00)

Plan Commission Approval Date: _____ Administrative Approval Date: _____



VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN PERMIT

Applicant

Name: County Line Audio Video
Address: _____
City/Zip: _____
Phone/Fax: () _____ / _____
E-Mail: _____
Contact Name: Julie

Contractor

Name: Fast Signs
Address: _____
City/Zip: _____
Phone/Fax: () _____ / _____
E-Mail: _____
Contact Name: _____

ADDRESS OF SIGN LOCATION: 8 W. HINSDALE AVE.

ZONING DISTRICT: Please Select One

SIGN TYPE: Please Select One

ILLUMINATION Please Select One

*Illumination cannot exceed 50 foot-candles as defined in Section 9-106(E)(b)

Sign Information:

Overall Size (Square Feet): 7.69 (4x110 x 10.125)

Overall Height from Grade: 13' 8" Ft.

Proposed Colors (Maximum of Three Colors):

- ① Black (RIGHT SIDE)
② _____
③ _____

Site Information:

Lot/Street Frontage: _____

Building/Tenant Frontage: _____

Existing Sign Information:

Business Name: _____

Size of Sign: _____ Square Feet

Business Name: _____

Size of Sign: _____ Square Feet

I hereby acknowledge that I have read this application and the attached instruction sheet and state that it is correct and agree to comply with all Village of Hinsdale Ordinances.

Julie Bergani
Signature of Applicant

4-25-17
Date

Richard J. Poudburst
Signature of Building Owner

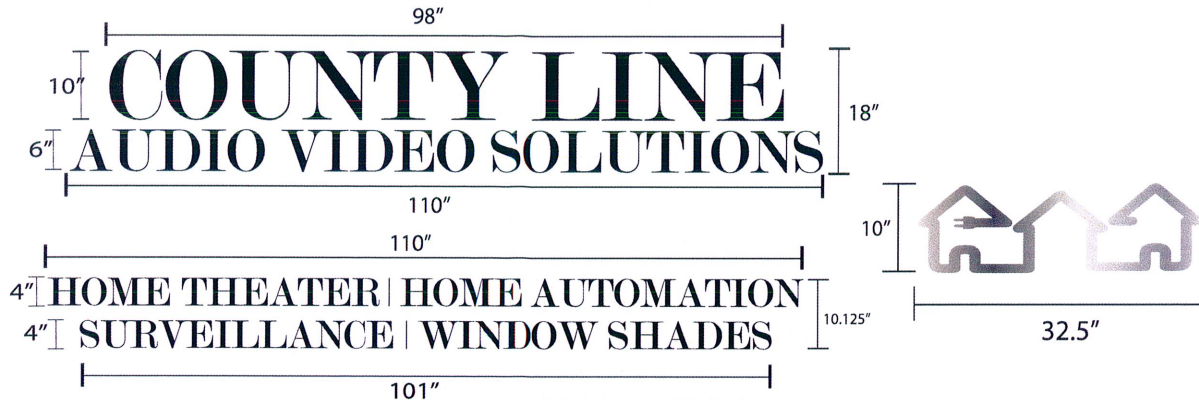
4-27-17
Date

FOR OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

Total square footage: _____ x \$4.00 = 0 (Minimum \$75.00)

Plan Commission Approval Date: _____ Administrative Approval Date: _____

WALL MOUNTED DIMENSIONAL SIGN & LETTERS



23.67 sqft

WALL MOUNTED DIMENSIONAL SIGN & LETTERS

- 1/2 INCH MDX
- FACES PAINTED BLACK
- RETURNS PAINTED BLACK
- SIGN IS BRUSHED ALUMINUM DIBOND
- 3/16 THICKNESS
- STUD MOUNTED
- INSTALL AS SHOWN

DRAWING IS NOT TO SCALE BUT IS PROPORTIONATE

LANDLORD
OR AGENT
SIGNATURE
HERE

Please sign & return drawing to **FASTSIGNS**
Signature below indicates approval of BOTH design & placement of sign

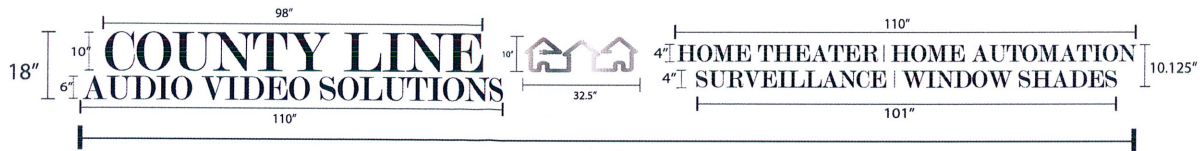
X

DATE

FIELD VERIFY ALL MEASUREMENTS
BEFORE BEGINNING ANY WORK.
INSTALLER TO VERIFY MOUNTING
SURFACE PRIOR TO INSTALLATION.

FASTSIGNS Sign & Graphic Solutions Made Simple DOWNERS GROVE	
ACCOUNT: COUNTY LINE AV	
FILE: 1488	
REPRESENTATIVE:	
ADDRESS: 8 W HINSDALE HINSDALE, IL 60521	
ORIGINAL DRAWING DATE: 3/24/2017	
DRAWING NUMBER: 1 of 1	SCALE: NTS
REV. #1 BY:	REV. DATE:
REVISION NOTES:	
REV. #2 BY:	REV. DATE:
REVISION NOTES:	
REV. #3 BY:	REV. DATE:
REVISION NOTES:	
NOTES:	
DRAWN BY: E. Vazquez	
REVISED BY:	
THIS DRAWING IS THE PROPERTY OF FASTSIGNS INTERNATIONAL, INC. THE BORROWER AGREES, IT SHALL NOT BE REPRODUCED, COPIED OR DISPOSED OF, DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION.	

WALL MOUNTED DIMENSIONAL SIGN & LETTERS



DRAWING IS NOT TO SCALE BUT IS PROPORTIONATE

**LANDLORD
OR AGENT
SIGNATURE
HERE**

Please sign & return drawing to **FASTSIGNS**
Signature below indicates approval of BOTH design & placement of sign

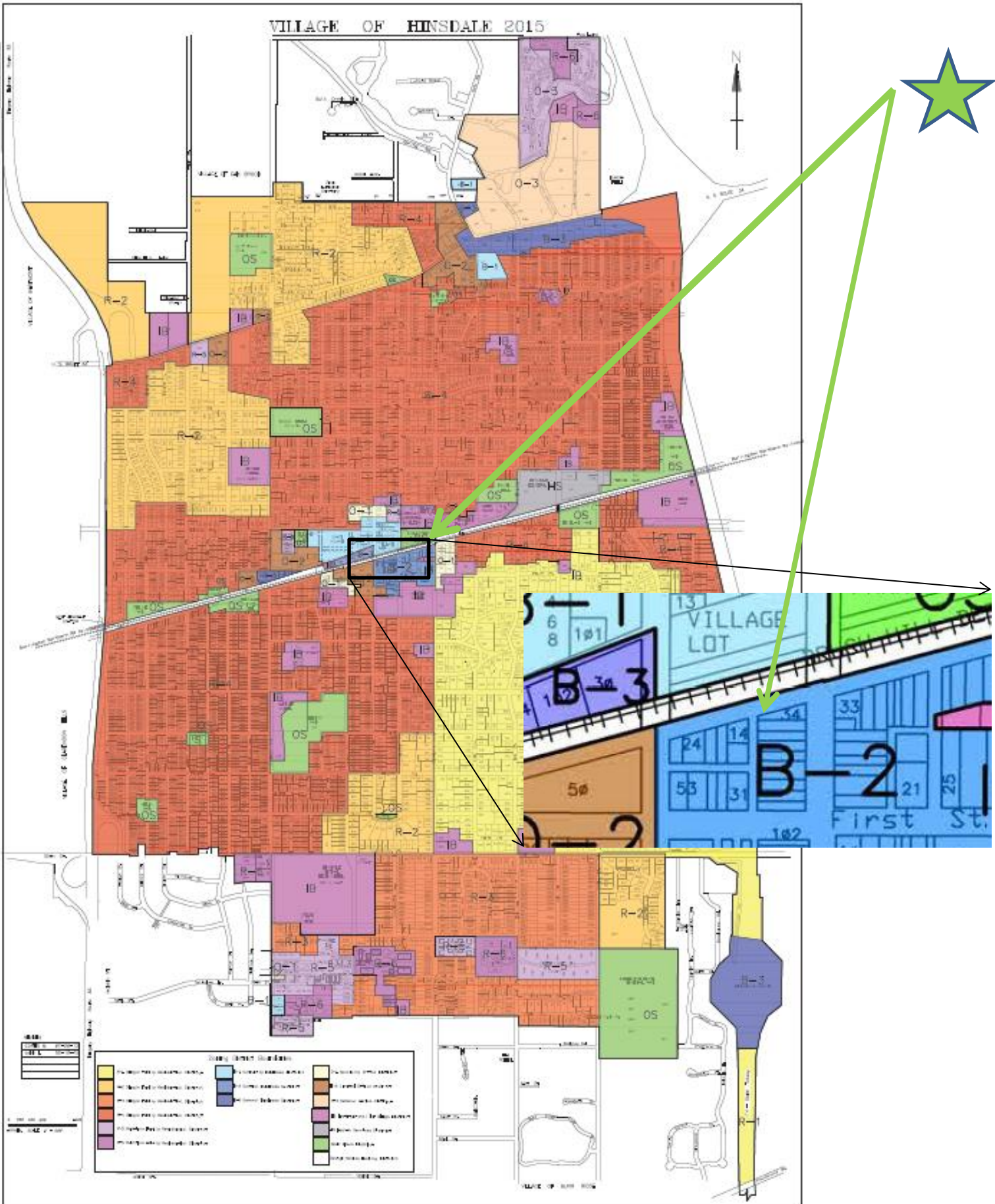
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DATE

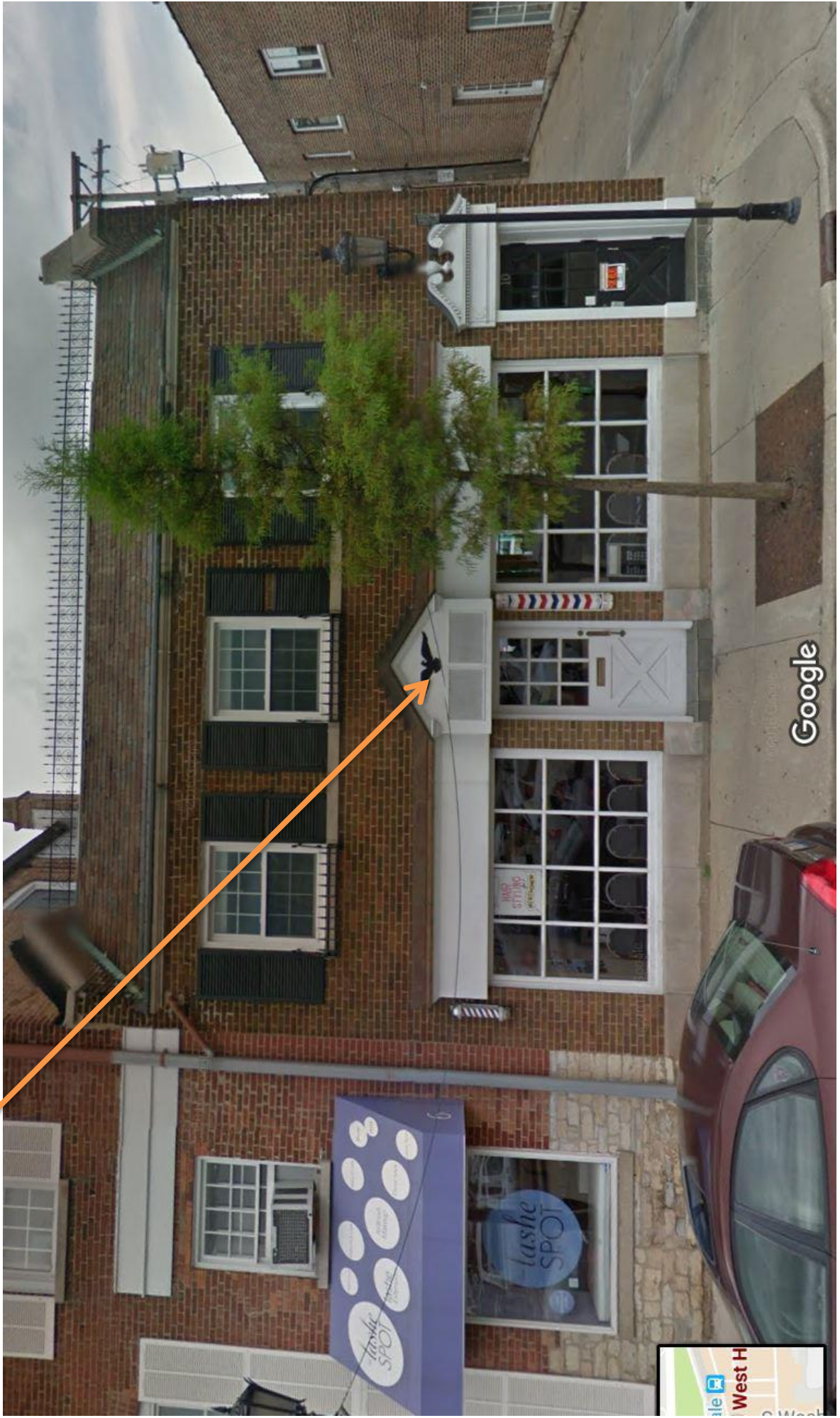
FIELD VERIFY ALL MEASUREMENTS
BEFORE BEGINNING ANY WORK.
INSTALLER TO VERIFY MOUNTING
SURFACE PRIOR TO INSTALLATION.

FASTSIGNS Sign & Graphic Solutions Made Simple.	
ACCOUNT: COUNTY LINE AV	
FILE:	1488
REPRESENTATIVE:	
ADDRESS: 8 W HINSDALE HINSDALE, IL 60521	
ORIGINAL DRAWING DATE: 3/24/2017	
DRAWING NUMBER: 1 of 1	SCALE: NTS
REV. #1 BY:	REV. DATE
REVISION NOTES:	
REV. #2 BY:	REV. DATE
REVISION NOTES:	
REV. #3 BY:	REV. DATE
REVISION NOTES:	
NOTES:	
DRAWN BY: E. Vazquez	
REVISED BY:	
THIS DRAWING IS THE PROPERTY OF FASTSIGNS INTERNATIONAL, INC. THE BORROWER AGREES, IT SHALL NOT BE REPRODUCED, COPIED OR DISPOSED OF, DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION.	

Attachment 2: Village of Hinsdale Zoning Map and Project Location



Attachment 3: Street View of 8 W. Hinsdale Ave. (facing south)
Proposed Sign Location






MEMORANDUM

DATE: May 10, 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: Major Adjustment to Exterior Appearance and Site Plan Review for a Parking Deck at the New Hinsdale Middle School
100 S. Garfield Ave. in the IB Institutional Buildings District
Community Consolidated School District 181 (CCSD) and the Village of Hinsdale

Summary

This is a Major Adjustment request to the new Hinsdale Middle School Exterior Appearance and Site Plan for a 319 space parking deck in lieu of the surface parking lot at the northeast corner of the subject property. The proposed parking deck would be for joint use with the Village of Hinsdale per an intergovernmental agreement. The upper deck level features 133 parking spaces and the lower deck features 186 parking spaces for a total of 319 spaces. This is a joint application request between the CCSD and the Village of Hinsdale.

Request and Analysis

On May 2, 2017, the Board of Trustees (BOT) reviewed the application and referred it to the Plan Commission (PC) for further hearing and review. At the BOT meeting, the Board requested to increase the landscape screening on Second Street along the proposed parking deck. Attachment 4 was submitted to the Village after the meeting and illustrates two alternatives for the PC to consider. An updated lower parking level site plan is attached in response to the Board to relocate some handicapped parking spaces for easier access to the north. Lastly, a Trustee requested the PC to review the enclosed stair structure (northeast corner) for their feedback.

The proposed parking deck will require variation relief for a: reduced (1) front yard and (2) interior side yard setbacks, (3) increase in floor area ratio, (4) to allow a structure to occupy more than 30% of the required interior side yard, (5) to permit off-street parking required front yard and (6) reduced minimum perimeter landscape buffer. Four of the six variation requests were unanimously approved and two of the six were unanimously recommended for approval at the Zoning Board of Appeals meeting on April 19, 2017.



MEMORANDUM

Process

Pursuant to Article 11, Section 11-603(K)(2) of the Village of Hinsdale Zoning Ordinance, the Board of Trustees may grant approval of the major adjustments upon finding that the changes are within substantial compliance with the approved final plan or if it is determined that the changes are not within substantial compliance with the approved plan, shall refer it back to the Plan Commission for further hearing, review and recommendation(s).

Attachments:

- Attachment 1 – Major Adjustment HMS Parking Deck Applications
- Attachment 2 - HMS Parking Deck Exterior Appearance Exhibits
- Attachment 3 - HMS Parking Deck Site Plans
- Attachment 4 - **Post May 2, 2017, BOT Exhibits**

The initial Exterior Appearance and Site Plan application WITHOUT a Parking Deck was provided for the Board of Trustees of this item on March 7, 2017, and can be found on the Village website at:

http://www.villageofhinsdale.org/document_center/VillageBoard/2017/MAR/VBOT%2003%2007%2017%20packet.pdf

- Exterior Appearance Application Request and Revised Packet (dated March 1, 2017)
- Draft Plan Commission Minutes – Special Meeting January 19, 2017
- Findings and Recommendations (approved February 8, 2017)
- Zoning Map and Project Location
- Aerial Map View
- Aerial Parcel Map
- Plat of Survey



**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant

Name: CCSD #181 and Village of Hinsdale
Address: 115 W. 55th Street
City/Zip: Clarendon Hills, IL 60514
Phone/Fax: (630) 861-4900 / 887-1079
E-Mail: _____

Owner

Name: CCSD #181 _____
Address: 115 W. 55th Street _____
City/Zip: Clarendon Hills, IL 60514 _____
Phone/Fax: 630-861-4900 / 630-887-1079 _____
E-Mail: _____

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

Name: Cordogan Clark Associates
Title: Architect
Address: 960 Ridgeway
City/Zip: Aurora, IL 60506
Phone/Fax: (630) 896 4678 / _____
E-Mail: bkronewitter@cordoganclark.com

Name: SmithGroupJJR
Title: Engineer
Address: 35 E. Wacker, #900
City/Zip: Chicago, IL 60601
Phone/Fax: (312) 641-0510 / _____
E-Mail: paul.wiese@smithgroupjjr.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) None
- 2) _____
- 3) _____

II. SITE INFORMATION

Address of subject property: 100 S. Garfield Ave., Hinsdale, IL 60521_____

Property identification number (P.I.N. or tax number): see attached supplemental text_____

Brief description of proposed project: _New parking deck at Hinsdale Middle School for joint use with Village per IGA. _____

General description or characteristics of the site: Existing Hinsdale Middle School is being replaced with new school. School surface parking would become a parking deck for joint use with Village of Hinsdale per an IGA. _____

Existing zoning and land use: IB, Hinsdale Middle School.

Surrounding zoning and existing land uses:

North: B-2/Commercial _____

South: R-4/Residential _____

East: IB/Religious _____

West: IB, B-2/ Institutional and Commercial _____

Proposed zoning and land use: IB, replacement Hinsdale Middle School and joint use parking deck.

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: _____

☐ 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: 100 South Garfield Avenue, Hinsdale, IL 60521

The following table is based on the IB Zoning District.

	Minimum Code Requirements	Proposed/Existing Development
Minimum Lot Area (s.f.)	220,000	214,790(1)
Minimum Lot Depth	250	500
Minimum Lot Width	200	430
Building Height	50'	50' Atrium only
Number of Stories	N/A	3
Front Yard Setback	35	15
Corner Side Yard Setback	35	215
Interior Side Yard Setback	25	7
Rear Yard Setback	25	250
Maximum Floor Area Ratio (F.A.R.)*	0.50	0.74
Maximum Total Building Coverage*	N/A	N/A
Maximum Total Lot Coverage*	N/A	N/A
Parking Requirements	60, 1:2 employees	319
Parking front yard setback	35	15
Parking corner side yard setback	35	N/A
Parking interior side yard setback	N/A	N/A
Parking rear yard setback	N/A	N/A
Loading Requirements	2	9
Accessory Structure Information	Parking Deck Allowed	Parking Deck

* 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: _____

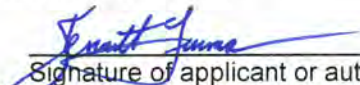
(1) The lot use as a school pre-dates the Code so no relief is necessary.

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 _____, day of _____, 2_____, I/We have read the above certification, understand it, and agree to abide by its conditions.


Signature of applicant or authorized agent

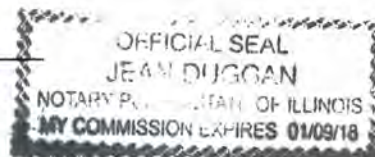
KENNETH E. SURMA
Name of applicant or authorized agent

Signature of applicant or authorized agent

Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this 19 day of
April, 2017.


Notary Public





February 20, 2017

Village of Hinsdale
Plan Commission Application
Hinsdale Middle School Parking Deck
Supplemental Text

Property Identification Numbers: 09-12-130-011-0000, 09-12-130-012-0000, 09-12-130-013-0000, 09-12-130-014-0000, 09-12-013-015-0000, 09-12-130-017-0000, 09-12-123-009-0000, 09-12-123-010-0000, 09-12-123-011-0000, 09-12-123-012-0000, 09-12-123-013-0000, 09-12-123-014-0000, 09-12-123-015-0000, 09-12-123-016-0000, 09-12-123-018-0000.



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

Address of proposed request: _____

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.
2. *Materials.* The quality of materials and their relationship to those in existing adjacent structures.
3. *General design.* The quality of the design in general and its relationship to the overall character of neighborhood.

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

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

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.
2. The proposed site plan interferes with easements and rights-of-way.
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.
4. The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
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.
6. The screening of the site does not provide adequate shielding from or for nearby uses.
7. The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible 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.
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.

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.
11. The proposed site plan does not provide for required public uses designated on the Official Map.
12. The proposed site plan otherwise adversely affects the public health, safety, or general welfare.

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

The parking deck will be constructed after the opening of the new middle school and the demolition of the existing middle school. This sequence will require a variance with regards to setbacks. The open spaces between the parking deck and the new middle school will be landscaped and appear flush since in this area the parking deck is below grade.

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

The parking deck will be 15' high at the two stairways leading to the lower level and have a 3' high parapet to screen the vehicles on the upper level, otherwise the upper level of parking will appear flush with the adjacent streets and walks.

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 exposed portions of the parking deck facade will be solid at the spandrel areas and open for ventilation and daylight at the lower level North and East elevations with the exception of the drive and stairway openings.

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 parking deck will be constructed after the opening of the new middle school and the demolition of the existing middle school. It will be conveniently adjacent to the new middle school and adjacent to downtown Hinsdale.

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 parking deck stairways leading to the lower level are visually compatible with the entrances to the middle school. Their relationship to other buildings and public ways is minimal.

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.

The north facade along 2nd Street and the east facade along Garfield will be a continuous pattern of brick and cast stone precast concrete. The landscape on the north will consist of foundation plantings and smaller evergreen trees the landscape on the east will consist of lawn and canopy trees.









64-140-04
B-1-02-01

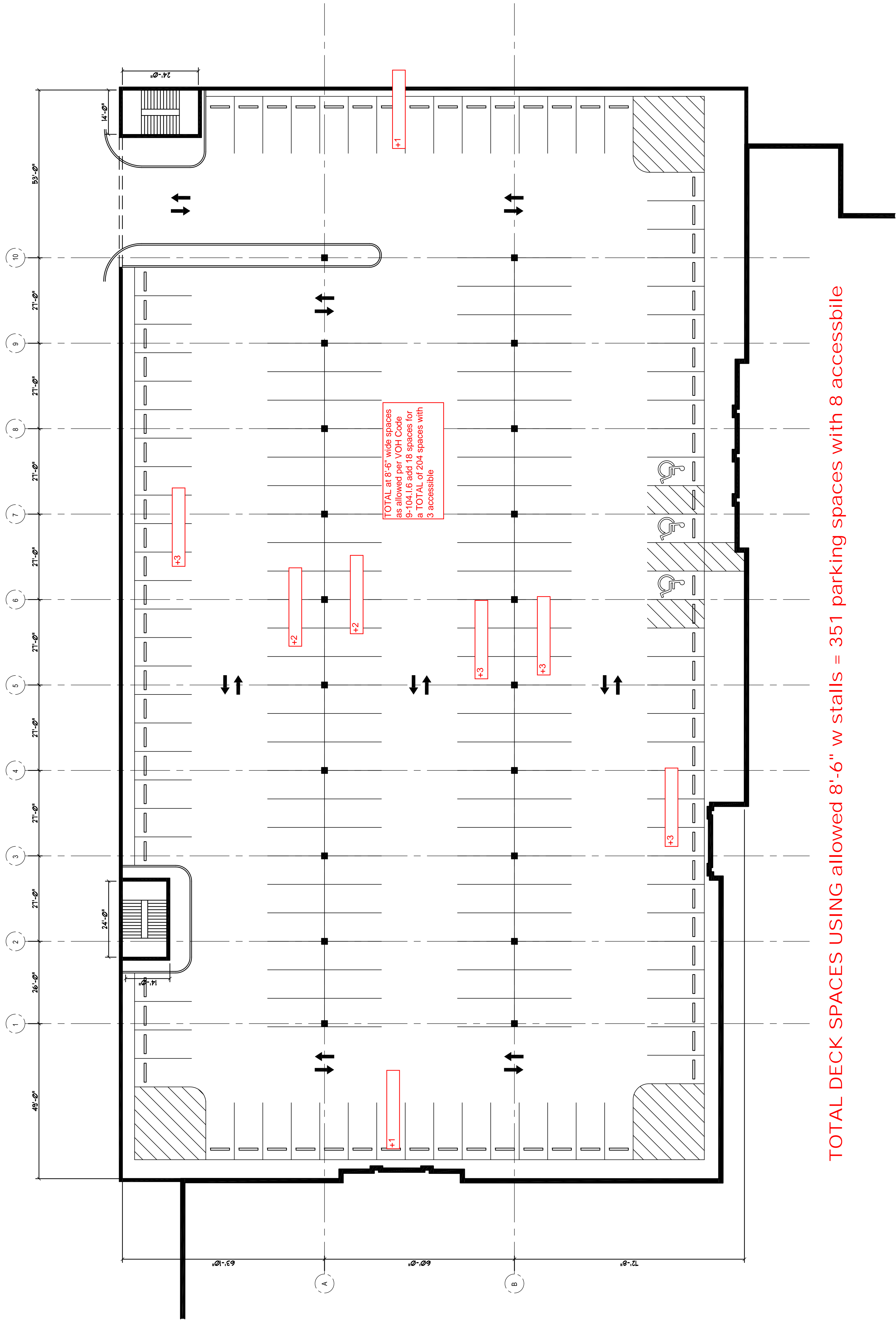


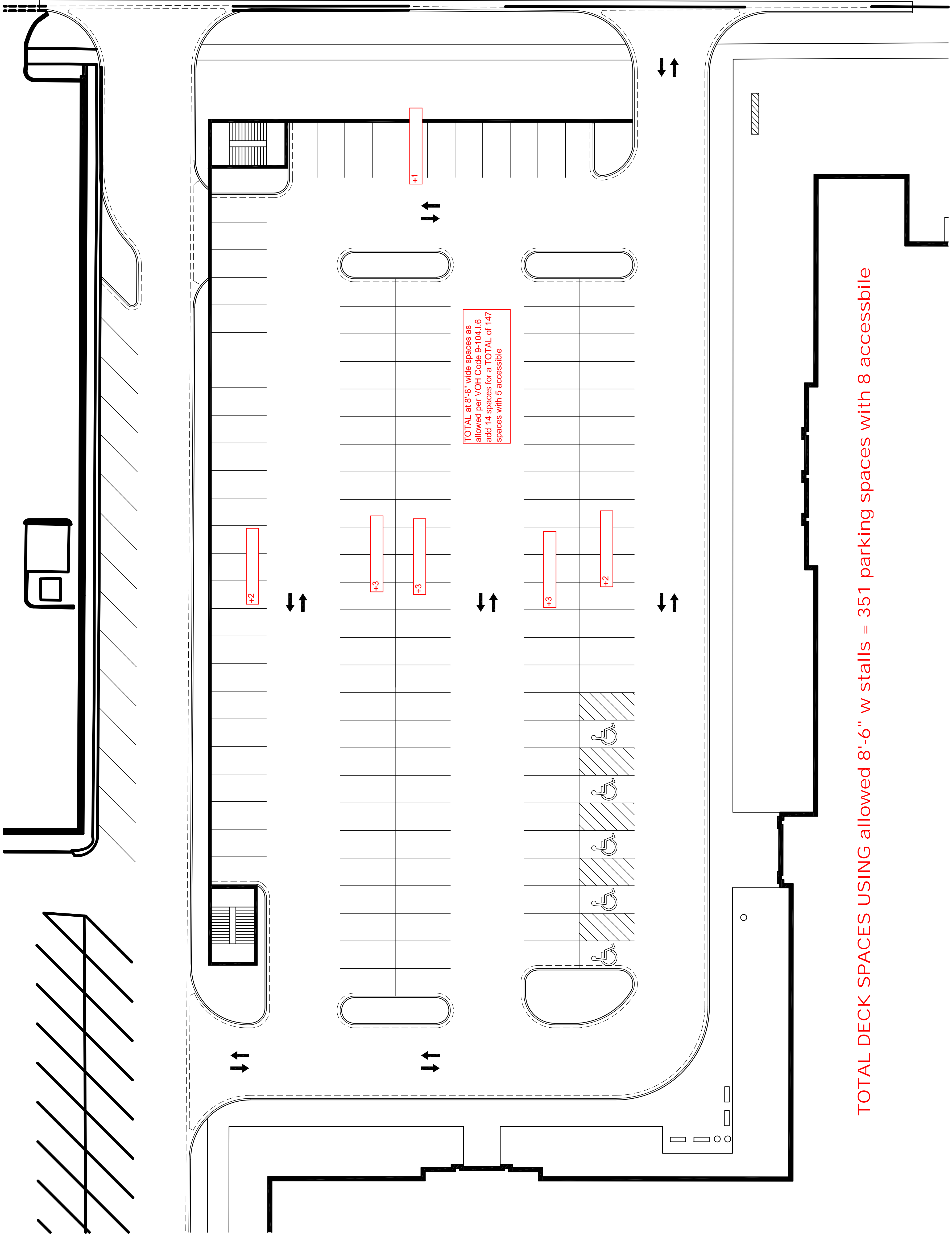
HINSDALE MIDDLE SCHOOL - PARKING DECK

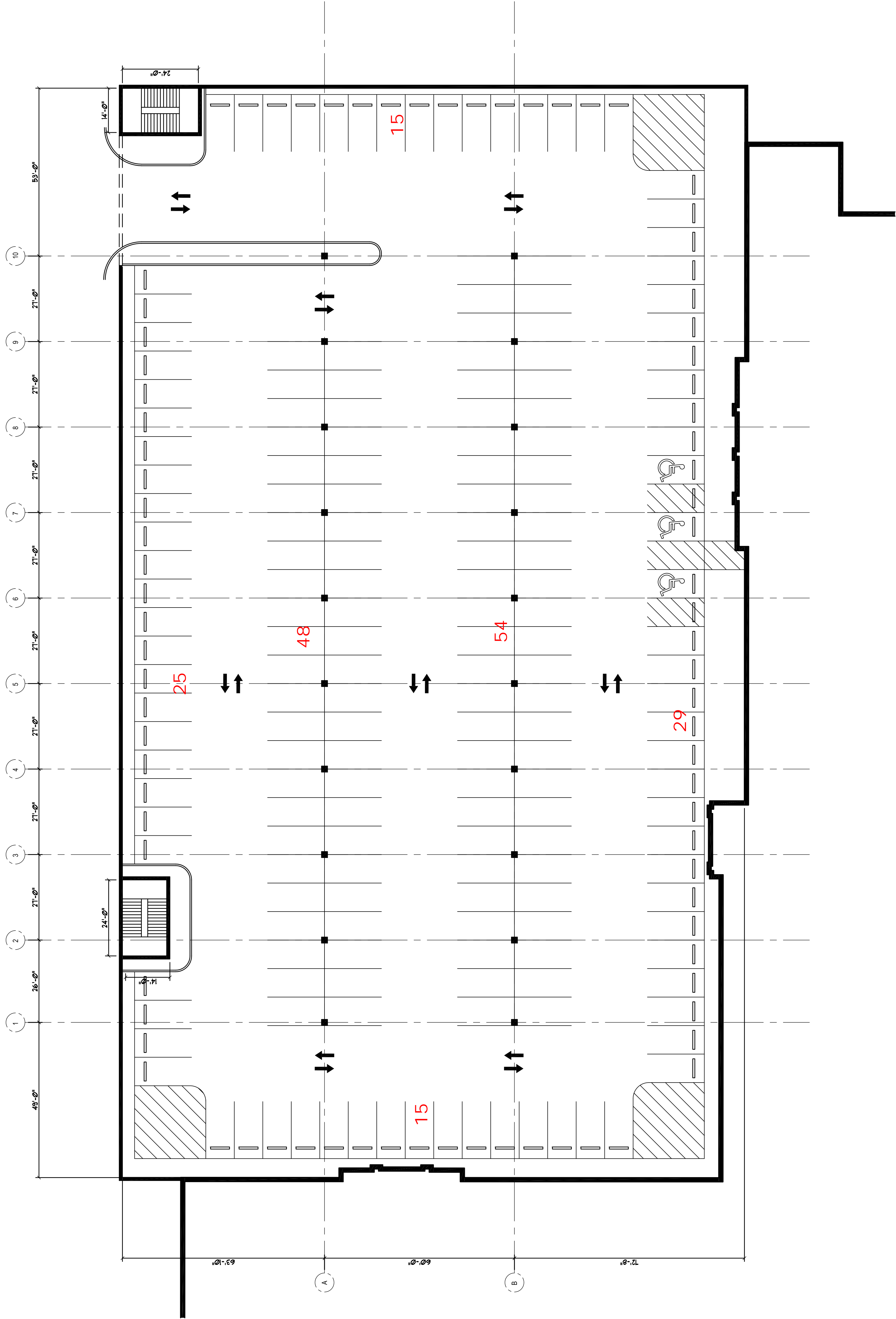
CONCEPTUAL LANDSCAPE PLAN

MARCH 6, 2017

Attachment 2



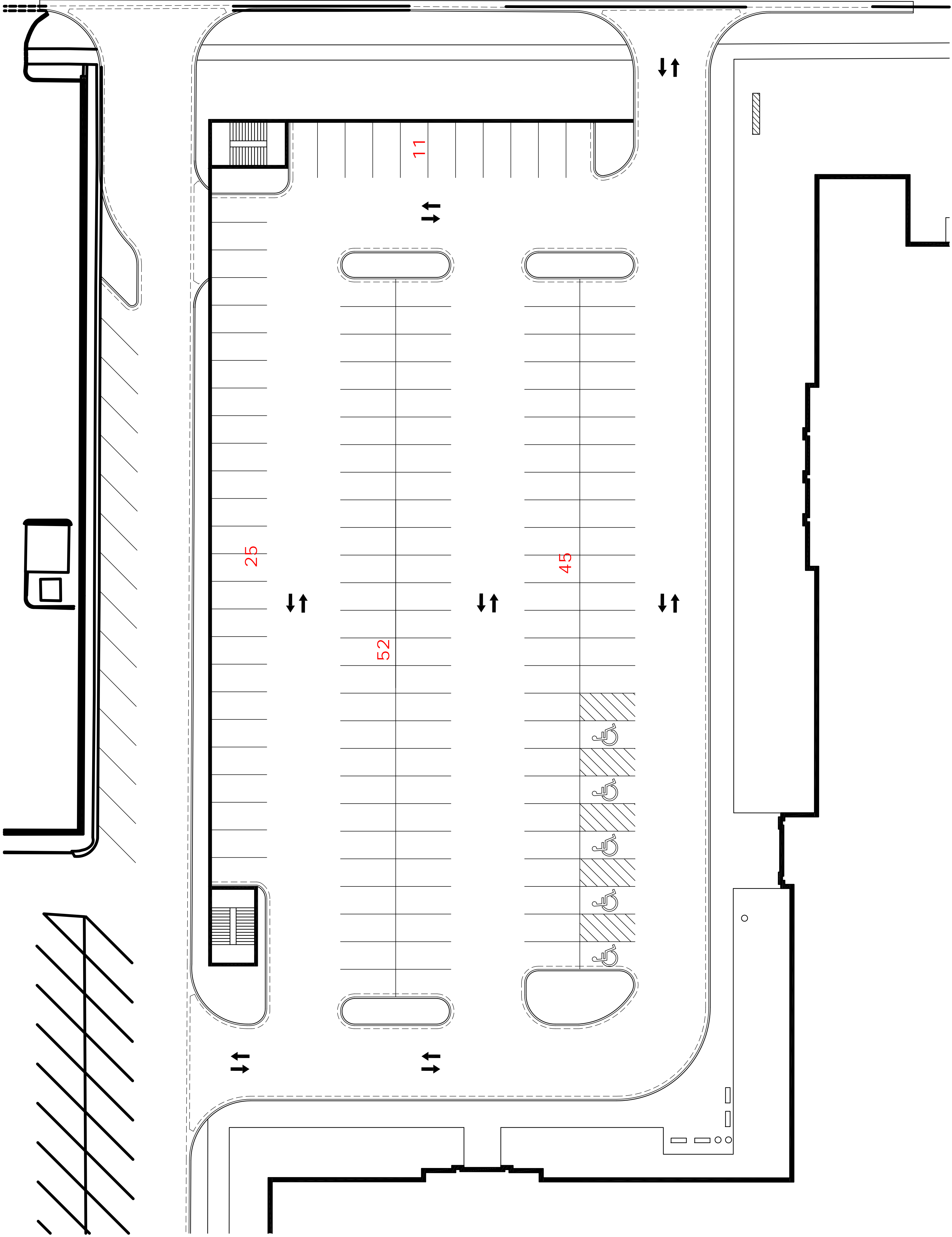




TOTAL LOWER LEVEL = 186 Spaces w/ 3 HCAP

319 TOTAL SPACES

PLAN w/ 9' x 18' Stalls



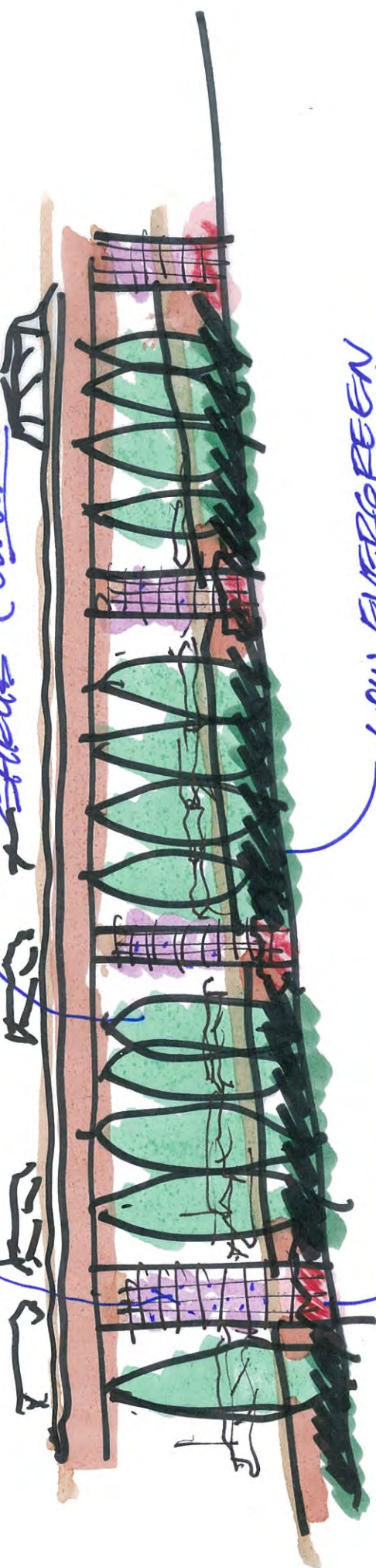
TOTAL UPPER LEVEL = 133 Spaces

9' x 18' Stall Sizes Option

TOTAL DECK SPACES = 319

DECIDUOUS VINE (CLEMATIS / WISTERIA)
ON WIRE FRAME

UPRIGHT EVERGREEN
SHRUBS (JUNIPER OR ARB.)

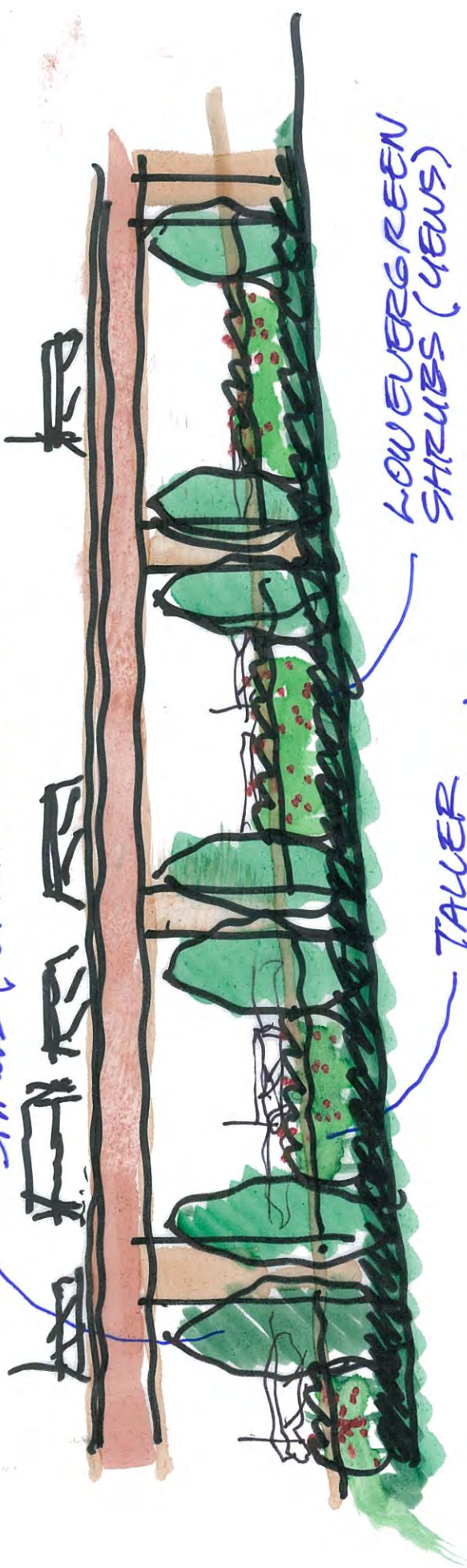


LOW FLOWERING
SHRUBS (SWEET SPIRE / RHODOS)

LOW EVERGREEN
SHRUBS (YEW)

OPTION 'A'

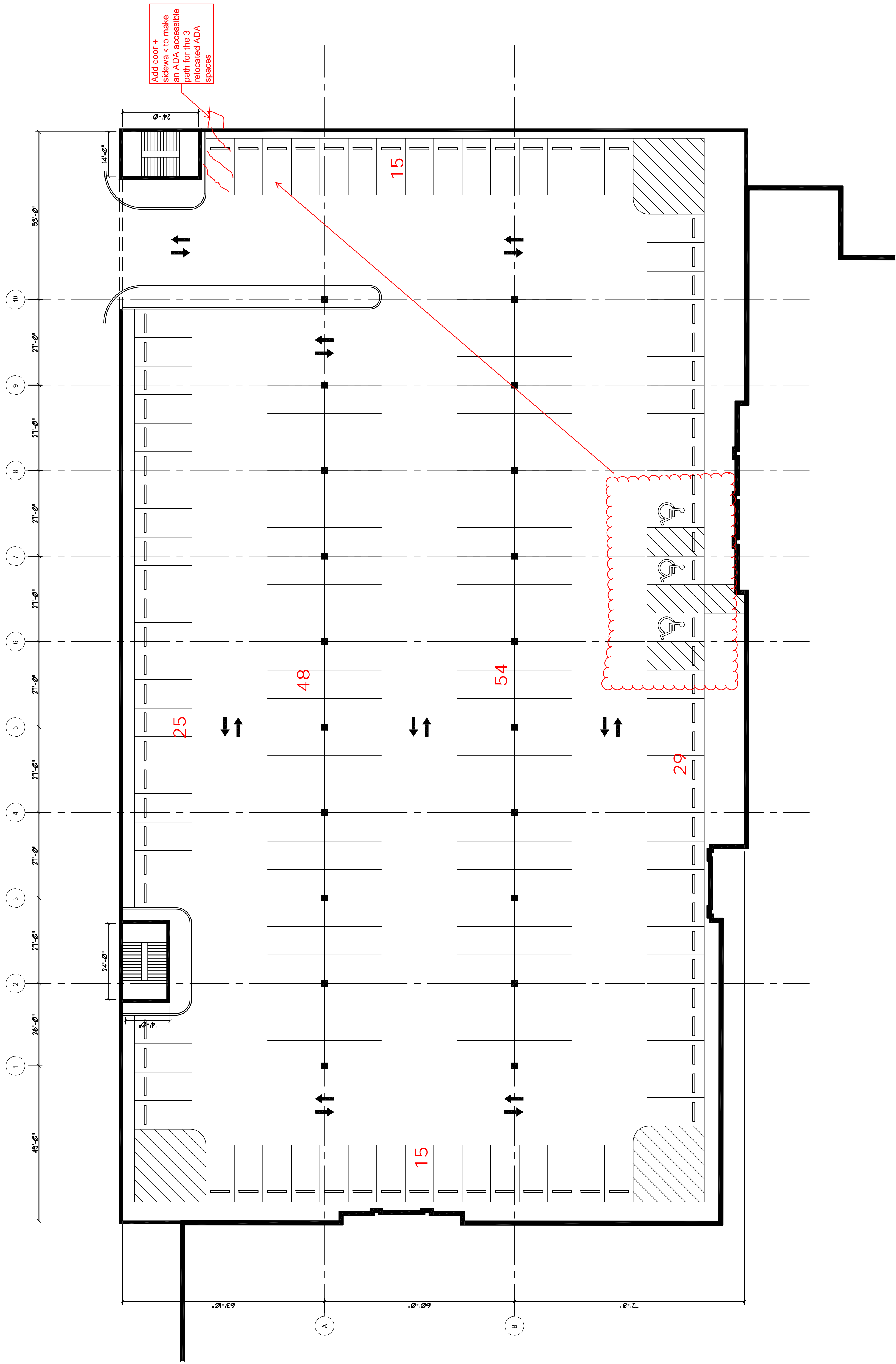
UPRIGHT EVERGREEN
SHRUBS (JUNIPER OR ARB.)



TALLER
FLOWERING
SHRUBS (HYDRANGEA)

LOW EVERGREEN
SHRUBS (YEW)

OPTION 'B'



TOTAL LOWER LEVEL = 186 Spaces w/ 3 HCAP

319 TOTAL SPACES

PLAN w/ 9' x 18' Stalls








MEMORANDUM

DATE: May 10, 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 Text Amendment Application to Prohibit a Secondary Access to or from a Commercially Zoned Property into a Residentially Zoned District
Request by the Village of Hinsdale

Summary

This Plan Commission (PC) Agenda item was scheduled for a Public Hearing for the May 10 PC meeting. At the April 4, 2017, Board of Trustees meeting, the Board unanimously approved to refer the application for review and consideration for a Text Amendment to Section 9-104 of the Hinsdale Zoning Code as it relates to regulation of the location of new secondary access drives to commercial properties.

Request and Analysis

On July 13, 2016, the Plan Commission reviewed an Exterior Appearance and Site Plan request from Hinsdale Management Corporation, the property owner of 120 E. Ogden Avenue, to construct a driveway for a secondary access for its parking lot (Case A-15-2016). The new driveway access would have allowed parking lot entry and exiting onto Fuller Road, adjacent to a residential district. There were many neighborhood residents present at the July 13, 2016, Plan Commission public meeting, to voice their opposition of the application. A petition against the application was also submitted to staff. At the public meeting, a local resident asked if there was a way to prevent an application like this from coming back before the Village. Staff responded that the Village could potentially amend the Code.

In response to many safety concerns voiced by the local residents on July 13, 2016, the Village of Hinsdale is requesting a Text Amendment to Section 9-104(G)(3)(d), to prohibit a new driveway approach for secondary access from a commercially zoned property onto a street where the access drive is directly adjacent to or directly across from a residential dwelling unit located in a residentially zoned district. The proposed language (in red below) seeks to protect the residential nature of streets from the traffic impacts a secondary impact may create; and specifically used the term “commercial” as opposed to “nonresidential” to prevent inadvertent impacts to schools, parks and institutional uses which would expect may have secondary access onto properties adjacent to residential districts:



MEMORANDUM

Location Of Drives: On a parcel of property used for nonresidential purposes, no driveway approach shall be located within five feet (5') of the property line, or within ten feet (10') of any other driveway approach as measured at the property line. Additionally, no new driveway approach for secondary access to or from a commercially-zoned property shall be permitted to be created onto a street where the access drive is directly adjacent to, or directly across from, a residential dwelling unit located in a residentially-zoned district.

Staff is also requesting to correct a long-standing typo referencing “single-family dwellings” as opposed to “nonresidential uses” in Section 9-104(G)(3) where defining parking and driveway requirements for nonresidential uses:

Parking and Driveways for Nonresidential Uses: Notwithstanding any other provision of this code, driveways serving ~~single-family dwellings~~nonresidential uses may traverse any required yard and shall conform to the following regulations:”

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 – Text Amendment and Plan Commission Applications by the Village of Hinsdale
- Attachment 2 - Plan Commission Minutes - July 13, 2016 (approved on September 14, 2016)
- Attachment 3 - Zoning Map
- Attachment 4 - Draft Ordinance



VILLAGE OF HINSDALE COMMUNITY DEVELOPMENT DEPARTMENT

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant

Name: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

Owner

Name: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

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

Name: _____

Title: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

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) _____

2) _____

3) _____

II. SITE INFORMATION

Address of subject property: _____

Property identification number (P.I.N. or tax number): ____ - ____ - ____ - ____

Brief description of proposed project: _____

General description or characteristics of the site: _____

Existing zoning and land use: _____

Surrounding zoning and existing land uses:

North: _____

South: _____

East: _____

West: _____

Proposed zoning and land use: _____

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: _____

☐ 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: _____

The following table is based on the _____ Zoning District.

	Minimum Code Requirements	Proposed/Existing Development
Minimum Lot Area (s.f.)		
Minimum Lot Depth		
Minimum Lot Width		
Building Height		
Number of Stories		
Front Yard Setback		
Corner Side Yard Setback		
Interior Side Yard Setback		
Rear Yard Setback		
Maximum Floor Area Ratio (F.A.R.)*		
Maximum Total Building Coverage*		
Maximum Total Lot Coverage*		
Parking Requirements		
Parking front yard setback		
Parking corner side yard setback		
Parking interior side yard setback		
Parking rear yard setback		
Loading Requirements		
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: _____



**COMMUNITY DEVELOPMENT
DEPARTMENT
ZONING CODE TEXT AND MAP
AMENDMENT APPLICATION**

Must be accompanied by completed Plan Commission Application

Is this a: Map Amendment Text Amendment

Address of the subject property

Description of the proposed request:

REVIEW CRITERIA

Section 11-601 of the Hinsdale Zoning Code regulates Amendments. The amendment process established is intended to provide a means for making changes in the text of the Zoning Code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of the Zoning Code and the zoning map in light of changing, newly discovered, or newly important conditions, situations, or knowledge. The wisdom of amending the text of the Zoning Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment 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 Board of Trustees should weigh, among other factors, the below criteria.

Below are the 14 standards for amendments that will be the criteria used by the Plan Commission and Board of Trustees in determining the merits of this application. Please respond to each standard as it relates to the application. Please use an additional sheet of paper to respond to questions if needed. If the standard is not applicable, please mark N/A.

1. The consistency of the proposed amendment with the purpose of this Code.
2. The existing uses and zoning classifications for properties in the vicinity of the subject property.
3. The trend of development in the vicinity of the subject property, including changes, if any, such trend since the subject property was placed in its present zoning classification.

4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.
5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.
10. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
11. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under the present zoning classification.

12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
13. The community need for the proposed amendment and for the uses and development it would allow.
14. The reasons, where relevant, why the subject property should be established as part of an overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
July 13, 2016
MEMORIAL HALL
7:30 P.M.**

Chairman Cashman called the meeting to order at 7:30 p.m., Wednesday, July 13, 2016, in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Cashman, Commissioner Ryan, Commissioner Peterson, Commissioner Fiascone, Commissioner Unell, Commissioner McMahon and Commissioner Crnovich

ABSENT: Commissioner Krillenberger

ALSO PRESENT: Kathleen Gargano, Village Manager, Robb McGinnis, Director of Community Development, and Chan Yu, Village Planner
Applicant Representatives for Case: A-10-2016, A-12-16 and A-14-2016

Approval of Minutes

Chairman Cashman asked the Plan Commission (PC) for any revisions or comments from the May 11, 2016, meeting. With none, Chairman Cashman asked for a motion to approve the minutes. Commissioner McMahon motioned and Commissioner Peterson seconded. The motion passed unanimously (7 Ayes and 1 absent).

Exterior Appearance and Site Plan Review

Case A-15-2016 – 120 E. Ogden Ave. – Hinsdale Management Corp. – Site Plan Review for a new secondary parking lot access driveway (O-2 Limited Office District) into Fuller Rd. (R-4 Single Family Residential District). This is a Public Meeting item.

Chairman Cashman summarized the latest information between the Village and applicant, in regards to resolving the issue, and informed the public meeting that the application will be continued at the September 14, 2016, PC meeting. Chairman Cashman explained the PC will not be discussing the item, however, recognized the audience and offered to listen to the comments by the public.

Jennifer L., 628 N. York Rd., apologized to the audience about the application being continued for the September meeting. She explained that they found out late Friday and by then, their post cards have already been sent out. She wishes that anyone present to please put the meeting on their calendars and watch for updates, to offer intelligent feedback to the Village, on how it will impact residents on Fuller Road.

Andrew L., expressed gratitude for the feedback from the Village, and happy to be part of the review process. He explained however, he wished the application would have moved forward and declined in its current form for the record.

Plan Commission Minutes
July 13, 2016

Michael C., 117 Fuller Rd., explained one of his neighbors Greg Peters wasn't able to attend tonight, but he monitored the traffic that came in and out of the building (at 120 E. Ogden Ave.) for four days, from 7 AM to 9 AM and in the afternoon from 4 PM to 6 PM. Michael summarized Greg's findings and found that the majority of traffic traveled east bound on Ogden Ave., and made a right turn onto York Rd. Michael also referenced 30 years ago, Koplin applied for this when he bought the property. He recalled the residents at the time also organized in opposition and the Village opposed the driveway application.

Chairman Cashman reiterated that the PC truly values the citizens input, and encouraged the public to come back in September.

Neil T., 111 Fuller Rd., is a newer resident, and explained that they bought the new home largely because they have children. It's not a cul-de-sac but it is a dead end street. He expressed how beautiful the street and Village is. He explained that he views the application as an investor, a parent and a surgeon. He believes Ogden is a dangerously busy street and Ogden and York is a busy corner. It astonishes him that there is no "no turn on red" sign when turning east onto Ogden from York. He explained all the various potential dangers of additional traffic in the area should the driveway be constructed. He believes approving this application would set a dangerous precedence. Moreover, he would like to explore a way to bring forth an ordinance to prevent a parking lot from applying to emptying out onto a residential street.

Darius N., 100 Fuller Rd., explained as a new resident, the home was purchased because it is on a quiet residential street. One of his biggest concerns is for the children of the neighborhood, including his soon to be born child. There are commuters already using his driveway to turn around in the cul-de-sac. He suspects the tenants and additional traffic will increase this issue from the new office driveway. He also mentioned a school is only three blocks away and additional traffic is not good. He summarized that he is opposed to the application and hopes the PC understands why.

Jordan P., 118 Fuller Rd., would like to echo Darius's concerns in regards to traffic. She mentioned speeding cars on the street after finding out of the dead end. She explained that she walks to work at Whole Food and sees how fast the traffic is already in the area. Allowing for more cars through the driveway will only increase the dangerous area. The cars she noted, already ignores stop signs and speed limit signage in the neighborhood.

Kelly S., 115 Fuller Rd., she explained that she is a seven year resident who purchased the home because it is on a quiet residential street. She expressed her concern for her children and the neighborhood children who are at an age where they can play unsupervised at all times. This driveway would also change the feel of the neighborhood. There is also concern that the commuters using the driveway will not look both ways and expect children while exiting. Property value will decrease from the new driveway. She also asked if there could be a neighborhood representative that could be more involved with the Village and applicant.

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Lyn W., pointed out that this application was denied about 30 years ago as Mike referenced. She also asked if there could be a neighborhood representative that could be more involved with the Village.

Chairman Cashman answered that would be Chan, the Village Planner. At this point, the PC knows as much as the public does he explained, and the application is being continued.

Lyn W., also explained that there is high speed and traffic congestion already, and for the PC to consider this.

Todd A., 114 Fuller Rd., indicated that he just moved back from LaGrange primarily for his children to be able to attend the school system. His family moved into the neighborhood for the safety, security, sensibility, schooling and serenity. He pointed out that the office currently has two curb cuts onto Ogden, and that they do not need a third one onto a residential street. This application is not OK and it was not OK back in circa 1985.

Bob K., 608 N. County Line Rd., explained that N. County Line and Fuller are major arterials already. Moreover, he explained that this driveway will add additional traffic, which will cause a butterfly affect and impact other traffic points that already back up into the residential streets. There are already numerous traffic incidents at the intersection he stated.

Rob S., 229 Fuller Rd., explains the street floods when there is heavy rain, and should be considered. There is already enough traffic in the area. Also, this resident's home features a living room near the front of the house, and will be more affected by additional traffic onto the street. In addition, he will not allow his kids to play in the front yard due to the increase in dangerous traffic. This resident also explained that the driveway will push additional cars south on York.

Meg P., 412 Fuller Rd., she explained that she grew up in Hinsdale and moved back 10 years ago. She recalled Fuller Rd. as a nice and quiet road. However, over the last 3 to 5 years, the traffic has increased. There is already enough speeding traffic in the area, and believes this driveway will make it worse since people will figure out a shortcut to access the highway. She also wished this application could have been denied today versus being continued at a later date.

Cindy K., 407 Fuller Rd., this resident explained that she is a teacher and referenced that the neighborhood sidewalks were installed in 1988. With this new driveway, her primary concern will be the danger for the kids, pets and residents to use it. She also suggested that the street is in bad shape, and that the Elm and Fuller Rd. intersection needs a stop sign.

Debra B., 802 Franklin, This resident indicated that she would like an earlier notice for the meetings, especially if the applicant chooses to continue it on another date. She explained that

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a lot of residents changed their schedules around for this meeting, so she hopes the applicant can give the residents a chance to also have the flexibility for a potential date change.

Chairman Cashman told the audience or anyone watching the meeting at home to please send emails to the PC. He explained that they review the emails and it's another way to communicate with the PC.

Mike M., 543 N. County Line Rd., this resident explained this proposed driveway will make traffic worse in the area.

Todd A., 114 Fuller Rd., asked if the Village or resident(s) can propose an ordinance to prevent an application like this from being submitted. He believes approval for this would set a dangerous precedence over protecting the residential neighborhoods.

Chairman Cashman recommended that he ask the Chan that question.

Chan, explained with respect to due process, the applicant owns the land, the land is zoned O-2 and can apply for a driveway, and that the driveway plan the applicant submitted meets the Code- and has the right to apply for it. In regards to how citizens can stop the approval of the application, he explained you/they are doing the right thing right now; and that's by showing up at the meetings to voice your concerns/opposition.

Todd A., 114 Fuller Rd., asked how we can prevent this application from coming back before the Village.

Robb McGinnis, Director of Community Development, replied that you could reach out to himself or Chan, and that we could potentially bring this forward as a staff driven text amendment to the Code.

Kathleen Gargano, Village Manager, introduced herself and reviewed that she had spoken with Mr. London last weekend, and that the Village is aware of the concerns of the neighbors. She expressed that she is glad to be in attendance tonight to hear the thoughtful comments by the residents. She also indicated that the Village will follow up with the traffic concerns brought up to the Police Department. She will review her notes with Chief Simpson the next day. Ms. Gargano pointed out that it's not uncommon for resident groups to request a review of the neighborhood traffic flows. She indicated that the Village will look into the desire of the residents to prohibit this type of application in the future. All general public meetings have a summary reported to the Village Board. To that end, all of the concerns and comments will be communicated to the Village Board. The PC is a recommending body to the Board, and has been aware of the materials and petition, and understands the concerns. The applicant is not present because the item is being continued. She reviewed that she talked to Mr. London about the applicant continuing this in response to the residential concerns, while considering

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for the safety for their tenants. Lastly, Ms. Gargano reiterated that the Village understands and hears the concerns by the residents. But at the same time, the applicant, has the ability to apply before the PC, and is working on a solution, other than the present application, which is clearly opposed by the participants of the current public meeting.

A question was raised in regards to stopping the application.

Kathleen Gargano, Village Manager, replied there's many ways to stop the application. The applicant can withdraw it, the PC can recommend for denial to the Board and the Board can concur with the PC. The Board is the ultimate authority.

A question was asked if the public has access to the Board.

Kathleen replied yes, everyone does, and that the petition and application materials have been shared, and the Board has been apprised of the situation.

A concern was raised from a resident that the continuance might be a way for the application to be somehow approved. He'd like this comment to be noticed and for the next meeting date to be noticed (August 9, 2016).

Kathleen replied that the Village is committed in working with the neighbors and hopeful for the commenter will understand the continuance is not an attempt to approve it.

A question was asked how long the applicant needs to wait to re-apply.

Robb McGinnis, Director of Community Development, replied two years is the duration. He also explained the difference between a public meeting and public hearing and the notification reason for the public meeting since it's within 250 feet from a residential lot.

Chan explained that the notification process will need to be continued with certified mailing, signage at the subject property and newspaper notification (Note: it should be clarified that this is NOT necessary as long as the continuance date is established for the next meeting).

More discussion about process ensued.

Chairman Cashman brought up that it's common for the PC to focus a lot of the time on applications that affect transition zones, between commercial and residential districts, and that the PC is respectful for the residents as a priority. He also reminded everyone to attend the next meeting and send emails to the PC.

Chairman Cashman asked for a motion to formally continue this item for the September PC meeting.

Commissioner McMahon motioned to approve. Commissioner Fiascone seconded. The motion passed unanimously (7 Ayes and 1 absent).

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Sign Permit Review

Case A-10-2016 – 49 S. Washington Street – Reflexion Spa – 1 Wall Sign with a Height Modification Request (13.25’ vs. 13’ above grade)

Chairman Cashman reviewed the next item on the agenda as a sign application from Reflexion Spa. He next asked the applicant to please introduce himself and the request.

Mr. Michael Kovar, the sign representative presented the wall sign modification request to allow a wall sign 3” over the maximum height per the Code.

Chairman Cashman indicated the bay window does pose a unique situation for the building since the maximum height (in this case) is set by the bottom of the second story window.

Chairman Cashman asked for any questions by the PC.

Commissioner Crnovich asked if the building owner plans to install more signs for the tenants upstairs.

Mr. Kovar explained that the building owner will apply for them separately if so.

Commissioner Crnovich mentioned that it’d be nice for all future signage to be on the same level.

Mr. Kovar indicated that he’d like to keep all the signage consistent in terms of material.

Chan asked if the sign is still non-illuminated.

Mr. Kovar replied correct.

With no other questions, Chairman Cashman asked for a motion to approve the sign application as submitted, with the height modification.

Commissioner McMahon motioned to approve. Commissioner Crnovich seconded. The motion passed unanimously (7 Ayes and 1 absent).

Exterior Appearance and Site Plan Review

Case A-12-2016 – 107 S. Vine St. – Psychological Resources – Exterior Appearance and Site Plan for a Wheelchair Elevator in the Rear Yard of an O-1 Specialty Office District. This is a Public Meeting item.

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Chairman Cashman reviewed the next item on the agenda as an exterior appearance review by Psychological Resources. He next asked the applicant to please introduce himself and the request.

Dennis Parsons, project architect, presented the proposed exterior elevator to the PC. The key points are the new elevator will feature the same colors and materials as the current house. The height of the elevator enclosure will be less than the building itself, as small as possible and proportionate to the current building.

Dennis Batchos, Owner of Psychological Resources, clarified that this is not to generate additional revenue. His wife has patients currently unable to walk and needs this to remain patients of the office. They want to take care of their current patients.

Commissioner Ryan asked for clarification of the location of the elevator.

Dennis Parsons and Batchos explained that it's on the east side by the back stairs are. It's approximately a 5' by 5' square going straight up.

Commissioner Fiascone asked if the area is currently landscape/greenscape.

Dennis Parsons replied no, it's a paved area already.

Chairman Cashman asked for any additional questions by the PC and for any comments by the audience. With none, he asked for a motion to approve the exterior appearance and site plan as submitted.

Commissioner McMahon motioned to approve. Commissioner Crnovich seconded. The motion passed unanimously (7 Ayes and 1 absent).

Case A-14-2016 – 5721 S. Garfield Ave. – Mr. Philip Miscimarra – Exterior Appearance Review for a Dormer Addition at Sutton Place townhome development in the R-5 Multiple Family Residential District. This is a Public Meeting item.

Chairman Cashman reviewed the next item on the agenda as an exterior appearance review as a dormer addition in the Sutton Place development. He next asked the applicant to please introduce himself and the request.

The homeowner, Mr. Philip Miscimarra presented the proposed dormer addition to the PC in a finished 3rd floor attic, with no current windows. The proposed dormer will face the interior of the development, opposite and no visible from the street (Garfield Ave.). There are similar dormers already in the development. He also explained that the Sutton Place homeowners association has already approved his plan. Mr. Miscimarra reiterated Chan's memo and pointed out that the dormer will not be taller or project further than the building envelope. The design will also match the current home in terms of quality and finish.

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Chairman Cashman asked for any questions by the PC and for any comments by the audience. With none, he asked for a motion to approve the exterior appearance and site plan as submitted.

Commissioner Ryan asked for clarification of the approval by the association and asked if there are other townhomes with similar dormers like the proposed.

Mr. Philip Miscimarra responded there are three or four other homes with existing attic dormers and that he made sure his location will not be too close to the next one over. He also clarified yes, the association has already approved for this dormer plan.

Chairman Cashman also mentioned about existing dormers on the other side of the common area.

Chairman Cashman asked for any questions by the PC and for any comments by the audience. With none, he asked for a motion to approve the exterior appearance application as submitted.

Commissioner Unell motioned to approve. Commissioner Ryan seconded. The motion passed unanimously (7 Ayes and 1 absent).

Other Business

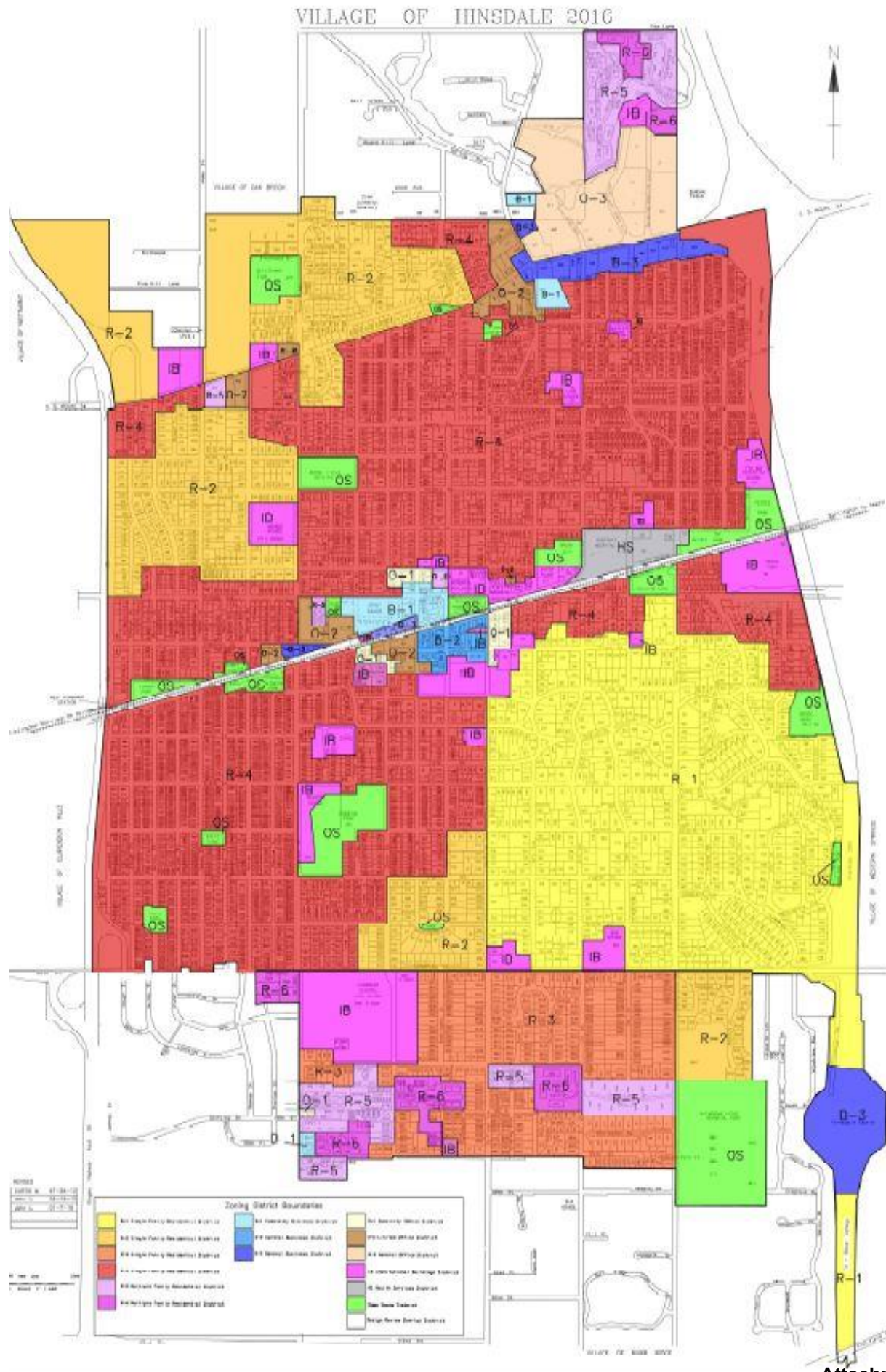
Chairman Cashman announced the PC will not have a meeting in August and will meet again at the next regularly scheduled September PC meeting date. The meeting was adjourned at 8:49 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Chan Yu', written in a cursive style.

Chan Yu, Village Planner

Attachment 3: Village of Hinsdale Zoning Map



VILLAGE OF HINSDALE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 9-104 (“OFF STREET PARKING”) OF THE HINSDALE ZONING CODE AS IT RELATES TO REGULATION OF THE LOCATION OF SECONDARY ACCESS DRIVES TO COMMERCIAL PROPERTIES

WHEREAS, the Village of Hinsdale (the “Village”) has received an application from the Village of Hinsdale (the “Applicant”) pursuant to Section 11-601 of the Hinsdale Zoning Code for an amendment to the text of subsection 9-104.G.3.d of the Zoning Code relative to regulation of the location of secondary access drives to commercial properties (the “Application”), and to clean up a typographical error in that same subsection of the Zoning Code. The proposed text amendment will ensure that secondary access drives to and from commercial properties cannot be created adjacent to or directly across from residential properties located in residentially zoned district; and

WHEREAS, the Board of Trustees has given preliminary consideration to the Application pursuant to Section 11-601(D)(2) of the Hinsdale Zoning Code, and has referred the Application to the Plan Commission of the Village for consideration and a hearing. The Application has otherwise been processed in accordance with the Hinsdale Zoning Code, as amended; and

WHEREAS, on _____, 2017, the Plan Commission held a public hearing on the Application pursuant to notice thereof properly published in *The Hinsdalean*, and, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the Application by a vote of _____ in favor, _____ against and _____ absent, as set forth in the Plan Commission’s Findings and Recommendation for Plan Commission Case No. _____-2017 (“Findings and Recommendation”), a copy of which is attached hereto as **Exhibit A** 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, the factors set forth in Section 11-601(E) of the Hinsdale Zoning Code and all of the facts and circumstances affecting the Application.

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. Each whereas paragraph set forth above is incorporated by reference into this Section 1.

Section 2: Findings. The President and Board of Trustees, after considering the Findings and Recommendation of the Plan Commission, and other matters properly

before it, adopts and incorporates the Findings and Recommendation of the Plan Commission as the findings of this President and the Board of Trustees, as completely as if fully recited herein at length, The President and Board of Trustees further find that the proposed text amendment set forth below is demanded by and required for the public good.

Section 3: Amendment. Chapter 9 (District Regulations of General Applicability), Section 9-104 (Off Street Parking), subsection G.3. (Parking and Driveways for Nonresidential Uses - introductory paragraph of the subsection), and subsection G.3.d. (Parking and Driveways for Nonresidential Uses – Location of Drives) of the Hinsdale Zoning Code are hereby amended to read in their entirety as follows:

“3. Parking and Driveways for Nonresidential Uses: Notwithstanding any other provision of this code, driveways serving ~~single-family dwellings~~nonresidential uses may traverse any required yard and shall conform to the following regulations:”

“(d) Location Of Drives: On a parcel of property used for nonresidential purposes, no driveway approach shall be located within five feet (5') of the property line, or within ten feet (10') of any other driveway approach as measured at the property line. Additionally, no new driveway approach for secondary access to or from a commercially-zoned property shall be permitted to be created onto a street where the access drive is directly adjacent to, or directly across from, a residential dwelling unit located in a residentially-zoned district.”

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 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 pamphlet form in the manner provided by law.




MEMORANDUM

DATE: May 10, 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 Text Amendment Application for Educational Services in the B-2 and B-3 Business Districts as a Special Use
Request by the Village of Hinsdale

Summary

This Plan Commission (PC) Agenda item was scheduled for a Public Hearing for the May 10 PC meeting. At the April 4, 2017, Board of Trustees meeting, the Board unanimously approved to refer the application for review and consideration for a 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.

Request and Analysis

The Village of Hinsdale receives inquiries by businesses that offer various types of educational services. However, the only educational service permitted with a Special Use Permit in the business districts is, "Musical tutoring services" in the B-2 District (but not on the first floor of any structure and not in any structure that is not freestanding) per Section 5-105(C)(22). This has prevented potential businesses that offer educational services with less intensive purposes, compared to a music school, from locating in Hinsdale.

A Text Amendment to Section 5-105(C), to allow Educational Services with a Special Use permit in the B-2, but not on the first floor of any structure in the B-2 District, and B-3 District, would support the purpose of the Business District definitions (Attachment 2), and allow a more flexible range of educational classes to be considered. To avoid unintended consequences to the adjacent properties, a Special Use permit application includes review criteria's (Attachment 3), and public notification requirements to invite neighborhood discussions through the public hearing(s).

A Special Use permit application requires the Plan Commission to hear, review and offer its recommendations to the Board of Trustees for a final decision.



MEMORANDUM

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 – Text Amendment and Plan Commission Applications by the Village of Hinsdale
- Attachment 2 - Definitions of the Business Districts B-1, B-2 and B-3 (Section 5-101: Purposes)
- Attachment 3 - Special Use Permit Application
- Attachment 4 - Current Permitted Uses and Special Uses in the Business Districts (Section 5-102 and 5-105)
- Attachment 5 - Zoning Map highlighting the B-2 and B-3 District locations



**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant

Name: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

Owner

Name: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

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

Name: _____

Title: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____/_____

E-Mail: _____

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) _____

2) _____

3) _____

II. SITE INFORMATION

Address of subject property: _____

Property identification number (P.I.N. or tax number): ____ - ____ - ____ - ____

Brief description of proposed project: _____

General description or characteristics of the site: _____

Existing zoning and land use: _____

Surrounding zoning and existing land uses:

North: _____

South: _____

East: _____

West: _____

Proposed zoning and land use: _____

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: _____

☐ 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: _____

The following table is based on the _____ Zoning District.

	Minimum Code Requirements	Proposed/Existing Development
Minimum Lot Area (s.f.)		
Minimum Lot Depth		
Minimum Lot Width		
Building Height		
Number of Stories		
Front Yard Setback		
Corner Side Yard Setback		
Interior Side Yard Setback		
Rear Yard Setback		
Maximum Floor Area Ratio (F.A.R.)*		
Maximum Total Building Coverage*		
Maximum Total Lot Coverage*		
Parking Requirements		
Parking front yard setback		
Parking corner side yard setback		
Parking interior side yard setback		
Parking rear yard setback		
Loading Requirements		
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: _____



**COMMUNITY DEVELOPMENT
DEPARTMENT
ZONING CODE TEXT AND MAP
AMENDMENT APPLICATION**

Must be accompanied by completed Plan Commission Application

Is this a: Map Amendment Text Amendment

Address of the subject property

Description of the proposed request:

REVIEW CRITERIA

Section 11-601 of the Hinsdale Zoning Code regulates Amendments. The amendment process established is intended to provide a means for making changes in the text of the Zoning Code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of the Zoning Code and the zoning map in light of changing, newly discovered, or newly important conditions, situations, or knowledge. The wisdom of amending the text of the Zoning Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment 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 Board of Trustees should weigh, among other factors, the below criteria.

Below are the 14 standards for amendments that will be the criteria used by the Plan Commission and Board of Trustees in determining the merits of this application. Please respond to each standard as it relates to the application. Please use an additional sheet of paper to respond to questions if needed. If the standard is not applicable, please mark N/A.

1. The consistency of the proposed amendment with the purpose of this Code.

commercial district designed for established areas of heavier vehicular traffic (B-3).
2. The existing uses and zoning classifications for properties in the vicinity of the subject property.
3. The trend of development in the vicinity of the subject property, including changes, if any, such trend since the subject property was placed in its present zoning classification.

4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.
5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.
10. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
11. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under the present zoning classification.

12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
13. The community need for the proposed amendment and for the uses and development it would allow.
14. The reasons, where relevant, why the subject property should be established as part of an overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.

Attachment 2: Zoning Code Sec. 5-101: Purposes:

Three (3) zoning districts are provided for business and commercial uses. When taken together, these districts are intended to permit development of property for the full range of business and commercial uses needed to serve the citizens of Hinsdale and surrounding areas in a suburban setting.

The districts, while distinct, permit a harmonious spectrum of general suburban shopping and service opportunities, ranging from a relatively low intensity (B-1), through a higher intensity business zone intended to accommodate local shopping needs in a "downtown" setting (B-2), to a more generalized commercial district designed for established areas of heavier vehicular traffic (B-3).

Specifically, 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. It permits uses that are necessary to satisfy most basic, frequently occurring shopping needs. Also allowed are compatible uses that, while not used as frequently, would be desirably located in close proximity to potential users. This district is designed to accommodate development of community shopping centers with planned off street parking and loading as well as existing individual shops or small groups of local stores. The district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards that provide for compatibility with nearby residential uses.

The B-2 central business district is intended to serve the entire Hinsdale suburban community with a wide variety of retail and service uses. It is intended to serve as the primary shopping area of the village. This district is located in the center of the village, adjacent to commuter facilities, and at the convergence of primary thoroughfares. The bulk standards are intended to reflect the generally more intense development of property in this area.

The B-3 general business district is intended to serve the Hinsdale suburban community with a full range of locally oriented business uses commonly located along established traffic routes. (1991 Code)



**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: _____

Proposed Special Use request: _____

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.
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.

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

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.

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.

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.

Sec. 5-102: Permitted Uses:

The following uses and no others are permitted as of right in the business districts indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.

							B-1	B-2	B-3
A. Construction, Special Trade Contractors:									
1.	General building contractors; residential buildings (152).								P
2.	Operative builders (153).								P
3.	Plumbing, heating, and air conditioning contractors (171).							P	P
4.	Painting and paper hanging contractors (172).							P	P
5.	Electrical work contractors (173), but not highway lighting and electrical signal construction.							P	P
6.	Masonry, stone setting, and other stone work contractors (1741).								P
7.	Plastering, drywall, acoustical, and insulation work contractors (1742).							P	P
8.	Terrazzo, tile, marble, and mosaic work contractors (1743).								P
9.	Carpentry and floor work contractors (175).							P	P
10.	Roofing, siding, and sheet metal work contractors (176).								P
11.	Glass and glazing work contractors (1793).							P	P
12.	Special trade contractors not elsewhere classified (1799).							P	
B. Printing, Publishing, And Allied Industries:									
1.	Commercial printing (275).								P
C. Retail Trade:									
1.	Lumber and other building materials dealers (521).								P
2.	Paint, glass, and wallpaper stores (523).						P	P	P
3.	Hardware stores (525).						P	P	P
4.	Department stores (531).						P	P	P

5.	Variety stores (533).		P	P	P
6.	Miscellaneous general merchandise stores (539).		P	P	P
7.	Grocery stores (541).		P	P	P
8.	Meat and fish markets (543).		P	P	P
9.	Fruit and vegetable markets (543).		P	P	P
10.	Candy, nut, and confectionery stores (544).		P	P	P
11.	Dairy products stores (545).		P	P	P
12.	Retail bakeries (546).		P	P	P
13.	Miscellaneous food stores (549).		P	P	P
14.	New and used motor vehicle dealers (551), but only on lots abutting Ogden Avenue.				P
15.	Auto and home supply stores (553), but not including service bays.		P	P	P
16.	Men's and boys' clothing and accessory stores (561).		P	P	P
17.	Women's clothing stores (562).		P	P	P
18.	Women's accessory and specialty stores (563).		P	P	P
19.	Children's and infants' wear stores (564).		P	P	P
20.	Family clothing stores (565).		P	P	P
21.	Shoe stores (566).		P	P	P
22.	Miscellaneous apparel and accessory stores (569).		P	P	P
23.	Home furniture and furnishings stores (571).		P	P	P
24.	Household appliance stores (572).		P	P	P
25.	Radio, television, consumer electronics, and music stores (573).		P	P	P
26.	Eating places (5812), including accessory outdoor seating, but not including live entertainment or drive-in establishments.		P	P	P
27.	Drinking places (5813) accessory to permitted eating places.				P
28.	Drugstores and proprietary stores (591).		P	P	P
29.	Used merchandise stores (593).		P	P	P

30.	Sporting good stores and bicycle shops (5941).		P	P	P
31.	Bookstores (5942).		P	P	P
32.	Stationery stores (5943).		P	P	P
33.	Jewelry stores (5944).		P	P	P
34.	Hobby, toy, and game shops (5945).		P	P	P
35.	Camera and photographic supply stores (5946).		P	P	P
36.	Gift, novelty, and souvenir shops (5947).		P	P	P
37.	Luggage and leather goods stores (5948).		P	P	P
38.	Sewing, needlework, and piece goods stores (5949).		P	P	P
39.	Florists (5992).		P	P	P
40.	Tobacco stores and stands (5993).		P	P	P
41.	News dealers and newsstands (5994).		P	P	P
42.	Optical goods stores (5995).		P	P	P
43.	Miscellaneous retail stores (5999), but not including auction rooms, firework sales, gravestone sales, sales barns, or tombstone sales.		P	P	P
<i>D. Finance, Insurance And Real Estate:</i>					
1.	Depository and nondepository credit institutions (60-61), but not on the first floor of any structure in the B-2 district except expansion of such an institution existing on such a first floor as of January 1, 1994, into additional first floor space owned by such an institution as of January 1, 1994, in the same structure or an abutting structure, and except expansion of such an institution into first floor space that does not abut a street, provided that such expansion does not occupy more than 50 percent of the depth of the overall tenant space, and not including drive-in establishments or automatic teller machines, except teller machines attached to the principal structure on the lot.			P	
2.	Security and commodity brokers, dealers, exchanges, and services (62), but not on the first floor of any structure in the B-2 district.		P	P	P
3.			P	P	P

	Insurance carriers, agents, brokers, and service (63-64), but not on the first floor of any structure in the B-2 district.			
4.	Real estate offices (65), but not on the first floor of any structure in the B-2 district.	P	P	P
5.	Holding and other investment offices (67), but not on the first floor of any structure in the B-2 district.	P	P	P
E. Services:				
1.	Veterinary services for animal specialties (0742).			P
2.	Grooming services for pets (0752).			P
3.	Laundry, cleaning, and garment services (721), but not including dry cleaning plants (7216) or industrial launderers (7218).	P	P	P
4.	Photographic studios, portrait (722).	P	P	P
5.	Beauty shops (723).	P	P	P
6.	Barbershops (724).	P	P	P
7.	Shoe repair shops and shoeshine parlors (725).	P	P	P
8.	Tax preparation services (7291), but not on the first floor of any structure in the B-2 district.	P	P	P
9.	Advertising services (731), but not on the first floor of any structure in the B-2 district.	P	P	P
10.	Mailing, reproduction, commercial art and photography, and stenographic services (733).	P	P	P
11.	Services to dwellings and other buildings (734).			P
12.	Employment agencies (7361), but not on the first floor of any structure in the B-2 district.	P	P	
13.	Help supply services (7363), but not on the first floor of any structure in the B-2 district.	P	P	P
14.	Computer programming, data processing, and other computer related services (737), but not on the first floor of any structure in the B-2 district.	P	P	P

15.	Electrical repair shops (762), but not including refrigeration and air conditioning service and repair shops (7632).		P	P	P
16.	Watch, clock, and jewelry repair (763).		P	P	P
17.	Reupholstery and furniture repair (764).				P
18.	Videotape rental (784).		P	P	P
19.	Offices and clinics of doctors of medicine, dentists, osteopaths, chiropractors, optometrists, podiatrists, and other health practitioners (801-804), but not on the first floor of any structure in the B-2 district.		P	P	P
20.	Kidney dialysis centers (8092).				P
21.	Legal services (81), but not on the first floor of any structure in the B-2 district.		P	P	P
22.	Engineering, architectural, and surveying services (871), but not on the first floor of any structure in the B-2 district.		P	P	P
23.	Accounting, auditing, and bookkeeping services (872), but not on the first floor of any structure in the B-2 district.		P	P	P
24.	Management and public relations services (874), but not on the first floor of any structure in the B-2 district.		P	P	P
25.	Miscellaneous services (89), but not on the first floor of any structure in the B-2 district.			P	P
26.	Miscellaneous business and professional office uses not listed herein, but not on the first floor of any structure in the B-2 district.			P	P
27.	Small parcel store (733 and 4783).		P		
28.	Professional, home based, supplemental education program centers.		P		
<i>F. Transportation And Utility Services:</i>					
1.	Office of local and suburban transit and interurban highway passenger transportation companies (41), but not including terminals, stations, vehicle yards, or garages and not on the first floor of any structure in the B-2 district.			P	P

2.	Travel agencies (4724).		P	P	P
3.	Tour operators (4725), but not on the first floor of any structure in the B-2 district.		P	P	P
4.	Airline, bus, and railroad ticket offices (4729).		P	P	P
5.	Offices of communications and utility companies (48-49), but not on the first floor of any structure in the B-2 district.		P	P	P
6.	Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and equipment structures (481); but only where: a) the antenna and any necessary antenna support structure are fully enclosed or shielded from view from any point located off the zoning lot on which they are located by a structure otherwise permitted on the zoning lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot, or b) the antenna or antennas are limited to omnidirectional or whip antennas and directional or panel antennas and are located on a lawfully preexisting building that will serve as an antenna support structure and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot and, in either such case, such antenna, support structure and equipment fully comply with all standards and requirements applicable thereto.				
G. <i>Dwelling Units</i> : Dwelling units shall be subject to the lot area provisions applicable to the R-5 district; provided, however, that no dwelling unit shall be located on the first floor of any structure.				P	P

(Ord. 92-27, § 2, 8-18-1992; Ord. 94-2, § 2, 1-4-1994; Ord. 94-11, § 2, 3-1-1994; Ord. 97-4, § 3A, 3-4-1997; Ord. O2005-02, § 2, 1-18-2005; Ord. O2006-76, § 2, 10-17-2006; Ord. O2007-50, § 2, 7-17-2007; Ord. O2009-19, § 2, 3-17-2009; Ord. O2010-14, § 2, 3-23-2010; Ord. O2011-55, 11-15-2011)

Sec. 5-105:Special Uses:

Except as specifically limited in the following table, the uses listed in the following table may be permitted in the business districts indicated subject to the issuance of a special use permit as provided in section 11-602 of this code. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.

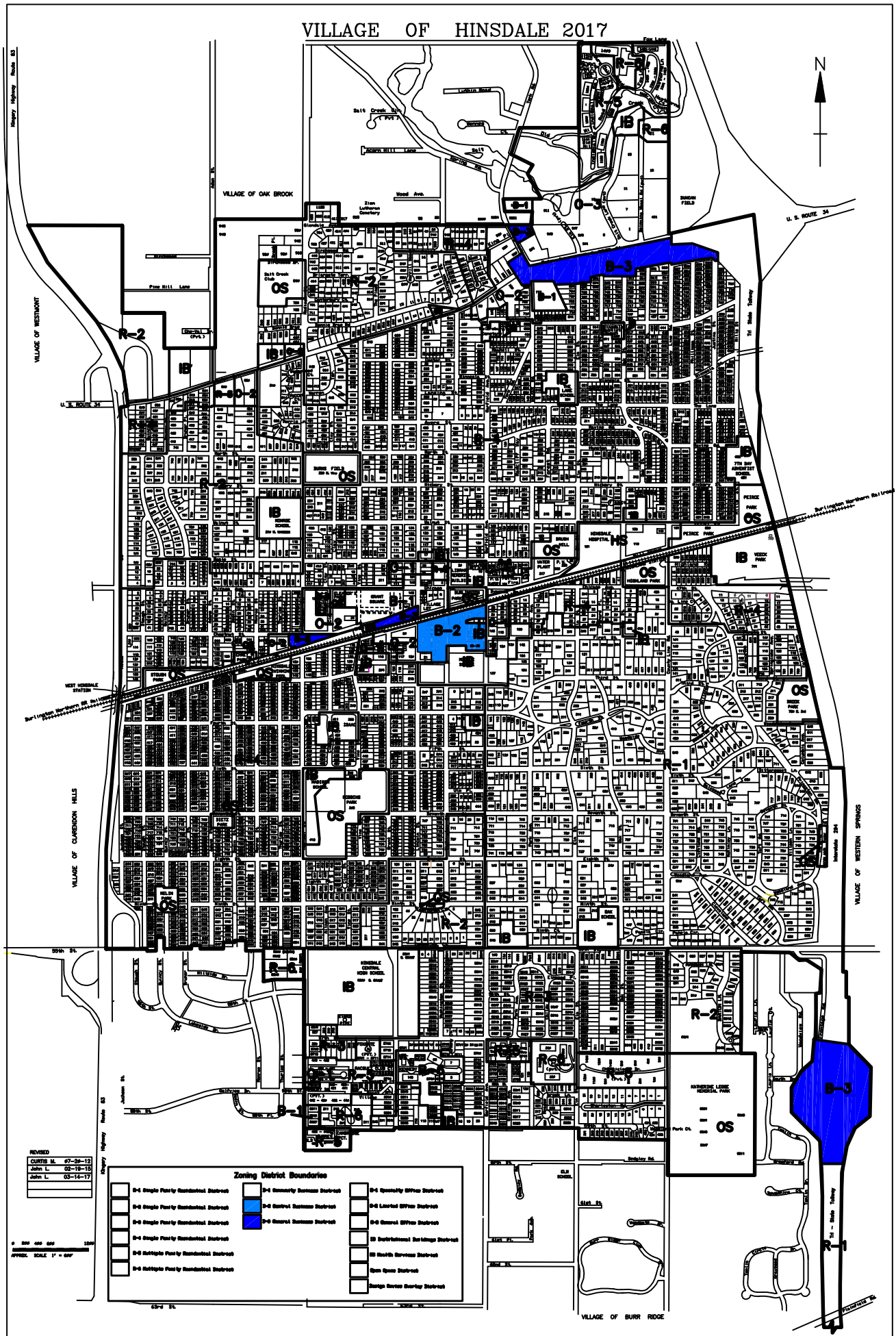
							B-1	B-2	B-3
A. Retail Trade:									
1.	Retail nurseries, lawn, and garden supply stores (526).						S		S
2.	Expansion of existing new and used motor vehicle dealers (551), but only on lots abutting Ogden Avenue.								S
3.	Auto and home supply stores (553), with service bays.								S
4.	Gasoline service stations (554).						S		S
5.	Live entertainment accessory to permitted eating places.						S	S	S
6.	Repealed.								
7.	Carryout eating places (5812).						S	S	S
8.	Drugstores and pharmacies with drive-throughs.						S		
B. Finance, Insurance, And Real Estate:									
1.	Depository and nondepository credit institutions (60-61), not including drive-in establishments or automatic teller machines, except automatic teller machines attached to the principal structure on the lot and only subject to the provisions of subsection 5-109G of this article.						S		S
2.	Drive-in depository and nondepository credit institutions (60-61), but only subject to the provisions of subsection 5-109H of this article.						S	S	S
3.	Automatic teller machines when not attached to the principal structure on the lot.						S	S	S
C. Services:									
1.	Grooming services for pets (0752).							S	
2.	Laundry and dry cleaning plants (7211/7216).						S		S

3.	Miscellaneous personal services (729), but not including coin operated service machine operation, comfort station operation, dating services, escort services, locker rental, massage parlors, restroom operation, steam baths, tattoo parlor, turkish baths, or wedding chapels.		S	S	S
4.	Medical and miscellaneous equipment rental and leasing (7352/7359).			S	S
5.	Passenger car rental and leasing (7514-7515).				S
6.	Automobile parking (752), but not tow in parking lots.		S	S	S
7.	Automotive repair shops (753), but not including tire retreading (7534).		S		S
8.	Car washes (7542).		S		S
9.	Motion picture theaters, except drive-in establishments (7832).			S	S
10.	Dance studios, schools, and halls (7911), but not on the first floor of any structure in the B-2 district.			S	S
11.	Physical fitness facilities (7991), but not on the first floor of any structure in the B-2 district.		S	S	S
12.	Membership sports and recreation clubs (7997), but not on the first floor of any structure in the B-2 district.		S	S	S
13.	Medical and dental laboratories (807), but not on the first floor of any structure in the B-2 district.			S	S
14.	Correspondence and vocational schools (824).				S
15.	Child daycare services (835), but not on the first floor of any structure in the B-2 district.			S	S
16.	Business associations (861), but not on the first floor of any structure in the B-2 district.			S	S
17.	Professional membership organizations (862), but not on the first floor of any structure in the B-2 district.			S	S
18.	Labor organizations (863), but not on the first floor of any structure in the B-2 district.			S	S
19.	Civic, social, and fraternal associations (864), but not on the first floor of any structure in the B-2 district.			S	S
20.	Political organizations (865), but not on the first floor of any structure in the B-2 district.			S	S

21.	Membership organizations not elsewhere classified (869), but not on the first floor of any structure in the B-2 district.			S	S
22.	Musical tutoring services (8299), but not on the first floor of any structure in the B-2 district and not in any structure that is not freestanding.			S	
<i>D. Transportation And Utility Services:</i>					
1.	Local and suburban passenger transportation terminals and stations (41), but not including vehicle yards or garages.			S	S
2.	Household goods warehousing (4225), self-service only, but only on lots abutting Ogden Avenue.				S
3.	Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and equipment structures (481) not otherwise permitted pursuant to section <u>5-102</u> of this article.				
<i>E. Miscellaneous:</i>					
1.	Planned developments.		S	S	S
2.	Hotels (7011).				S
3.	Lifestyle housing, subject to the planned development provisions of subsection <u>11-603M</u> of this code.		S		S

(Ord. 92-27, § 3, 8-18-1992; Ord. 97-4, § 3B, 3-4-1997; Ord. O2002-66, § 2, 10-1-2002; Ord. O2003-45, § 2, 8-19-2003; Ord. O2005-02, § 3, 1-18-2005; Ord. O2006-76, § 3, 10-17-2006; Ord. O2007-62, § 2, 9-4-2007; Ord. O2009-47, § 2, 9-1-2009; Ord. O2011-53, 11-15-2011; Ord. O2012-38, 9-13-2012)

VILLAGE OF HINSDALE 2017






MEMORANDUM

DATE: May 10, 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: **Scheduling of 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 is to schedule the Public Hearing for the June 14 PC meeting. 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 Hinsdale, LLC (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 includes no classes shall take place prior to 6 AM on any day. Shred415 is requesting approval to amend the condition to permit classes to take place starting at 5 AM each 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



MEMORANDUM

area to the residential neighborhood and the volume of cars (based on the max. of 26 class participants plus 4-6 staff members).

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



**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.

Peter Coules Jr.
Notary Public

4

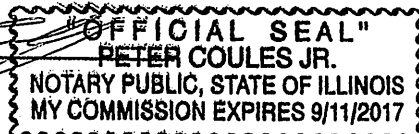


EXHIBIT "1"



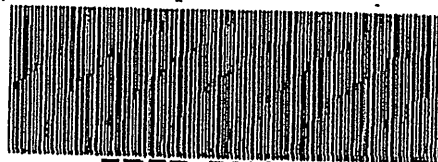
First American Title Insurance Company

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

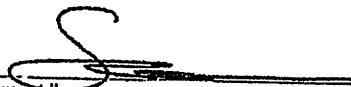
SUBJECT TO:

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 "

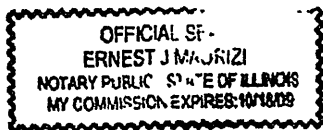
STATE OF ILLINOIS, COUNTY OF

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.



A handwritten signature in cursive script, appearing to read "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

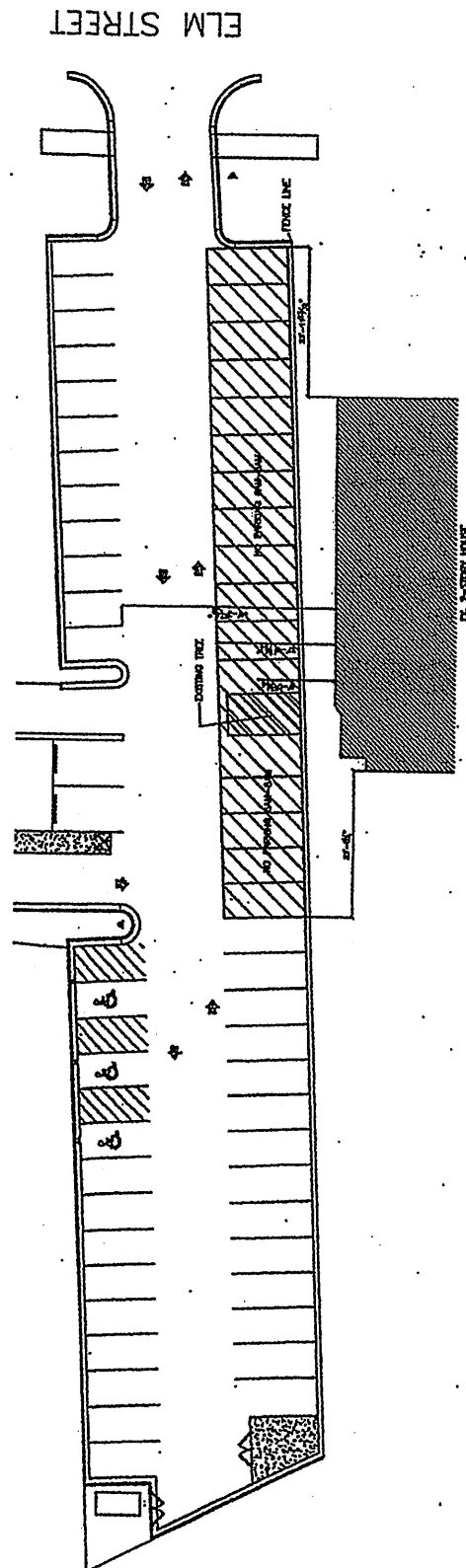
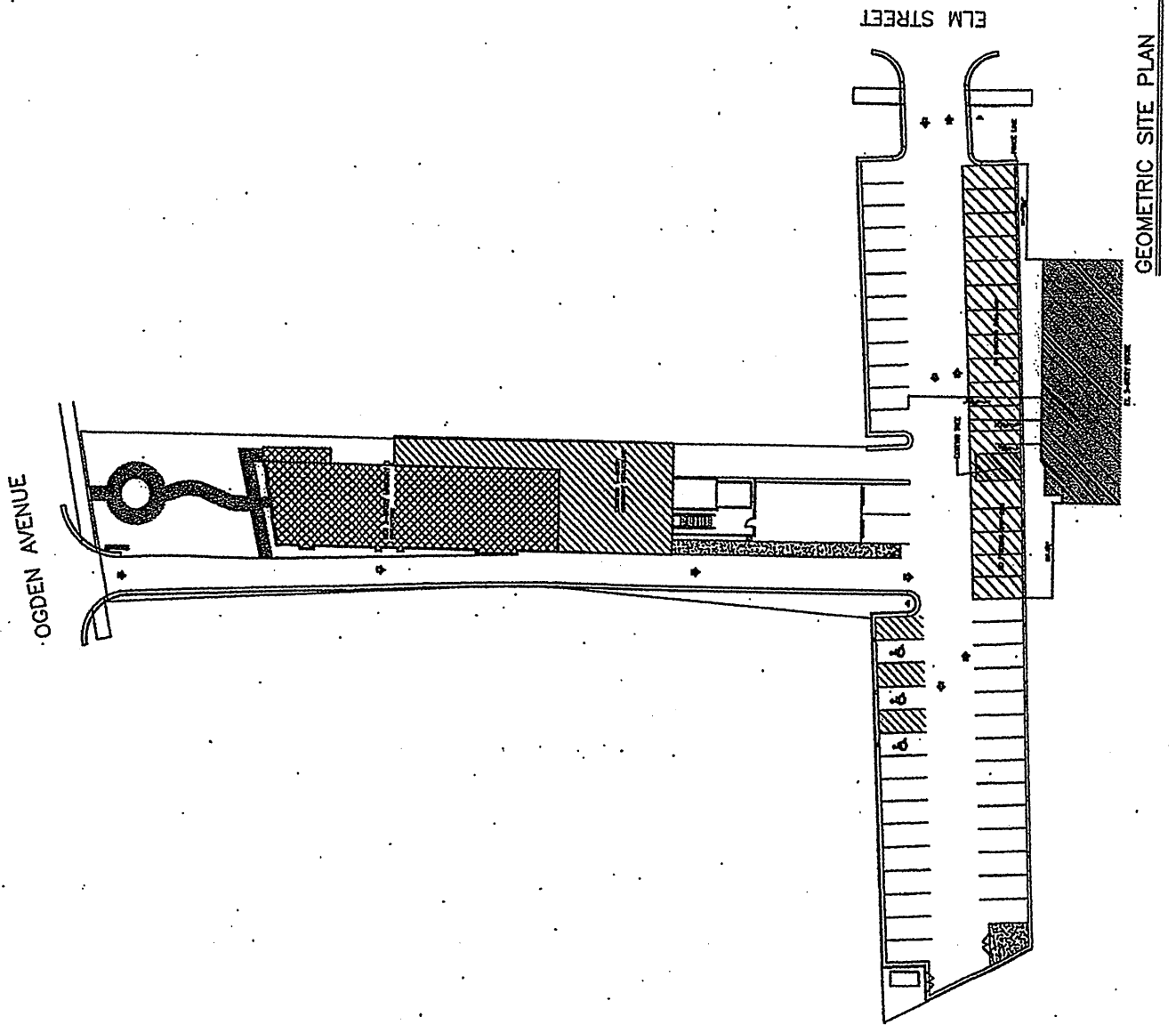
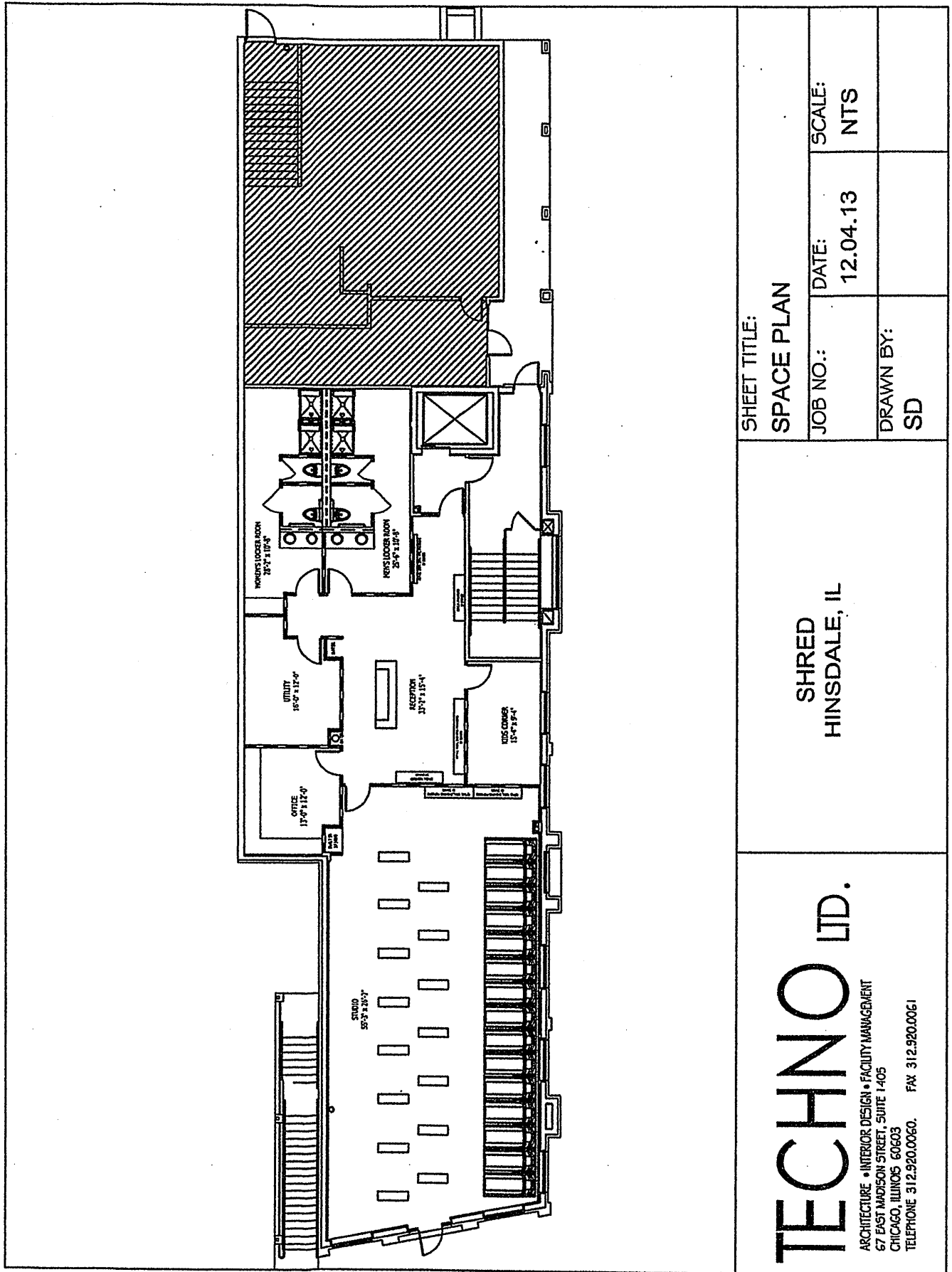
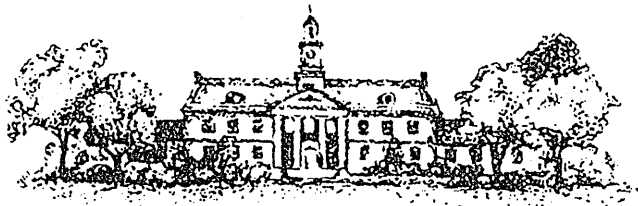


EXHIBIT "1"







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.



Christine M. Bruton
Christine M. Bruton, Village Clerk

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

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:

W. Brian
ChairmanDated this 10th day of Sept, 2014.

EXHIBIT "A"

EXHIBIT C

PARKING EXHIBIT
(ATTACHED)

EXHIBIT "A"

GEOMETRIC S

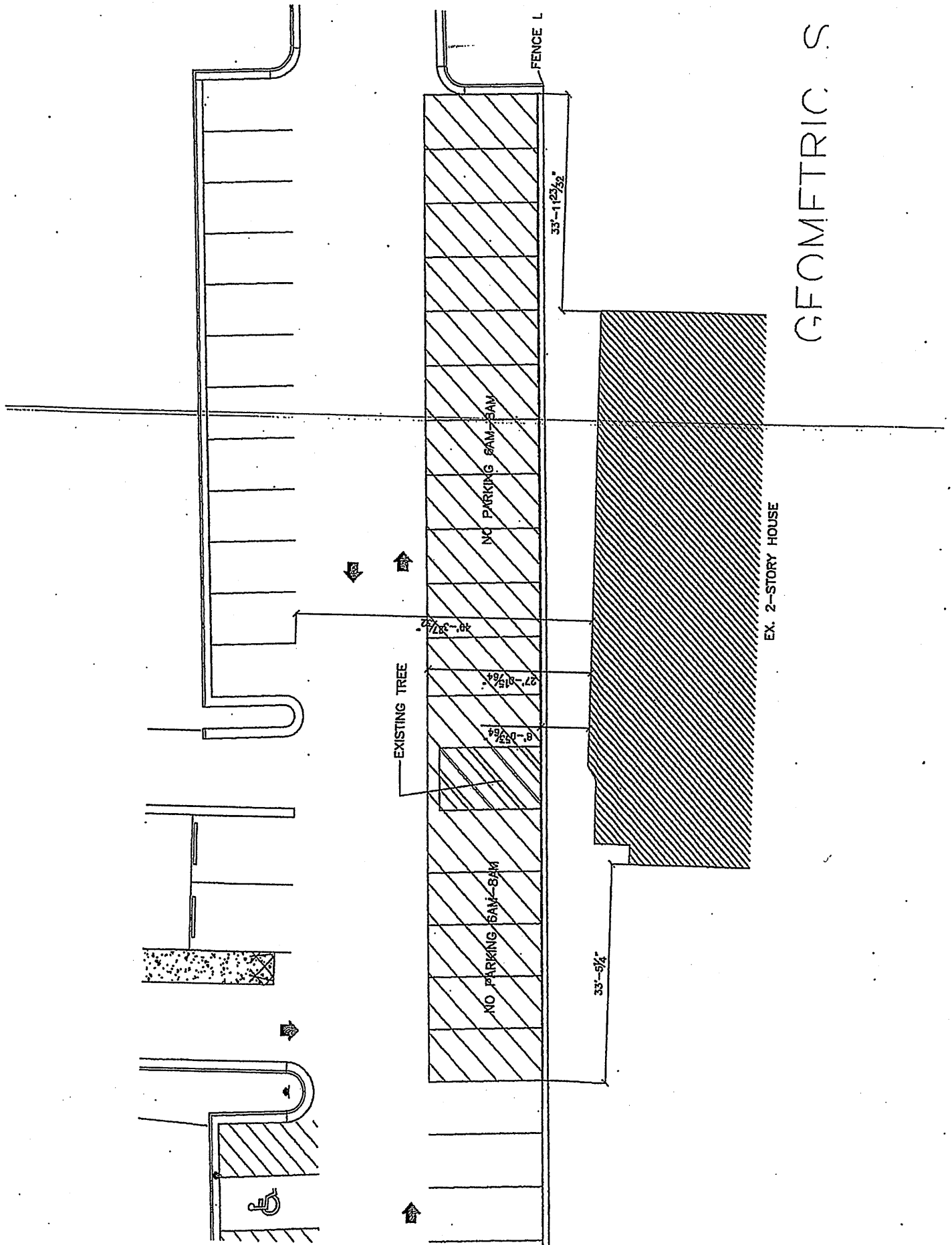
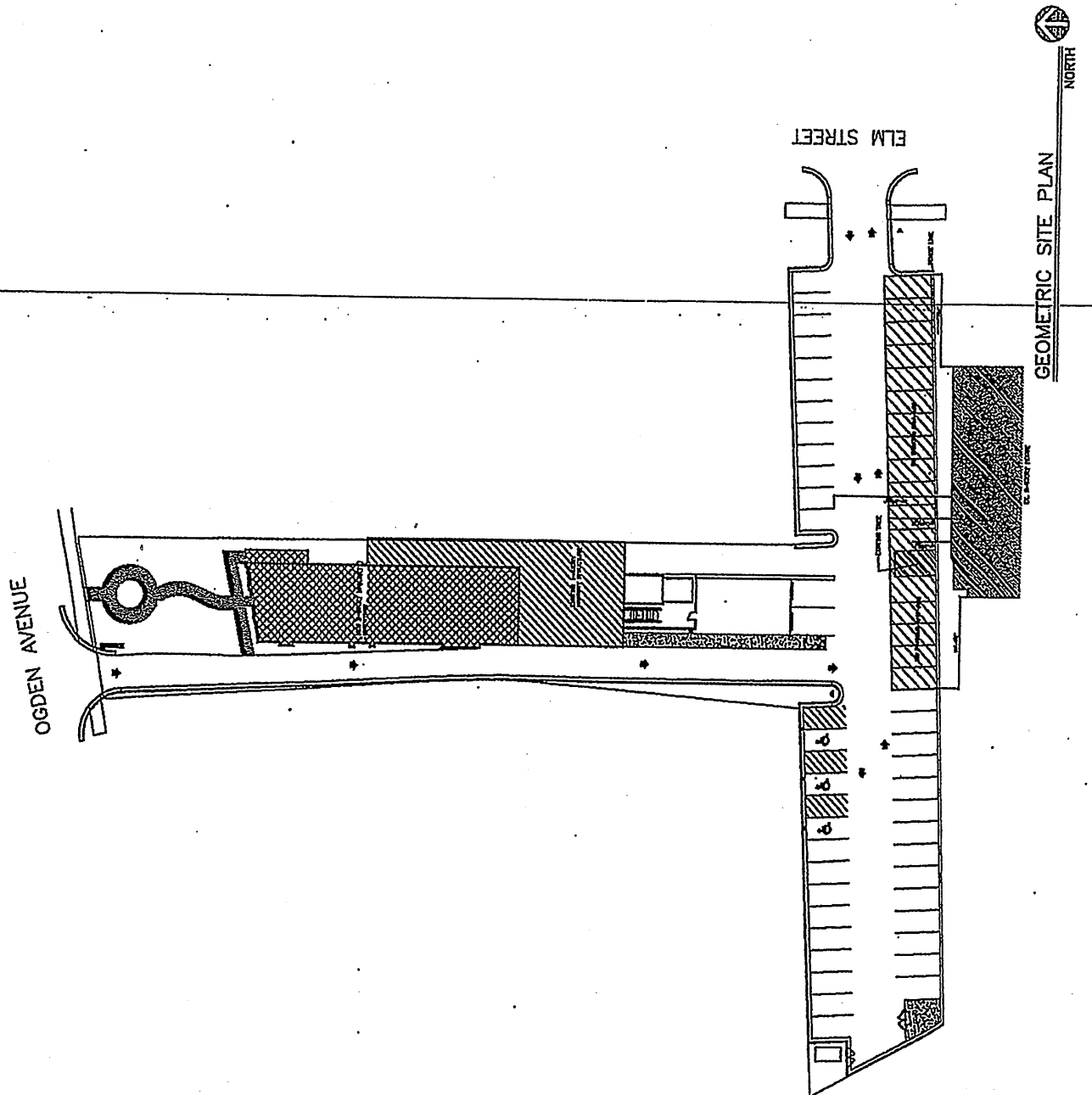


EXHIBIT "A"



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
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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

07:45:46PM

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
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

08:01:41PM

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.

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

08:03:37PM

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

08:11:18PM

20 is actually being violated, there's things that

21 can be done for that. If there's an exhibit

22 versus language --

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

08:11:42PM

10 attached --

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.

08:12:58PM

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.

08:13:24PM

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
08:16:34PM 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.
08:16:54PM 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.

08:17:12PM 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.

08:17:26PM 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
08:17:56PM 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?

08:18:13PM 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
08:18:45PM 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
08:19:30PM 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.)

17

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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

6

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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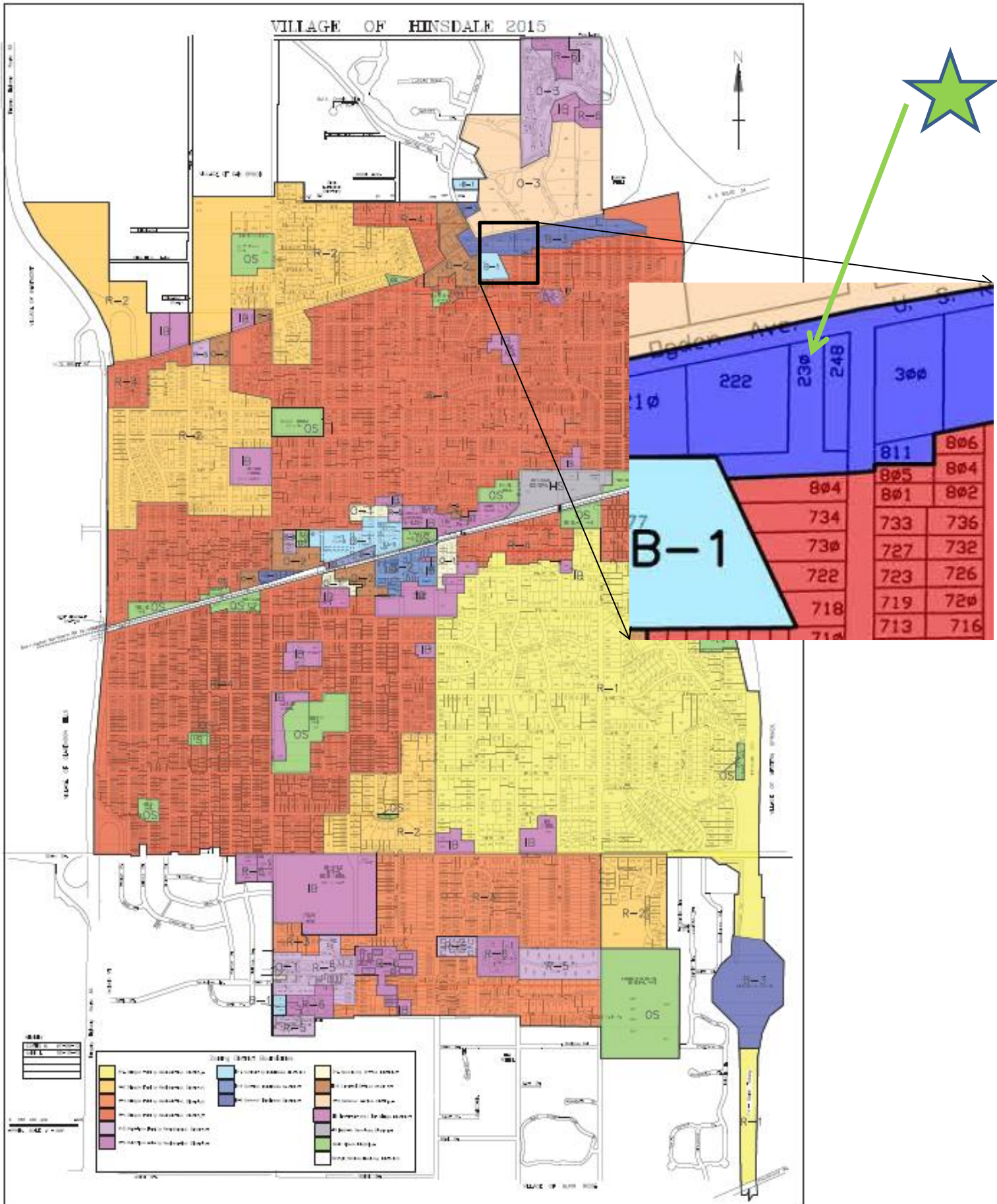
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Attachment 3: Village of Hinsdale Zoning Map and Project Location



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.

