

**VILLAGE OF HINSDALE  
VILLAGE BOARD OF TRUSTEES  
MINUTES OF THE MEETING  
September 15, 2020**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees (conducted electronically) was called to order by Village President Tom Cauley on Tuesday, September 15, 2020 at 7:37 p.m., roll call was taken.

Present: President Tom Cauley

Participating by telephone: Trustees Matthew Posthuma, Scott Banke, Luke Stifflear, Gerald J. Hughes, Laurel Haarlow and Neale Byrnes

Absent: None

Participating by telephone: Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Police Chief Brian King, Finance Director Darrell Langlois, Director of Community Development/Building Commissioner Robb McGinnis, Director of Public Services George Peluso, Village Engineer Dan Deeter, Village Planner Chan Yu, Superintendent of Parks & Recreation Heather Bereckis, Mr. Nathan Parch and Village Clerk Christine Bruton

**VILLAGE PRESIDENT - INTRODUCTION**

*“Good evening. On May 29, 2020, Governor Pritzker entered the latest in a string of emergency declarations related to the COVID-19 pandemic. In light of that declaration, and consistent with various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, I find that it is not practical or prudent to conduct an in-person meeting, and this Open Regular Meeting of the President and Board of Trustees of the Village of Hinsdale is therefore being conducted remotely.*

*Public Act 101-640 allows public bodies to meet remotely during public health disasters, so long as the public is able to monitor the meeting, and certain other conditions are met.*

*Public comment is permitted during the Citizen’s Petitions portions of the meeting. When we get to those portions of the meeting, I will ask persons wishing to make public comment to identify themselves.”*

**APPROVAL OF MINUTES**

a) **Regular Meeting of September 1, 2020**

Following a correction to the draft minutes, Trustee Posthuma moved to **approve the draft minutes of the regular meeting of September 1, 2020, as amended.** Trustee Banke seconded the motion.

**AYES:** Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## VILLAGE PRESIDENT'S REPORT

President Cauley reported most recent area COVID-19 numbers that indicate a 5.8% positivity rate.

He reported that he and Trustee Hughes have been talking to staff about the deferral of the 2020 Annual Street Maintenance Program, which is a \$500,000 expense. The Village is closely monitoring revenues because of the lag in getting key revenues from the State of Illinois. As a result, we are not quite sure where we stand financially, and will have to watch closely and not make any expenditures until we have to. This calls for the deferral of the annual maintenance program, however, the Village will continue to do scheduled Master Infrastructure Plan (MIP) projects for next year. The residents on Phillippa Street want their street fixed, and the Village will try to do that next year as planned. He noted we are also working with the tollway to get assistance for costs to remediate the drainage problem in that area, and hope they will pick up the cost of an engineering study.

He said the Village Clerk has provided him with all email communication received, and noted there was one email regarding the Phillippa Street drainage matter. There was one email from residents regarding Land Rover, but he noted that matter would be deferred for discussion to the next meeting of the Board. He did state that he does not want the old Land Rover location to be used as a parking lot, and if the Board approves the access drive, only a certain number of cars will be permitted to park there.

President Cauley responded to the letters and emails from residents expressing their concerns over the new Ryan Companies proposal for the redevelopment of the Institute of Basic Life Principles (IBLP) property. He explained this issue started when IBLP left the property, and gave options to sell to Ryan Companies for the existing building and the lot across Adams Street. They gave another option to McNaughton Development. He understands that many people viewed these as the same project, but they were not. Typically, when a developer has a proposal, it begins with a meeting with himself and the Chair of the Zoning & Public Safety Committee, to see if they would recommend the developer begin the formal review process. When Ryan Companies brought their proposal to the Board, they agreed it was worth reviewing, and the application was referred to the Plan Commission for public hearing. McNaughton representatives exercised their right, by code, to bypass a referral and go directly to the Plan Commission.

Following the referral of the Ryan Companies project to the Plan Commission, there were two public hearings and an open house. As a result of public feedback, Ryan withdrew their original application, and resubmitted a new proposal that attempts to address the concerns of neighbors, some of which include building height, density and public benefit. The new application is before the Board tonight for a referral; he stated that no Trustee is pushing this project forward. He pointed out that the property is zoned IB – Institutional, which could result in a project with a larger impact than the Ryan proposal. He said it is not realistic to expect the property to remain vacant; the owner has a right to sell. This project may be better than something that could be built by right. Arguably, independent and assisted living is a need of the Village, but there would be less traffic from a senior living facility than if these were homes or a school, there would be no burden to schools, and it will generate property tax revenue. He reminded residents that nothing is being decided tonight other than should it be referred for public hearing. He asked residents to keep an open mind, and take a fresh look at this proposal.

### CITIZENS' PETITIONS

The only citizen's petitions were those provided by the Village Clerk to members of the Board.

### FIRST READINGS – INTRODUCTION

None.

### CONSENT AGENDA

#### Administration & Community Affairs (Chair Hughes)

- a) Trustee Posthuma moved **Approval and payment of the accounts payable for the period of August 31, 2020 through September 15, 2020, in the aggregate amount of \$2,179,599.39 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Byrnes seconded the motion.

**AYES:** Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

#### Zoning & Public Safety (Chair Stifflear)

- b) **Approve the issuance of a purchase order to AXON Enterprise Inc. in the amount of \$24,384.00 for eight Conductive Energy Weapons (TASER 7), Holsters, and qualification/duty cartridges (First Reading – September 1, 2020)**

Trustee Stifflear introduced the item and moved to **Approve the issuance of a purchase order to AXON Enterprise Inc. in the amount of \$24,384.00 for eight Conductive Energy Weapons (TASER 7), Holsters, and qualification/duty cartridges.** Trustee Banke seconded the motion.

**AYES:** Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

### SECOND READINGS / NON-CONSENT AGENDA – ADOPTION

#### Zoning & Public Safety (Chair Stifflear)

- a) **Approve or deny the request for a Third Major Adjustment to the Site Plan to permit approval of an access drive between 300 and 336 E. Ogden Avenue for the Land Rover/Jaguar dealership; OR**

**Refer the request to the Plan Commission for further hearing and review** (*First Reading – September 1, 2020*)

This item was not addressed by the Board, but forwarded to a future agenda for consideration.

**b) Approve a purchase order in an amount not to exceed \$60,000 with Cotsirilos, Tighe, Streicker, Poulos and Campbell, LT, Chicago Illinois for independent evaluation**

Trustee Stifflear introduced the item and asked for a motion to **Approve a purchase order in an amount not to exceed \$60,000 with Cotsirilos, Tighe, Streicker, Poulos and Campbell, LT, Chicago Illinois for independent evaluation.** Trustee Posthuma seconded the motion.

**AYES:** Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

**c) Refer the application packet to the Plan Commission for a hearing and consideration of a map amendment and concurrent planned development concept plan by Ryan Companies, US Inc.; OR**

**Move to deny the map amendment and concurrent planned development concept plan by Ryan Companies, US Inc.**

Trustee Stifflear introduced the item and thanked President Cauley for his introductory remarks in Presidents Report, and elaborated on the process, stating that a new application restarts the process. This application applies to 32.5 acres of the total 60 acres of the IBLP property. He noted that a referral to another body could be made with only one read, but due to the complexity of the project, there had been two reads on the original proposal in January 2020. He clarified that a referral is not backing or support of the project; it is the next step in the process so that the specifics can be heard at a public hearing, and residents can opine. Specifically, this application includes a 1) map amendment to change 7.6 acres from an IB district to R-2. He explained that a 140,000' square foot building such as a school, satellite campus for a community college, veteran's hospital, or any type of government building could be built by right on this property. Further, the IB district provides the height of any building can be up to 40' feet. This application calls for 2) a text amendment to reduce the minimum number of required acres for a planned development in a residential district from 20 acres to 15 acres minimum, and 3) a planned development on the entire site. If this application were referred to the Plan Commission, a public hearing would likely be scheduled in October. Prior to the public hearing, notices would be sent by certified mail, and published in the local paper. Residents can opine and provide input on any aspect of project. The purpose of a planned unit development concept plan is to illustrate the basic scope and character of the entire plan before detailed engineering and site plans are required. The Plan Commission will provide a recommendation to the Board regarding the concept plan. It would return to the Village Board for direction regarding the need in the community, use, density, height and setbacks. If the concept plan is approved a detailed plan is then provided, and goes back to the Plan Commission for another public hearing to discuss water management, building material,

aesthetics, traffic, landscaping, and other similar issues. After a recommendation regarding the detail plan, the matter comes back to the Village Board a third time for possible final approval. He acknowledged the process is complex, and noted that the last planned development before the Board and Plan Commission was the project at 55<sup>th</sup> and County Line Road, and took close to 12 months to move through the process. This project will not be pushed through without many opportunities for resident input. It was confirmed that the existing IBLP building property is zoned IB, and the property east of Adams Street is zoned R-2.

**Mr. Dave Erickson**, representing Ryan Companies, addressed the Board, stating that over the past nine months, Ryan Companies has been listening and adjusting their plans. The original application filed in December 2019 was before the Village Board in January 2020 for feedback and referral; they adjusted the plans following that meeting. They resubmitted in March to present to the Plan Commission, and following feedback from the Plan Commission public hearings, they held an open house in early August. It was clear after the open house the right thing to do was to withdraw the application. They understood the concerns brought forward which included traffic problems and a genuine fear of what was being proposed on the east side of Adams. The new application was submitted in early September. The development area has changed, and the architecture has changed from Craftsman to a Georgian style with updated detailing and cornices especially along Ogden Avenue. The 31 villas at Cheval Road have been eliminated; the new application proposes 27 villas on the east side of Adams. There is no change to Cheval Drive. Traffic improvement is subject to IDOT approval, but they would widen the intersection of Adams and Ogden to include dedicated right and left turn lanes. They increased the setback from Ogden Avenue to 11' feet, and 15' feet on Adams. They decreased the height of the building along Ogden Avenue to two-stories, and have exceeded the code minimum for parking requirements. He also noted Ryan Companies is no longer making the request for a code change for the acreage requirements for a planned development. The proposed public benefit is to give 12 acres of existing open space east of Adams to the Village to use as passive park space, and to allow the Village to place gateway signage on Ryan property, if desired. There is no rezoning in Oak Brook north of the proposed senior living facility, and south of Cheval, but they will work with Oak Brook on engineering to provide a storm water benefit.

East of Adams is the proposed location for 27 senior living villas. These are one-story buildings with no basements. The existing berm with large trees will be kept as is to provide a sizeable buffer for sound and view. Regarding storm water in the area, when it rains the runoff goes to a creek. Code requires they provide storm water basins, vaults and piping into the creek. The Village of Hinsdale, Oak Brook and the County provide storm water management accountability and will need to approve these plans.

Mr. Erickson explained their belief that the market need for a facility of this nature is tremendous. With respect to the concerns related to COVID-19, skilled nursing has been most affected, but this facility provides independent, assisted and memory care. There have been positive net move-ins in their independent living communities across the country, with limited COVID-19 effects. Assisted living and memory care residences have also maintained consistent occupancy. This will be the only facility of this type in the area that includes all three housing options. He believes the property will look better from Ogden, will bring new jobs to the area, and will generate property tax revenue for the Village and schools. Senior living will not impact the number of children in the schools, the parking exceeds code requirements, the traffic impact will not be at peak times, and senior living is a low traffic

generator. The architecture will be consistent with Hinsdale, and the scale is appropriate for the location. The existing berms will be enhanced. He also referenced their partner, Life Care Services, as a quality provider. Mr. Erickson thanked the Board and requested a positive referral. He hopes the Board can see that Ryan Companies is listening, and that they respect the process.

Trustee Hughes asked if any land controlled by Ryan Companies is unaccounted for, and confirmed that the McNaughton property by Madison is not part of this project. He asked if there would be any issues for villa residents crossing Adams to access amenities on the west side. Mr. Erickson stated the plan is to have a town car pick up residents to come across safely.

President Cauley asked about visibility from Ogden Avenue. Mr. Erickson stated the single story villas on the east side of Adams are not visible because of the berm. They could do a site line analysis, but he believes most if not all is hidden. He believes that the proposed building on the west side is no taller than the existing building, but the three-story section at the back of the building might be taller.

Trustee Banke asked about the effect of the business in terms of COVID-19 and area first responders. Mr. Erickson said he would provide more information, based on statistics from other facilities. President Cauley asked about the cost to the Village of additional Fire Department calls.

Trustee Haarlow asked about the type of medical faculty on site. Mr. Erickson explained there are medical professionals on staff, but acknowledged an ambulance would likely be called from time to time. He added that unlike the Manor Care facility, where residents are frail, theirs is also an older community, but generally healthier. He explained there are policies in place for levels of care, but a doctor is not on staff 24/7. She asked about the entry price point. Mr. Erickson said there is no a membership fee. With their business model, the up-front fee is minimal, and the market will determine what the monthly rate may be at the time of opening, likely between \$4,000-\$7,000/per month.

Trustee Byrnes and Trustee Posthuma asked about the villas. Mr. Erickson explained these are not single-family homes, but part of the age-restricted senior living community. The square footage is between 1,500' and 2,000' square feet each. The elevations are included in the packet, but more details would be worked out as the project moves through the process. Discussion followed regarding the other areas east of Adams owned by IBLP, and President Cauley confirmed they could be developed as single-family homes, but cautioned it is still being marketed as a development property.

President Cauley suggested a bus for employees as a way to minimize traffic; Mr. Erickson said this has not been contemplated, because there is ample parking on site. He mentioned another concern from Fullersburg residents brought up at the August open house was that people who could not turn from Adams would use Madison instead. Mr. Erickson said this is a two mile further drive, and he does not believe that is likely, but they plan to install signage to manage this problem.

Trustee Stifflear pointed out that the list of modifications are included in the packet, but with respect to building coverage, floor area ratio (FAR) is .3% over, and lot coverage is below the 25% maximum.

Trustee Haarlow said the proposed public benefit is an improvement, with room for growth to make it a true benefit. She believes the courtyards are less a public benefit, but actually a resident benefit. The welcome signage is a nice idea but the location is not optimal, and might not be effective. The donation of the 12 acres indicates a clear appreciation of open

space, but it needs to be usable, to be cleaned up and made into a space that is usable for residents of all ages.

President Cauley asked for public comment. There was none. He recommended a second reading on this item because of the importance of the issue. Mr. Erickson added it is their intention to hold another open house prior to the Plan Commission public hearings, and that they are doing their best to provide people with options to give their feedback, too.

Discussion followed regarding the timing of any possible future hearings.

The Board agreed to move this item forward for a second reading at their next meeting.

## **DISCUSSION ITEMS**

### **a) Tollway update**

Assistant Village Manager/Director of Public Safety Brad Bloom said there were no updates at this time.

### **b) Chamber of Commerce – request to extend Farmers Market**

Mr. Bloom stated the Chamber of Commerce requests a two-week extension of the Farmers Market, and that Public Services has no objections. The Board agreed to the request.

### **c) 2020 Annual Street Maintenance program**

President Cauley explained in his remarks earlier in the meeting that the \$500,000 street maintenance program is postponed until there is more clarity with respect to the financial situation of the Village. This does not impact the Master Infrastructure Plan (MIP), and Trustees Byrnes and Posthuma want Eighth Street and Chicago addressed next year as they are heavily trafficked and in bad condition. Ms. Gargano said this conversation would continue during budget preparation.

### **d) Title 14 Historic Preservation draft**

Ms. Gargano introduced the item stating that at the August 9 meeting of the Village Board, staff was directed to continue to review historic preservation incentives in other communities. Mr. Nathan Parch did an evaluation and summary of the information he found in the form of a working draft. He has asked for more time to allow him to dialogue with selected communities about their historic preservation practices. She referenced issues such as the fact that Hinsdale does not charge a fee for Certificate of Appropriateness, and there is an extensive amount of work and public hearing expense related to demolitions, non-home rule authority limitations, expanding outside of Robbins, and identifying those historic homes to be included.

Mr. Parch addressed the Board stating the intent of his report is to investigate what types of preservation incentives are available for residential properties at the Federal, State and local levels, adding he has not found a lot at the Federal or State level. He wants to review the 12 communities included in his study in more depth, and speak with their staff. Those communities are Downers Grove, Evanston, Glen Ellyn, Glencoe, Highland Park, Lake Forest, Naperville, Oak Park, River Forest, Riverside, Wilmette and Winnetka. A second component would be a table to compare those communities to what is being considered in Hinsdale.

President Cauley believes a Committee of the Whole (COW) meeting with the Historic Preservation Commission (HPC) to review this matter and hash out the details is the best way to proceed. Ms. Gargano said the research done to date is sufficiently comprehensive

at this point to move to a COW. She would recommend bringing the ordinance introduced by President Cauley to the HPC to work through the ordinance. She acknowledged the HPC has finished their Title 14 work, and have asked the consultant that has been working with them to provide a summary of changes. These documents would have to be merged together for a public hearing. President Cauley wants to start with incentives and demolitions. The HPC has worked on a document about their procedures and how they will interact with the Board and what their powers will be. The Board has been dealing with the substantive issues of demolition and incentives. Trustee Hughes is concerned about adopting the draft piece meal. President Cauley explained there would be two COW reviews, one for the substantive matters and another for the procedural. Ms. Gargano added there are two components to Title 14, one is the demolition component, and the other is Title 14 as a procedural manual for applicants, and to define the roll of the HPC. Demos are a discreet item, and can be resolved before addressing procedural aspects. Trustee Hughes asked that the steps be laid out to eliminate confusion and avoid delay. President Cauley said he anticipates there would be two Committee of the Whole meetings over a couple of months.

Trustee Posthuma asked when the discussions about the financial impact would occur. President Cauley said as part of the COW discussion regarding demos. Board discussion followed regarding financial impacts and incentives. Trustee Hughes recommended providing numbers and scenarios prior to the meeting to illustrate what those numbers mean. Ms. Gargano said the Board would need to determine how wide a net to cast, and balancing the desire for historic preservation against the costs, as there could be serious revenue impacts. President Cauley said he wants a structured meeting that would include a list of incentives, and the corresponding financial impact, if any.

Ms. Gargano said staff would work with Trustees Stifflear and Hughes to develop a calendar in the next couple of months that will be provided in Manager's Notes.

## **DEPARTMENT AND STAFF REPORTS**

- a) Community Development
- b) Fire

The report(s) listed above were provided to the Board. There were no additional questions regarding the content of the department and staff reports.

Ms. Gargano reported that on a call with area restaurant owners, they asked that they be able to continue the outdoor dining as long as possible. Staff agreed to work with them. She added there is overwhelming support that outdoor seating be available for next year even without COVID-19, as restaurants and residents have enjoyed the environment.

## **REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

None.

## **CITIZENS' PETITIONS**

None



### TRUSTEE COMMENTS

None.

### ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Hughes moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of September 15, 2020.** Trustee Banke seconded the motion.

**AYES:** Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 9:31 p.m.

ATTEST: \_\_\_\_\_  
Christine M. Bruton, Village Clerk