MEETING AGENDA



VILLAGE BOARD OF TRUSTEES Tuesday, February 15, 2022 7:00 P.M.

MEMORIAL HALL — MEMORIAL BUILDING 19 East Chicago Avenue, Hinsdale, Illinois

(Tentative & Subject to Change)

- 1. CALL TO ORDER/ROLL CALL
- 2. PLEDGE OF ALLEGIANCE
- 3. APPROVAL OF MINUTES
 - a) Regular Meeting of February 1, 2022
- 4. VILLAGE PRESIDENT'S REPORT
- 5. PUBLIC HEARING APPROPRIATIONS
- **6. CITIZENS' PETITIONS*** (Pertaining to items appearing on this agenda)

7. FIRST READINGS - INTRODUCTION**

Items included for First Reading - Introduction may be disposed of in any one of the following ways: (1) moved to Consent Agenda for the subsequent meeting of the Board of Trustees; (2) moved to Second Reading/Non-Consent Agenda for consideration at a future meeting of the Board of Trustees; or (3) referred to Committee of the Whole or appropriate Board or Commission. (Note that zoning matters will not be included on any Consent Agenda; all zoning matters will be afforded a First and a Second Reading. Zoning matters indicated below by **.)

Administration & Community Affairs (Chair Posthuma)*

- a) Approve the Annual Appropriation Ordinance for the year January 1, 2022 to December 31, 2022
- b) Approve change orders totaling \$45,873 related to the reconstruction and renovation of the paddle tennis hut located at Katherine Legge Memorial Park to the Red Feather Group

Zoning & Public Safety (Chair Stifflear)

- c) Approve a Referral for Consideration by the Plan Commission of a Text Amendment to allow for Lifestyle Housing as a Special Use in the O-1 District, a Planned Development Concept Plan, and a Special Use Permit to allow for a Planned Development and Lifestyle Housing in the O-1 District for Vine Street Station and a concurrent Major Adjustment to the Zion Lutheran Church Planned Development
- d) Approve an Ordinance Approving a Lot Width Variation at 5515 & 5517 S. Elm Street, Hinsdale, Illinois Berger ZBA Case V-08-21
- e) Approve an Ordinance Amending Various Sections of the Village Code of the Village of Hinsdale Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities, Utility Noise and Construction of Utility Facilities in the Right-of-Way

8. CONSENT AGENDA

All items listed below have previously had a First Reading of the Board or are considered Routine*** and will be moved forward by one motion. There will be no separate discussion of these items unless a member of the Village Board or citizen so request, in which event the item will be removed from the Consent Agenda.

Administration & Community Affairs (Chair Posthuma)

- a) Approval and payment of the accounts payable for the period of January 27, 2022 through February 9, 2022 in the aggregate amount of \$966,524.67 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk***
- b) Approve an Intergovernmental Agreement between the City of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the Midway Noise Compatibility Commission (MNCC) (First Reading February 1, 2022)
- c) Approve an Intergovernmental Agreement between the City of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the O'Hare Noise Compatibility Commission (ONCC) (First Reading February 1, 2022)

Environment & Public Services (Chair Byrnes)

d) Approve the purchase of a 2022 Carlton 7500 Stump Grinder with trade-in from Alexander Equipment Company of Lisle, IL in an amount not to exceed \$54,900***

Zoning & Public Safety (Chair Stifflear)

- e) Approve the purchase through the Suburban Purchasing Cooperative.of one new 2022 Ford Explorer from Curry Motors in Frankfort, Illinois, in an amount not to exceed \$33.094***
- f) Approve payment to Currie Motors, Frankfort, Illinois for the purchase of two new patrol fleet vehicles in the amount of \$71,820.00***

9. SECOND READINGS / NON-CONSENT AGENDA - ADOPTION

These items require action of the Board. Typically, items appearing for Second Reading have been referred for further discussion/clarification or are zoning cases that require two readings. In limited instances, items may be included as Non-Consent items and have not had the benefit of a First Reading due to emergency nature or time sensitivity, or when the item is a referral to another Board or Commission****

10. DISCUSSION ITEMS

- a) Tollway update
- b) Tollway Flooding Event June 26, 2021

11. DEPARTMENT AND STAFF REPORTS

- a) Parks & Recreation
- 12. REPORTS FROM ADVISORY BOARDS AND COMMISSIONS
- **13. CITIZENS' PETITIONS*** (Pertaining to any Village issue)
- 14. TRUSTEE COMMENTS
- 15. CLOSED SESSION- 5 ILCS 120/2(c) (1)/(2)/(3)/(5)/(8)/(11)/(21)

16. ADJOURNMENT

*The opportunity to speak to the Village Board pursuant to the Citizens' Petitions portions of a Village Board meeting agenda is provided for those who wish to comment on an agenda item or Village of Hinsdale issue. The Village Board appreciates hearing from our residents and your thoughts and questions are valued. The Village Board strives to make the best decisions for the Village and public input is very helpful. Please use the podium as the proceedings are videotaped. Please announce your name and address before commenting.

**The Village Board reserves the right to take final action on an Item listed as a First Reading if, pursuant to motion, the Board acts to waive the two reading policy.

***Routine items appearing on the Consent Agenda may include those items that have previously had a First Reading, the Accounts Payable and previously budgeted items that fall within budgetary limitations, has been competitively bid or is part of a State Contract, and have a total dollar amount of less than \$100,000.

****Items included on the Non-Consent Agenda due to "emergency nature or time sensitivity" are intended to be critical business items rather than policy or procedural changes. Examples might include a bid that must be awarded prior to a significant price increase or documentation required by another government agency to complete essential infrastructure work.

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 promptly contact Brad Bloom, ADA Coordinator, at 630-789-7007 or by TDD at 630-789-7022 to allow the Village of Hinsdale to make reasonable accommodations for those persons.

Website http://villageofhinsdale.org

VILLAGE OF HINSDALE VILLAGE BOARD OF TRUSTEES MINUTES OF THE MEETING February 1, 2022

The regularly scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, February 1, 2022 at 7:01 p.m., roll call was taken.

Present: President Tom Cauley, Trustees Matthew Posthuma, Laurel Haarlow, Michelle Fisher, Neale Byrnes and Scott Banke

Absent: Trustee Stifflear

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom Police Chief Brian King, Assistant to the Village Manager Trevor Bosack, Finance Director Andrea Lamberg, Village Clerk Christine Bruton

Present electronically:, Director of Community Development Robb McGinnis, Director of Public Services George Peluso, Village Planner Bethany Salmon, Fire Chief John Giannelli, Assistant Fire Chief Jon Carlson, Superintendent of Parks & Recreation Heather Bereckis, HR Director Tracy McLaughlin

PLEDGE OF ALLEGIANCE

President Cauley led those in attendance in the Pledge of Allegiance.

APPROVAL OF MINUTES

a) Regular Meeting of January 18, 2022

Trustee Byrnes moved to approve the minutes of the regular meeting of January 18, 2022, as presented. Trustee Fisher seconded the motion.

AYES: Trustees Fisher, Byrnes and President Cauley

NAYS: None

ABSTAIN: Trustee Posthuma, Haarlow and Banke

ABSENT: Trustee Stifflear

Motion carried.

VILLAGE PRESIDENT'S REPORT

President Cauley reported a water main break at Ogden Avenue and Salt Creek Lane. Due to the location, traffic has been disrupted. The water main repair has been completed, and clean-up will continue during the evening or overnight.

Public Services staff is monitoring the weather, as significant snowfall has been projected. As a reminder, in these types of snow events, the Village prioritizes clearing main arterial roads, and will work continuously plowing Village streets. He also reminded residents of the Snow Shoveling

Village Board of Trustees Meeting of February 1, 2022 Page 2 of 4

Program to assist the elderly with help clearing their sidewalks. More information can be found on the Village website.

The Lincoln Street railroad crossing will be closed February 8 through February 10 for work scheduled by BNSF. Detour signs will direct traffic east to the Washington Street crossing. President Cauley reported area COVID statistics, noting that the DuPage County 7-day positivity rate is improved to 11%.

CITIZENS' PETITIONS

None

FIRST READINGS - INTRODUCTION

Administration & Community Affairs (Chair Posthuma)*

 Approve an Intergovernmental Agreement between the city of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the Midway Noise Compatibility Commission (MNCC)

Trustee Posthuma introduced this item and the following together, reporting resident complaints about aircraft noise from O'Hare and Midway. Staff is proposing the Village join the noise compatibility commissions for each airport. The purpose of the commissions is to determine noise compatibility projects, noise monitoring systems, and promote citizen engagement. There is no cost to join, expenses are paid by the City of Chicago Approving the IGA is the way to join the commission, and all communities in the commission are parties to the same IGA.

Mr. Aaron Frame, representative from Chicago, addressed the Board, and explained that meetings are attended by the mayor, sometimes a trustee or a manager. Village Manager Kathleen Gargano stated that should the Board approve these items, she would be the Hinsdale representative at future meetings. Mr. Frame explained that air traffic is 'tricky' and under the sole purview of the Federal Aviation Administration (FAA), but one of the ways the commissions work is to understand the air traffic patterns, recommend certain practices, and more efficient runway operations. It is difficult to change air traffic patterns, they are not random, but pilots have some latitude. Day vs. night runway management, can help with noise reduction, but the most important aspect to air traffic is the direction of the wind. Trustee Banke asked about safety with respect to 5G towers, and could this affect traffic patterns. Mr. Frame doesn't think so, but understands the FAA has agreed to buffer zones. Given the national attention to this matter, there are enough people working on this, and he does not anticipate a hasty rollout for 5G.

The Board agreed to move this item to the Consent Agenda of their next meeting.

c) Approve an Intergovernmental Agreement between the city of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the O'Hare Noise Compatibility Commission (ONCC)

Discussion of this matter with previous item.

The Board agreed to move this item to the Consent Agenda of their next meeting.

CONSENT AGENDA

Administration & Community Affairs (Chair Posthuma)

a) Trustee Byrnes moved Approval and payment of the accounts payable for the period of January 13, 2022 through January 26, 2022 in the aggregate amount of \$929,894.05 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk. Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Haarlow, Fisher, Byrnes and Banke

NAYS: None ABSTAIN: None

ABSENT: Trustee Stifflear

Motion carried.

The following items were approved by omnibus vote:

Environment & Public Services (Chair Byrnes)

- b) Approve the purchase of a S76 T4 Bobcat Skid-Steer Loader through the Sourcewell Purchasing Agreement #042815-CEC with trade-in from Atlas Bobcat of Mokena, IL in an amount not to exceed \$55,322
- c) Award Year 2 Elm Tree Treatment Contract to Kinnucan Tree Experts and Landscape Company in the bid comparison amount of \$11.42 per inch not to exceed the CY2022 budgeted amount of \$113,491.96 (First Reading January 18, 2022)
- d) Award Year 2 of Tree Maintenance Contact #1675 to Steve Piper and Sons for tree maintenance services in the amount not to exceed the CY2022 budgeted amount of \$67,000 (First Reading January 18, 2022)

Trustee Byrnes moved to approve the Consent Agenda, as presented. Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Haarlow, Fisher, Byrnes and Banke

NAYS: None ABSTAIN: None

ABSENT: Trustee Stifflear

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA - ADOPTION

None.

DISCUSSION ITEMS

- a) Tollway update
- b) Tollway Flooding Event June 26, 2021

Village Board of Trustees Meeting of February 1, 2022 Page 4 of 4

Assistant Village Manager/Director of Public Safety Brad Bloom reported there are no Tollway related updates at this time.

DEPARTMENT AND STAFF REPORTS

•	Engineering
b)	Community Development

The report(s) listed above were provided to the Board. There were no additional question regarding the content of the department and staff reports.
REPORTS FROM ADVISORY BOARDS AND COMMISSIONS
No reports.
CITIZENS' PETITIONS
None.
TRUSTEE COMMENTS
None.
ADJOURNMENT
There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Banke moved to adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of February 1, 2022. Trustee Haarlow seconded the motion.
AYES: Trustees Posthuma, Haarlow, Fisher, Byrnes and Banke NAYS: None ABSTAIN: None ABSENT: Trustee Stifflear
Motion carried.
Meeting adjourned at 7:18 p.m.
ATTEST:Christine M. Bruton, Village Clerk



AGENDA ITEM #_______
REQUEST FOR BOARD ACTION
Finance

AGENDA SECTION:

First Reading – ACA

SUBJECT:

Annual Appropriations Ordinance

MEETING DATE:

February 15, 2022

FROM:

Andrea Lamberg, Finance Director

Recommended Motion

Approve the Annual Appropriations Ordinance for the Year January 1, 2022 to December 31, 2022.

Background

Attached is the proposed Annual Appropriation Ordinance for Year January 1, 2022 to December 31, 2022. The ordinance represents the legal spending authority for Calendar Year 2022 and is required by state statutes to be adopted by March 31, 2022. It should be noted that although the appropriation ordinance represents the Village's legal spending authority, the Village's budget, which was adopted in December, is the financial plan which the Village operates under throughout the year.

Prior to adopting the ordinance, statutes require that the Village hold a public hearing on the ordinance and that notice of the public hearing be published in the newspaper. The notice of the public hearing was published in the *Hinsdalean* on February 3, 2022, and the legally required public hearing on the proposed appropriation ordinance will be held on February 15, 2022 prior to first reading of the ordinance.

Discussion & Recommendation

The line items contained in the proposed appropriation ordinance are identical to the Village's Calendar Year 2022 Budget.

In addition to the line item budget amounts, a contingency amount is added for unforeseen expenses in each department. The contingency amount is to ensure that the Village has spending authority in case of unforeseen emergencies such as severe weather or fire. If the contingency amount is not available, the Village would be legally precluded from procuring needed services to the citizens in a timely manner.

As to the amounts for the Hinsdale Public Library, these amounts were approved by a separate resolution of the Hinsdale Public Library Board.

Budget Impact

There is no impact to the original budget. The Appropriations Ordinance sets the legal spending limit for the Village.

Village Board and/or Committee Action

N/A

Documents Attached

1. Annual Appropriations Ordinance for the Year January 1, 2022 to December 31, 2022

VILLAGE OF HINSDALE

ORDINANCE NO. 02022-

ANNUAL APPROPRIATION ORDINANCE FOR THE YEAR JANUARY 1, 2022, TO DECEMBER 31, 2022

WHEREAS, a proposed appropriation ordinance for the Village of Hinsdale for the year ending December 31, 2022, upon which this Annual Appropriation Ordinance is based, was heretofore duly prepared and made conveniently available to the public for at least 10 days prior to the public hearing described below and for at least 10 days prior to the adoption of this Annual Appropriation Ordinance, all in accordance with the requirements of Section 8-2-9 of the Illinois Municipal Code, 65 ILCS 5/8-2-9; and

WHEREAS, the Board of Trustees of the Village of Hinsdale, pursuant to notice duly published on February 3, 2022 in The Hinsdalean in accordance with the requirements of said Section 8-2-9 held a public hearing on February 15, 2022, for the purpose of hearing and considering testimony regarding the proposed appropriation ordinance; and

WHEREAS, all required or necessary revisions, alterations, increases, or decreases in the proposed appropriation ordinance have since been made and are reflected in this Annual Appropriation Ordinance;

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:

<u>Section 1.</u> <u>Recitals.</u> The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

Section 2. General Corporate Appropriations. The following sums of money, or so much thereof as may be authorized by law, are deemed necessary to defray all necessary expenses and liabilities of the Village of Hinsdale for the year commencing on January 1, 2022, and ending

December 31, 2022, and the same shall be, and they are hereby, appropriated for the objects and purposes hereinafter specified:

CY 2022 Appropriation Ordinance

Financ	e and Administration-Department 11	Appropriation
7001	Full-Time Salaries	1,149,100
7003	Part-Time Salaries	52,650
7005	Longevity Pay	700
7009	Vehicle Allowance	5,600
7011	Overtime	5,500
7023	Water Fund Cost Allocation	(880,049)
7101	Social Security	75,271
7103	Medicare	17,544
7105	IMRF	106,471
7111	Health Insurance	161,500
7113	Dental Insurance	3,350
7115	Life Insurance	2,150
7131	Tuition Reimbursement	20,000
7133	Mileage Reimbursement	200
7135	Brd of Police/Fire Comm.	15,000
7137	Employment Advertising	2,500
7139	Personnel Expenses	17,869
7141	Staff Development & Training	18,600
7143	Membership Dues/Subscriptions	25,170
7145	Uniforms & Apparel	2,200
7149	Village-Wide Employee Relations	11,900
7201	Legal Expenses	965,000
7207	Auditing Services	39,586
7209	Accounting Services	21,000
7211	Actuarial Services	14,000
7213	Consulting Services	100,000
7215	Tollway /Lobbying Expenditures	64,200
7221	IT Service Contract	190,000
7223	IT Contracts & Service Agreements	35,618
7225	Utility Billing Expenses	15,200
7227	Vehicle License Expenses	18,400
7231	Telecommunications	19,175
7233	Cable/Internet	19,400
7249	Record Retention & Doc Mgmt	580
7251	Recording Fees-County	3,500
7269	Parking System Expenses	2,200
7299	Other Services	5,200
7301	Postage	20,800
7303	Office Supplies	8,300
7305	Breakroom Supplies	2,000
7307	Printing and Publications	11,000

Corporate	Fund	-]	100
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Police	Department - Department 21 (cont)	Appropriation
7269	Parking System Expenses	17,500
7276	CALEA Accreditation Fee	4,745
7277	Contribution to Other Agencies	23,120
7303	Office Supplies	6,000
7307	Printing and Publications	3,000
7311	Gasoline & Oil	42,000
7327	Building & Maintenance Supplies	2,000
7341	Citizen's Police Academy	250
7343	Range Supplies	10,000
7353	Medical/Safety Supplies	1,500
7359	Police Department Supplies	9,000
7391	Computer Hrdwre, Software, Supplies	35,931
7401	Building Maintenance	26,000
7403	General Equipment Maintenance	4,550
7405	Comp./Off. Equip. Maint.	9,740
7407	Motor Vehicle Maintenance	25,000
7417	Parking System Maintenance	500
7523	IRMA Premiums	43,005
7525	Self-Insured Deductible	40,000
7901	General Equipment	171,000
7903	Computer Equipment	30,000
7907	Motor Vehicles	98,000
7909	Buildings	290,000
7591	Contingency	292,558
	Total Police Department	6,143,708

Fire Department - Department 31		Appropriation
7001	Full-Time Salaries	2,468,900
7003	Part-Time Salaries	56,500
7005	Longevity Pay	10,500
7009	Vehicle Allowance	5,600
7011	Overtime	206,000
7023	Water Fund Cost Allocation	(21,189)
7101	Social Security	15,757
7103	Medicare	36,852
7105	IMRF	36,852
7109	Firefighters' Pension Contributions	1,084,541
7111	Health Insurance	403,000
7113	Dental Insurance	12,000
7115	Life Insurance	5,600
7141	Staff Development & Training	27,510
7143	Membership Dues/Subscriptions	8,105
7145	Uniforms	29,125

Corporate	Fund .	- 100
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Corpo	rate Fund - 100	
<u>Fire D</u>	epartment - Department 31 (cont)	<u>Appropriation</u>
7149	Employee Recog and Relations	1,000
7231	Telecommunications	19,500
7233	Cable/Internet	900
7235	Electric	350
7237	Natural Gas	6,950
7241	Custodial Services	1,170
7247	Licenses & Permits	428
7249	Record Retention & Doc Mgmt	480
7263	Dispatch Services	169,599
7301	Postage	500
7303	Office Supplies	4,080
7305	Breakroom Supplies	700
7307	Printing and Publications	675
7311	Gasoline & Oil	18,000
7313	Motor Vehicle Supplies	345
7327	Building & Maintenance Supplies	7,840
7329	Tools & Hardware	10,375
7351	Emergency Management Supplies	400
7353	Medical/Safety Supplies	15,950
7355	Hazmat Supplies	2,400
7357	Fire Department Supplies	5,100
7391	Computer Hrdwre, Software, Supplies	17,431
7401	Building Maintenance	14,000
7403	General Equipment Maintenance	11,260
7405	Comp./Off. Equip. Maint.	4,812
7407	Motor Vehicle Maintenance	57,300
7409	Radio Maintenance	10,400
7523	IRMA Premiums	39,64:
7525	Self-Insured Deductible	30,000
7907	Motor Vehicles	50,000
7909	Buildings	290,000
7591	Contingency	258,862
	Total Fire Department	5,436,103

	Services Department - Department 41	<u>Appropriation</u>
7001	Full-Time Salaries	1,457,193
7005	Longevity Pay	4,000
7009	Vehicle Allowance	8,400
7011	Overtime	84,750
7023	Water Fund Cost Allocation	(146,897)
7101	Social Security	91,115
7103	Medicare	17,823
7105	IMRF	129,325
7111	Health Insurance	229,500
7113	Dental Insurance	7,650
7115	Life Insurance	3,100

Corporate Fund - 100			
<u>Public</u>	Services Department - Department 41 (cont)	<u>Appropriation</u>	
7141	Staff Development & Training	7,650	
7143	Membership Dues/Subscriptions	9,470	
7145	Uniforms	15,440	
7147	Overtime Meals	2,200	
7203	Engineering & Architects	10,000	
7205	Biennial Bridge Inspections	5,000	
7213	Consulting Services	5,000	
7231	Telecommunications	8,150	
7235	Electric	101,750	
7237	Natural Gas	20,250	
7241	Custodial Services	58,362	
	Dumping/Refuse Removal	21,150	
7247	Licenses & Permits	396	
7253	Street Sweeping	63,203	
7255	Mosquito Abatement	55,496	
7257	Tree Removals	67,000	
7259	Tree Pruning	83,544	
7261	Elm/Ash Tree Treatments	123,540	
7267	Third Party Review	55,000	
7271	Equipment Rental	1,500	
7275	Holiday Decorating	11,271	
7299	Other Services	3,300	
7303	Office Supplies	2,825	
7305	Breakroom Supplies	1,400	
7307	Printing and Publications	2,320	
7311	Gasoline & Oil	38,450	
7313	Motor Vehicle Supplies	2,300	
7323	Chemicals	112,930	
7325	Laboratory Supplies	75	
7327	Building Maintenance Supplies	6,200	
7329	Tools & Hardware	15,385	
7331	Trees	90,100	
7353	Medical/Safety Supplies	1,300	
7391	Computer Hrdwre, Software, Supplies	6,700	
7399	Non-Caitalized Equipment	7,000	
740 1	Building Maintenance	50,386	
7403	General Equipment Maintenance	10,600	
7405	Comp./Off. Equip. Maint.	6,204	
7407	Motor Vehicle Maintenance	41,797	
7409	Radio Maintenance	800	
741 1	Landscaping & Grounds Maint	91,690	
7413	Street & Sidewalk Maintenance	56,074	
7415	Traffic & Street Light Maint	54,370	
7427	Parking Deck Maintenance	70,358	
7523	IRMA Premiums	30,633	
7525	Self-Insured Deductible	40,000	
790 1	General Equipment	37,500	
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<u>Public</u>	Appropriation	
7907	Motor Vehicles	308,000
7909	Buildings	260,000
7913	Parking Lots	70,000
7591	Contingency	201,501
	Total Public Services Department	4,231,529

Comm	unity Dev. Department - Department 51	Appropriation
7001	Full-Time Salaries	625,700
7003	Part-Time Salaries	65,000
7005	Longevity Pay	2,200
7009	Vehicle Allowance	4,200
7011	Overtime	5,000
7023	Water Fund Cost Allocation	(171,983)
7101	Social Security	43,220
7103	Medicare	10,108
7105	IMRF	61,345
7111	Health Insurance	92,500
7113	Dental Insurance	2,450
7115	Life Insurance	1,125
7133	Mileage Reimbursement	100
7141	Staff Development & Training	3,200
7143	Membership Dues/Subscriptions	2,250
7145	Uniforms	750
7213	Consulting Services	15,000
7223	Data Processing Services	12,800
7231	Telecommunications	7,200

Corpor	rate Fund - 100	
Comm	unity Dev. Department - Department 51 (cont)	Appropriation
7249	Record Retention & Doc Mgmt	7,500
7265	Outside Inspectors	25,500
7267	Third Party Review	10,000
7303	Office Supplies	5,000
7305	Breakroom Supplies	400
7307	Printing and Publications	1,200
7311	Gasoline & Oil	1,500
7329	Tools & Hardware	250
7353	Medical/Safety Supplies	375
7399	Non-Capitalized Equipment	1,000
7405	Comp & Office Equipment Maintenance	4,340
7407	Motor Vehicle Maintenance	1,500
7523	IRMA Premiums	6,782
7525	Self-Insured Deductible	2,500
7591	Contingency	42,501
	Total Community Development	892,513

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	& Recreation Department - Department 61	<u>Appropriation</u>
7001	Full-Time Salaries	493,100
7003	Part-Time Salaries	298,900
7005	Longevity Pay	1,200
7009	Vehicle Allowance	4,200
7011	Overtime	7,500
7023	Water Fund Cost Allocation	(20,673)
7101	Social Security	49,439
7103	Medicare	11,562
7105	IMRF	47,203
7111	Health Insurance	110,000
7113	Dental Insurance	3,300
7115	Life Insurance	1,060
7133	Mileage Reimbursement	400
7141	Staff Development & Training	7,475
7143	Membership Dues/Subscriptions	2,692
7145	Uniforms	8,515
7223	Data Processing Services	15,250
7231	Telecommunications	12,550
7233	Cable/Internet	3,150
7235	Electric	62,750
7237	Natural Gas	26,050
7241	Custodial Services	21,750
7245	Dumping/Refuse Removal	15,000
7247	Licenses & Permits	6,200
7271	Equipment Rental	7,875
7273	Recreation Programming	256,650
7303	Office Supplies	4,550
7307	Printing and Publications	32,440
7311	Gasoline & Oil	9,000
7323	Chemicals	19,600
7327	Building Maintenance Supplies	17,200
7329	Tools & Hardware	
	Medical/Safety Supplies	1,850
	·	1,420
7361 7363	Recreation Supplies	37,000
7399	KLM Event Supplies	6,350
	Non-Capitalized Equipment	15,399
7401	Building Maintenance	62,525
7403	General Equipment Maintenance	19,700
7405	Comp./Off. Equip. Maint.	4,000
7407	Motor Vehicle Maintenance	2,500
7411	Landscaping & Grounds Maint	201,350
7419	Parks Maintenance	2,500
7513	Bank Fees	13,700
7523	IRMA Premiums	17,959
7525	Self-Insured Deductible	7,500
7901	General Equipment	117,000
7907	Motor Vehicles	38,350

	Darildia on	105.00
7909 7911	Buildings Land/Grounds	185,00
7591		121,83
/391	Contingency Total Powlers & Respection Deposits and	119,59
	Total Parks & Recreation Department	2,511,43
<u>Motor</u>	Fuel Tax Fund - 200	<u>Appropriation</u>
7740	Transfer to MIP Projects Fund	1,250,00
7990	Contingency for Unforeseen Expenses	62,50
	Total	1,312,5
,	n Fire Insurance Fund - 210	Appropriation
7141	Staff Development and Training	15,0
7145	Uniforms	6,00
7391	Comp Hardware, Software, & Supplies	7,00
7399	r	48,00
7521	Officials Bonds	60
7591	Contingency for Unforeseen Expenses	7,60
	Total	84,20
	ervice Funds - 300-310	Appropriation
7601	Bond Principal Payment	2,020,00
	Interest Expense	1,162,98
	Bond Paying Agent Fees	3,32
7591	Contingency for Unforeseen Expenses	159,3
	Total	3,345,62
	nfrastructure Projects Fund-400	Appropriation
7203	Engineering & Architects	388,00
7730	Transfer to Debt Service Funds	2,747,53
7762	Transfer to Water Capital	500,00
7915	Street Improvements	3,343,40
7921	Sidewalks	120,00
7591	Contingency for Unforeseen Expenses	354,94
	Total	7,453,88
	& Sewer Oper, Fund - 600	Appropriation
7001	Full-Time Salaries	667,50
	Longevity Pay	4,0
	Overtime	80,00
7023	Water Fund Cost Allocation	1,262,0
7101	Social Security	46,5
7103	Medicare	10,8
7105	IMRF	66,1
	Health Insurance Dental Insurance	79,43 3,02

	& Sewer Oper. Fund - 600 (cont)	<u>Appropriation</u>
	Life Insurance	1,44
	Staff Development & Training	1,00
	Membership Dues/Subscriptions	8,32
	Uniforms	3,70
	Overtime Meals	35
	Engineering & Architects	6,30
	Data Processing Services	12,60
	Telecommunications	21,00
	Cable/Internet	1,80
	Electric	53,00
	Natural Gas	10,25
	FLAGG Creek Sewer Charges	5,60
7241	Custodial Services	7,80
7245	Dumping	15,80
7299	Other Services	6,28
7301	Postage	15,00
	Office Supplies	40
7305	Breakroom Supplies and Coffee	40
7307	Printing and Publications	2,62
7311	Gasoline & Oil	10,00
7321	DWC Cost	4,710,00
7323	Chemicals	3,00
7325	Laboratory Supplies	35
7327	Building and Maintenance Supplies	75
7329	Tools & Hardware	3,27
7353	Medical/Safety Supplies	75
7391	Comp Hardware, Software, & Supplies	10
7399	Non-Capitalized Equipment	25,00
7401	Building Maintenance	14,81
7403	General Equipment Maintenance	4,32
405	Comp & Off Equipment Maintenance	35
	Motor Vehicle Maintenance	5,08
423	Water System Maintenance	133,13
	Sewer System Maintenance	74,29
	Utility Tax	414,75
	IRMA Premiums	79,63
	Self-Insured Deductible	2,50
	Miscellaneous Expense	75
	Loan Principal Payment	191,47
	Interest Expense	27,12
	Transfer to Water Alt Bond	170,50
	General Equipment	255,50
	Motor Vehicles	46,00
	Contingency for Unforeseen Expenses	
	Total	428,34 8,995,17

	& Sewer Capital Fund - 620	<u>Appropriation</u>
7917	Water Mains	300,000
7919	Sewers	40,000
7591	Contingency for Unforeseen Expenses	17,000
ı	Total	357,000
<u>Water</u>	& Sewer 2014A Bond Fund-632	<u>Appropriation</u>
7601	Bond Principal Payment	135,000
7605	Interest Expense	35,500
7591	Contingency for Unforeseen Expenses	8,525
	Total	179,025
Police	Pension Fund - 700	<u>Appropriation</u>
	Pension Payments	2,040,467
7031	Disability Payments	112,822
7141	Staff Development and Training	3,500
7143	Membership Dues/Subscriptions	795
7201	Legal Expenses	10,000
7209	Accounting Services	12,875
7211	Actuarial Services	3,605
7299	Other Services	136,105
7513	Bank fees	1,000
7599	Miscellaneous Expenses	6,500
7591	Contingency for Unforeseen Expenses	232,767
	Total	2,560,436
	thters' Pension Fund - 710	<u>Appropriation</u>
	Pension Payments	1,621,133
7033	Disability Payments	297,695
7141	Staff Development and Training	2,500
7143	Membership Dues/Subscriptions	795
7201	Legal Expenses	8,240
7209	Accounting Services	12,669
7211	Actuarial Services	3,821
7299	Other Services	49,993
7513	Bank fees	1,000
7599 7501	Miscellaneous Expenses	8,460
. 7591	Contingency for Unforeseen Expenses	200,631
ŧ	Total	2,206,937

7001 Full-Time Salaries 7003 Part-Time Salaries 7005 Longevity Pay	1,030,000 525,000 400
	400
7003 EoligeVity Lay 7101 Social Security	97,213
7101 Social Security 7103 Medicare	22,553
7105 Mcdicare	100,076
7111 Health Insurance	170,000
7111 Health Histrance	2,200
7119 Unemployment Compensation	1,000
7139 Personnel Expenses	1,000
7513 Bank Fees	600
7513 Bank Fees 7523 IRMA Premiums	36,200
	•
7525 Self-Insured Deductible	10,000
7730 Transfer to Debt Service Funds	252,912
7791 Transfer to Library Capital	170,000
7801 Staff Development	22,000
7802 Strategic Plan Implementation	70,000
7803 Staff Recognition	3,000
7807 Marketing and Outreach	36,000
7809 Library Programs-Youth	20,000
7811 Library Programs-Adult	10,000
7813 Youth Materials	70,000
7815 Adult Materials	115,000
7817 Databases	60,000
7819 Periodicals	22,000
7821 Ebooks	90,000
7823 Materials Management Supplies	12,000
7824 Lost Books	1,500
7825 Catalog Services	40,012
7827 Hardware	40,000
7829 Computer Support & Software	75,000
7831 Custodial	38,000
7833 Utilities	13,000
7835 Janitorial-Maintenance Supplies	10,000
7837 Building Maintenance Contract	11,000
7839 Misc Repairs-Improvements	40,000
7841 Legal Expenses	5,000
7843 Planning Services	60,000
7845 Misc Contractual Services	5,000
7847 Postage	2,500
7849 Telephone	12,000
7851 Accounting	40,000
7853 Vending Supplies and Services	500
7855 Office Supplies	14,000
7857 Copier Service and Supplies	25,000
7859 Misc Supplies	1,400
7861 Board Development	2,000
7863 Special Events	5,000
. Soc Special 2 (Miles	2,000
	•

<u>Library Operations Fund - 900 (cont)</u>	<u>Appropriation</u>
7865 Helen O'Neill Scholarship	5
7867 Art Expenditures	5,0
7868 Donations Expenses	50,0
7869 Friends Pledges Expense	50,0
7873 Misc Expense	1,4
7591 Contingency	33,9
Total	3,530,9
<u>Library Capital Projects Fund - 910</u>	<u>Appropriation</u>
7909 Buildings	150,0
7591 Contingency for Unforeseen Expenses	100,0
Total	250,0

CY 2022 Appropriation Ordinance

All Funds Summary	<u>Appropriation</u>
Corporate Fund - 100	
Departments - 11 thru 61	24,707,872
Motor Fuel Tax Fund - 200	1,312,500
Foreign Fire Insurance Fund - 210	84,260
Debt Service Funds - 300-308	3,345,622
MIP Infrastructure Project Fund - 400	7,453,881
Water & Sewer Operations Fund - 600	8,995,177
Water & Sewer Capital Fund - 620	357,000
Water & Sewer Debt Service Fund - 632	179,025
Police Pension Fund - 700	2,560,436
Firefighters' Pension Fund - 710	2,206,937
Library Funds - 900 & 910	3,780,936
Total All Funds	54,983,646

Section 3. <u>Unexpended Prior Appropriations</u>. Any sum of money heretofore appropriated for any object or purpose and not expended that is now in the Treasury of the Village of Hinsdale or that may hereafter come into the Treasury of the Village of Hinsdale is hereby reappropriated by this Annual Appropriation Ordinance for such object or purpose.

Section 4. Allotment of Funds. Any funds derived from sources other than the 2021 tax levy (payable in 2022), and other than revenue pledged for specific purposes, may be allotted by the Village President and Board of Trustees to such appropriations and in such amounts, respectively, as the Board of Trustees may determine, within the limits of said appropriations, respectively, insofar as the doing of same does not conflict with law.

<u>Section 5.</u> <u>Repealer.</u> All ordinances or parts of ordinances inconsistent with the provisions of this Annual Appropriation Ordinance shall be, and they are hereby, repealed.

Section 6. Severability. If any section, subdivision, or sentence of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portion and provisions of this Ordinance.

Section 7. Filing. A certified copy of this Ordinance shall be filed with the county clerks of Cook and DuPage Counties within 30 days after adoption.

Section 8. Effective Date. This Annual Appropriation 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.

PASSED this 1st day of March 2022.	
AYES: NAYS: ABSENT:	
APPROVED this 1st day of March 2022.	
Thomas Cauley, Village Pre ATTEST:	sident
Christine Bruton Village Clerk	



Administration

AGENDA SECTION:

First Read – ACA

SUBJECT:

Hinsdale Paddle Tennis Hut Construction Renovation-Change Order

Approval.

MEETING DATE:

February 15, 2022

FROM:

Bradley Bloom, Assistant Village Manager/Director of Public Safety

Recommended Motion

Approve change orders totaling \$45,873 related to the reconstruction and renovation of the paddle tennis hut located at Katherine Legge Memorial Park to the Red Feather Group.

Background

On April 6, 2021, the Village Board awarded a contract to the Red Feather Group in the amount of \$351,800 for the reconstruction and renovation of the paddle tennis hut located at Katherine Legge Memorial Park. Except for some remaining punch list items, the project has been completed.

During construction the Hinsdale Paddle Tennis Association approved several necessary change orders totaling \$45,073. Change orders included changes to the HVAC system, gas line and plumbing work and changes to the fire alarm system. The original contract award plus change orders equals \$396,873 (not inclusive of design and engineering costs). The budgeted cost for this project is \$400,000.

Under the terms of the First Amendment to the Agreement with the Hinsdale Paddle Tennis Association (HPTA) the Village is responsible for first \$40,000 in costs inclusive of design and engineering costs.

The Village is still awaiting a final invoice for the engineering costs. Once received, the HPTA has indicated that they will immediately reimburse the Village for costs in excess of the \$400,000 budget.

Discussion & Recommendation

Staff recommends the Village Board approve change orders totaling \$45,873 to Red Feather Construction.

Budget Impact

Approval of the change order request is reimbursable and does not impact the budget.

Village Board and/or Committee Action

Documents Attached

(none)



Community Development

AGENDA SECTION: First Reading - ZPS

SUBJECT: Vine Street Station – Request for a Referral for a Text Amendment, Planned

Development Concept Plan, and Special Use Permit to allow for twelve (12) age-targeted lifestyle housing units within an existing building located at 125 S. Vine Street and a Major Adjustment to the Zion Lutheran Church Planned Development – Request by Holladay Properties Services Midwest, Inc. and

Zion Lutheran Church - Case A-35-2021

MEETING DATE: February 15, 2022

FROM: Bethany Salmon, Village Planner

Recommended Motion

Approve a Referral for consideration by the Plan Commission of a Text Amendment to allow for Lifestyle Housing as a Special Use in the O-1 District, a Planned Development Concept Plan, and a Special Use Permit to allow for a Planned Development and Lifestyle Housing in the O-1 District for Vine Street Station and a concurrent Major Adjustment to the Zion Lutheran Church Planned Development

Project Overview

Applicant: Holladay Properties Services Midwest, Inc. and Zion Lutheran Church

Addresses & PINs: 125 S. Vine Street (09-12-110-006; 09-12-110-007); 116 S. Grant Street (09-12-110-014; 09-12-110-015); 204 S. Grant Street (09-12-111-010; 09-12-111-011; 09-12-111-012; 09-12-111-017)

Size of Subject Property:

	Existing	Proposed
Zion Lutheran Church Planned Development	1.96-acres (85,378 sq. ft.)	1.34-acres (58,739 sq. ft.)
Private School Building at 125 S. Vine Street	0.48-acres (20,977 sq. ft.)	0.61-acres (26,639 sq. ft.)
Pastor's Residence at 116 S. Grant Street	0.41-acres (18,162 sq. ft.)	0.28-acres (12,500 sq. ft.)

Existing Zoning & Land Uses: Membership Organization, Former Private School, Single-Family Residence in the IB Institutional Buildings District / Zion Lutheran Church Planned Development

Surrounding Zoning & Land Uses:

- North: O-1 Specialty Office District Office buildings
- South: R-4 Single Family Residential District Single-family detached homes
- <u>East</u>: O-1 Specialty Office District Office Buildings; R-4 Single Family Residential District Singlefamily detached homes
- West: R-4 Single Family Residential District Single-family detached homes

Project Description

The applicant, Holladay Properties Services Midwest, Inc., requests approval of a Text Amendment to Section 6-106(E)(4) and Section 11-603(M)(2) of the Zoning Code to allow for Lifestyle Housing as a Special Use in the O-1 Specialty Office District, a Planned Development Concept Plan, and a Special Use Permit to allow for a Planned Development and Lifestyle Housing in the O-1 Specialty Office District, for Vine Street Station, which will consist of twelve (12) lifestyle housing units within a former private school building on a 0.61-acre site located at 125 S. Vine Street.



The applicant and Zion Lutheran Church are also seeking approval of a Major Adjustment to the Zion Lutheran Church Planned Development, approved by Ordinance No. 2004-15 and subsequently amended, to remove the proposed Vine Street Station development from the existing Planned Development located in the IB Institutional Buildings District. The existing Planned Development currently includes eight (8) parcels with three (3) buildings and two (2) parking lots on a 1.96-acre site, all of which is currently owned by Zion Lutheran Church:

- 125 S. Vine Street Former private school building (PINs: 09-12-110-006; 09-12-110-007)
- 204 S. Grant Street Membership organization building (PINs: 09-12-111-010; 09-12-111-011; 09-12-111-012; 09-12-111-017)
- 116 S. Grant Street Single-family home currently serving as a residence for the Church pastor (PINs: 09-12-110-014; 09-12-110-015)

Holladay Properties intends to purchase 0.61-acres of the 1.96-acre Zion Lutheran Church Planned Development site, which includes the former private school building located at 125 S. Vine Street and 56.6 feet of the rear yard of 116 S. Grant Street, the single-family home currently used as the Pastor's residence. The Major Adjustment would also allow for various modifications to the Zoning Code. Please refer to the "Major Adjustment to the Zion Lutheran Church Planned Development" section below and Attachment 7 for a complete list of modifications proposed.

The following approvals would be required in the future if this project moves forward through the formal review process [the current requests would be contingent upon these being granted in the future]:

- Planned Development Detailed Plan with various modifications to the Zoning Code
- Planned Development Final Plan
- · Tentative Plat of Subdivision / Final Plat of Subdivision
- Map Amendment to rezone 0.61-acres from the IB Institutional Buildings District to the O-1 Specialty Office District
- · Exterior Appearance and Site Plan Review

With the future review of the Detailed Plan and concurrent Plat of Subdivision submittal, the applicant intends to rezone the 0.61-acre property from the IB District and to the O-1 District. The adjacent properties to the north and to the east of the Zion Church Planned Development are currently in the O-1 District. The other existing parcels in the Zion Church Planned Development will remain in the IB District.

Background

Attachment 5 includes a summary of the ordinances previously approved for Zion Lutheran Church Planned Development and a compiled list of the previous modifications approved. Copies of the ordinances are also attached for reference.

The existing membership organization building at 204 S. Grant Street was originally constructed in 1915 and the private school building at 125 S. Vine Street was constructed in 1931. In 2004, a Planned Development for Zion Lutheran Church was approved for the 2.3-acre site that included the membership organization building, private school building, and four residential lots (116, 208 and 212 S. Grant Street and 209 S. Vine Street). An addition to the membership organization building was also approved to allow for a child daycare facility where one of the residential lots was formerly located. Because the property was developed decades before the adoption of the Village's Zoning Code, the existing buildings did not meet various bulk requirements of the IB District and was granted relief for many of the existing non-conforming conditions and for the proposed building addition.



In 2013, two of the single-family homes at 201 and 205 S. Vine Street were removed from the Planned Development and rezoned to the R-4 District, reducing the overall size of the Planned Development and creating new modifications to the Zoning Code. According to the applicant, a private school has not operated in the building at 125 S. Vine Street since 2018 and the former gym was most recently used for baseball batting practice.

Text Amendment

Per Section 11-603(M), lifestyle housing is defined as high quality townhouses and condominiums and the Zoning Code regulations are intended "to authorize such housing, but only to the extent that it reflects the highest standards of design and construction, consistent with the Village's historic and distinctive residential character and with uses and development adjacent to the proposed development. Lifestyle housing is intended to be attractive to existing Hinsdale residents who seek housing that requires less maintenance than single-family detached houses ... Lifestyle housing may be appropriate on property near downtown Hinsdale and on property of a transitional nature between the downtown retail environment and nearby single-family residential areas." The complete set of requirements for lifestyle housing is outlined in Section 11-603(M) and included in Attachment 6.

Lifestyle housing must be approved as part of a Planned Development and is considered a Special Use allowed only in the B-1 Community Business District, the B-3 General Business District, and the O-2 Limited Office District. The applicant is proposing a Text Amendment to Section 6-106 (E)(4) and Section 11-603(M)(2), as shown in Attachment 6, to allow for lifestyle housing as a Special Use in the O-1 Specialty Office District, the zoning district that the applicant intends to rezone the subject property to.

Detailed Project Description - Planned Development Concept Plan / Special Use Permits

<u>Site Plan</u> – The applicant is proposing to convert the former private school building into twelve (12) lifestyle housing units. According to the applicant, the condominium units will be age-targeted and are intended for "empty nesters" that are 55 years and older.

The project requires zoning relief for various bulk requirements, largely due to existing conditions such as building setbacks and height. The applicant does not intend to increase the height of the building or construct any building additions as part of the project. Modifications are also proposed for encroachments into required setbacks, parking, loading, and landscaping. Please refer to the "Zoning Code Compliance & Proposed Modifications to Code Requirements" section below and Attachment 7 for a full list of the requested modifications.

The existing parking lot, which includes seven (7) spaces, and the playground will be removed and replaced with a new access drive off of Second Street and a small exterior parking lot with a loading area. A solid six (6) foot tall wood fence will extend along the majority of the north property line, which buffers an office building in the O-1 District. The conceptual landscape plan generally indicates the type of plantings proposed and where trees are to be removed and planted.

The proposed site plan consists of three small outdoor park areas, all of which are proposed to be privately owned and maintained:

 Corner Park – A 3,535 square foot park is proposed at the corner of Vine Street and Second Street, which will be open and accessible to the general public. The outdoor area will include a concrete walkway, four (4) benches and a masonry knee wall for additional seating, landscaping, and a sculptural art centerpiece.



- 2) Formal Sitting Garden A 6,265 square foot private formal sitting garden will be located on the east side of the site adjacent to the rear of the single-family home at 116 S. Grant Street. The park space will be bordered by an open six (6) foot tall wood fence on the east and west sides, and a solid six (6) foot tall wood fence on the north side. No fencing is proposed on the south side along Second Street. The outdoor area includes a pathway constructed of permeable pavement, a masonry knee wall for sitting, and landscaping.
- 3) Private Courtyard A 2,774 square foot private courtyard is proposed to the south of the building in the existing open space along Second Street. The existing flagpole will be replaced with an outdoor patio area exclusively for residents that includes a grill station, outdoor fire pit, and landscaping surrounded by a new brick and metal fence.

The applicant is requesting several modifications to Section 6-111(H)(7) of the Zoning Code, which provides regulations for specified structures and uses allowed in required yards. As proposed, balconies on the north, south, and west elevations, an awning on the south elevation, and the outdoor grill and fire table in the private courtyard to the south of the building will all encroach into required yards.

A modification is also requested to Section 9-12-3 of Title 9, Chapter 12 of the Village Code to allow for a five (5) foot tall brick and metal fence that is partially solid within the required corner side yard along Second Street. The fence is intended to match the design of the building. In the corner side yard, the Village Code allows four (4) foot tall solid fences or a five (5) foot tall open fence (when greater than 1/3 of the total fence contour is open) constructed of cast aluminum or wrought iron if the property on which the fence is located has a front lot line with a width of at least 125 feet and a total lot area not less than 30,000 square feet. The development does not meet the minimum front lot width or lot area requirements, so a modification is requested to allow for the type of fence proposed.

The existing building partially located in a floodplain and therefore the project will be required to meet all Village requirements in addition to the DuPage County Countywide Stormwater & Flood Plain Ordinance. With the proposed changes to the site, the overall lot coverage will be reduced.

<u>Interior Floor Plans</u> – Underground parking for residents will be provided on the lower level (basement) and six (6) residential units will be provided per floor. Of the twelve (12) total units, four (4) will be three-bedroom units and eight (8) will be two-bedroom units. Units range in size from 1,148 to 1,615 square feet. The interior of the building will also include an elevator, bicycle parking, and a garbage room.

The proposed development meets the density requirements for lifestyle housing. The applicant is proposing a minimum lot area of 2,219.9 square feet per unit, which exceeds the minimum 1,000 square feet required per unit. Lifestyle housing developments are also allowed a maximum of 35 units per acre. The applicant is proposing 19.6 dwelling units per acre.

<u>Parking & Loading</u> – The lower level of the building will be converted into underground parking with a total of twenty-two (22) spaces and will be accessible from an access drive and entrance ramp on the east side of the building off of Second Street. Three (3) exterior parking spaces and a loading zone are also proposed on the east side of the building.

Per Section 11-603(M)(6), lifestyle housing units are required to provide one and a half (1.5) parking spaces per unit. A total of eighteen (18) parking spaces are required and the applicant is proposing twenty-five (25) parking spaces, which includes one (1) accessible space. The proposed parking on site exceeds code requirements, providing two (2) spaces per unit with one (1) additional space.



The applicant is proposing several modifications to the Village's parking and loading requirements, including a one foot reduction to the required width of all interior and exterior parking spaces from 9 feet wide to 8 feet wide. The length of the parking spaces exceed code requirements, measuring 20 feet long compared to the 18 feet required by code. A reduction to the required drive aisle width in the parking garage is also proposed, from a required 24 feet to 20 feet 2 inches wide.

Per Section 9-105, the first loading space required for any building in excess of 10,000 square feet shall be sized to accommodate a panel truck measuring 10 feet wide and 30 feet long and all other spaces shall be standard size measuring 10 feet wide and 25 feet long. A modification has been requested to allow for a loading area measuring 10 feet wide by 20 feet long. It should be noted that an access door also encroaches into this area.

<u>Traffic / Right-of-Way Improvements</u> – A preliminary traffic impact statement was completed by KLOA, Inc. and is included in the application packet for review. Per the findings, the residential project is anticipated to generate less traffic volumes than a private school or an office building. The preliminary analysis also recommends the conversion of Second Street from a one-way street to a two-way street to better facilitate traffic flow. The conversion of Second Street is being explored by Holladay Properties based on positive feedback from nearby residents at two neighborhood meetings in August and September of 2021. Second Street is currently a one-way street that accommodates westbound traffic from Grant Street to Vine Street. Parking is allowed between certain hours on both sides of the street.

Additionally, there are seven (7) non-complaint angled parking spaces in the parkway on Second Street. To bring this area into compliance, the applicant intends to remove the angled parking spaces and install a new curb, grass, and two (2) parkway trees. The applicant will also replace any sidewalks or pavement in the right-of-way that necessitates replacement. These areas will be identified at a later date if the project is referred and proceeds through the public review process. The applicant will also be required to provide a full traffic study and additional information on any proposed right-of-way improvements, parking, and signage with future submittals.

<u>Building Elevations</u> – The applicant intends to preserve and restore existing architectural features on the 2.5-story tall brick building, including the two-story stained glass window facing Second Street, decorative brick work, and limestone details. The existing windows, many of which are glass block windows, will be removed and replaced. New and enlarged openings are proposed on all elevations to allow for larger windows and a total of twelve (12) black metal balconies. On the east elevation, a black aluminum garage door, ramp with a retaining wall, and doorway will be constructed to provide access to the interior parking garage. A new door will also be installed to provide residents access to the private courtyard area.

There are no changes to the existing building height, however, a modification has been required to allow for the existing building height of 38 feet 5 inches as it exceeds the 33 feet allowed for lifestyle housing. To meet code requirements, screening panels matching the color of the building brick will be installed in several areas on the roof to screen mechanical and elevator equipment. The panels must fully screen all equipment and are required to be architecturally and aesthetically compatible with the building façade. The screening panels are not counted toward building height.

At this time, the proposed plans do not indicate if any signage is proposed. Plans for building or site lighting have also not been submitted and will be required as part of the Detailed Plans for the Planned Development.



<u>Parks & Open Space</u> – As noted above, the applicant is proposing to construct three separate outdoor park / amenity spaces with a combined area of 0.28-acres (12,574 square feet). All of the outdoor areas will be privately owned and maintained. The 3,535 square foot pocket park located at the corner of Vine Street and Second Street will be open and accessible to the public, not just building residents.

Based on initial calculations, the applicant is required to dedicate 0.08-acres (3,843 square feet) of park land to the Village to meet the requirements of Section 11-1-12(G) of the Village Code. The required 0.08-acres does not meet the standard minimum land dedication size of 10,000 square feet in area, with no dimension measuring less than 100 feet. However, the Village Code states that smaller parks can be approved if warranted. Alternatively, private common open space can be approved in place of park land dedication subject to meeting the requirements of Section 11-1-12. Of note, if private park space is approved in lieu of public park space, the applicant will be required to depict these outdoor areas as private common open space on the Final Plat of Subdivision and shall record covenants establishing the provisions required by the Village Code. Open space and park land requirements must be verified during the Detailed Plan review stage in accordance with Title 11 of the Village Code.

Zoning Code Compliance & Proposed Modifications to Code Requirements – The applicant is requesting various modifications from the Village's code requirements as part of the Planned Development. It should be noted that a large number of these modifications result from existing conditions. The full list of requested modifications identified by the applicant at this time are included in the attached application packet and are summarized in Attachment-7.

Due to the level of detail provided for a Planned Development Concept Plan, additional information will be needed with future submittals for staff to confirm all bulk requirements and Village codes are met. As is usual, bulk requirements such as floor area ratio and building height, will be verified during the Detailed Plan submittal. The applicant has provided preliminary estimates for review by the Board of Trustees as part of the current submittal. Additional modifications to the code may be identified in the future.

Major Adjustment to Zion Lutheran Church Planned Development

A Major Adjustment to the existing Planned Development has been requested to allow for the removal of 0.61-acres for Vine Street Station. The shared rear lot line between 125 S. Vine Street and 116 S. Grant Street will be relocated 56.6 feet to the east, reducing the lot size and lot depth of 116 S. Grant Street. Approval of a Tentative and Final Plat of Subdivision will be required as part of Detailed Plan for the Vine Street Station Planned Development. There are no other proposed changes within the existing Zion Lutheran Church Planned Development, at either 116 S. Grant Street or 204 S. Grant Street.

The applicant has provided two tables of compliance, one for the proposed changes to the overall Planned Development and one specifically to show the impacts to 116 S. Grant Street. Although 116 S. Grant Street will remain part of the Zion Lutheran Church Planned Development, a separate analysis was completed based on the requirements of the O-1 District, which the surrounding properties to the north and east are zoned, to show how the lot would compare to the bulk requirements in the case that the lot was ever rezoned to the O-1 District in the future and removed from the Planned Development. The property would comply with the lot area and lot size requirements for the O-1 District.

New modifications to the Zoning Code are requested as a result of removing the 0.61-acre site from the Planned Development. In addition to the requested waivers, all waivers previously granted relative to the Planned Development under the original approval and subsequent amendments shall continue in full force and effect, unless no longer required. The list of modifications are included in the attached application packet and are summarized in Attachment 7.



The Planned Development was previously granted a modification to increase the floor area ratio (FAR) to 0.537, above the maximum FAR of 0.50 allowed in the IB District. With the removal of the 0.61-acres and the private school building, the Planned Development will have an FAR of 0.47, which is under the maximum amount allowed and a modification is no longer required.

Process

This application has been submitted for preliminary consideration by the Board of Trustees for a determination as to whether the application packet merits a hearing and consideration by the Plan Commission. If approved, this phase of the project would include approval of a Planned Development Concept Plan, a Special Use Permit to allow for a Planned Development and Lifestyle Housing in the O-1 District, a Text Amendment to allow for Lifestyle Housing as a Special Use in the O-1 District, and a Major Adjustment to the Zion Lutheran Church Planned Development to remove the proposed Vine Street Station development from the existing Planned Development.

Planned Development Concept Plan – The purpose of the Planned Development Concept Plan is to provide the applicant an opportunity to show the basic scope, character, and nature of the entire proposed plan without incurring undue cost. This review serves as an <u>initial</u> step prior to scheduling any public hearings for the applicant to present the plan and allow for changes based on the input received throughout the process of approval. Approval of a Concept Plan after a public hearing by the Plan Commission and by the Village Board <u>binds</u> both the applicant and the Village with respect to various elements of the development listed in Section 11-603(D) of the Zoning Code, including: (1) categories of uses to be permitted, (2) general location of residential and nonresidential land uses, (3) overall maximum density of residential uses and intensity of nonresidential uses, (4) the general architectural style of the proposed development, (5) general location and extent of public and private open space including recreational amenities, (6) the general location of vehicular and pedestrian circulation systems, (7) staging of development and (8) the nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant. Contingent on the approval of the requested Text Amendment, Concept Plan, and Special Use Permit, a subsequent Detailed Plan shall be submitted to refine the elements of the Concept Plan, in accordance with Section 11-603 of the Zoning Code.

<u>Text Amendment</u> – Pursuant to Section 11-601 of the Zoning Code, every properly filed and completed application for an amendment to this code, before being processed in any other manner, shall be referred to the Board for a determination as to whether the application merits a public hearing and consideration by the Plan Commission or should be summarily denied.

<u>Special Use Permit</u> – Planned Developments required approval via a Special Use Permit. If the concurrent text amendment application is approved, a Special Use Permit would also be required to allow for lifestyle housing in the O-1 District. Special Use Permits are subject to the requirements of Section 11-601 of the Zoning Code.

<u>Future Approvals</u> – The applicant will be required to obtain future approvals through a separate review process for an Exterior Appearance and Site Plan Review, Detailed Plan and Final Plan for a Planned Development, Tentative Plat of Subdivision / Final Plat of Subdivision, and a Map Amendment from the IB District to the O-1 District for Vine Street Station.



Major Adjustment to the Zion Lutheran Church Planned Development – In accordance with Section 11-603(K), the Board of Trustees may, by ordinance duly adopted, grant approval of a Major Adjustment to a Planned Development without a hearing upon finding that any changes will be consistent with the concept and intent of the final plan. If the Board of Trustees determines that a Major Adjustment is not consistent with the concept and intent of the final plan as approved, then the Board shall refer the request to the Plan Commission for further hearing and review in accordance with the Planned Development Detailed Plan review process. Attachment 8 includes the definition for substantial conformity. The applicant has stated that the removal of the Vine Street Station is within substantial conformity with the original approved plans. Staff notes that the project will result in a change to the land uses within the development as well as open space, therefore it appears that the proposed plans are not within substantial conformity with the approved plans.

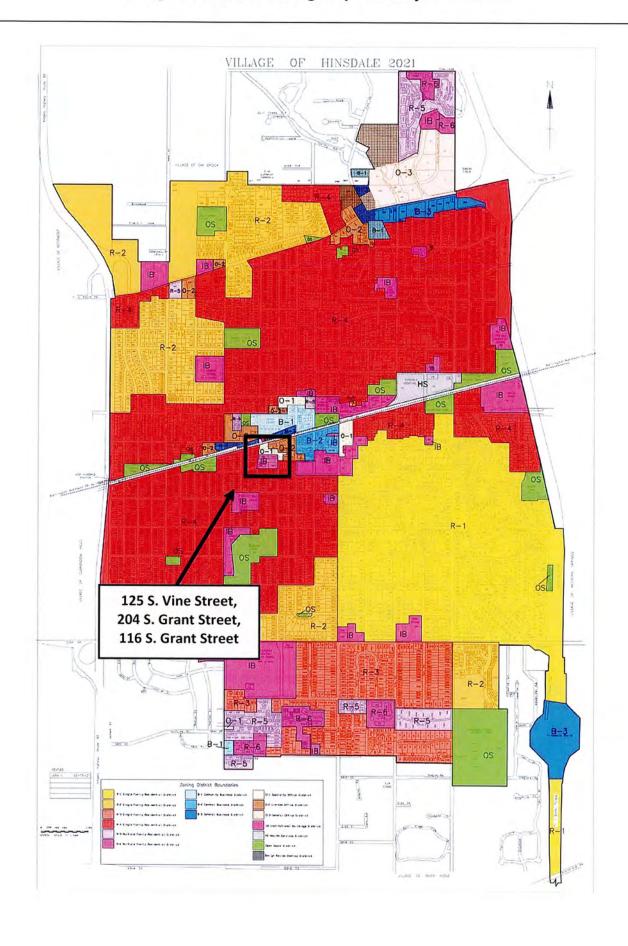
Discussion & Recommendation

N/A

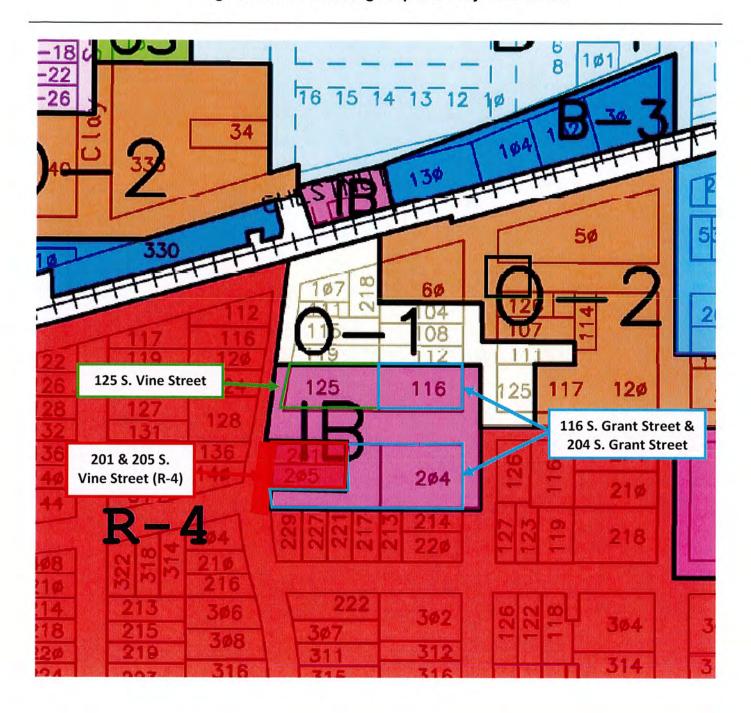
Attachments

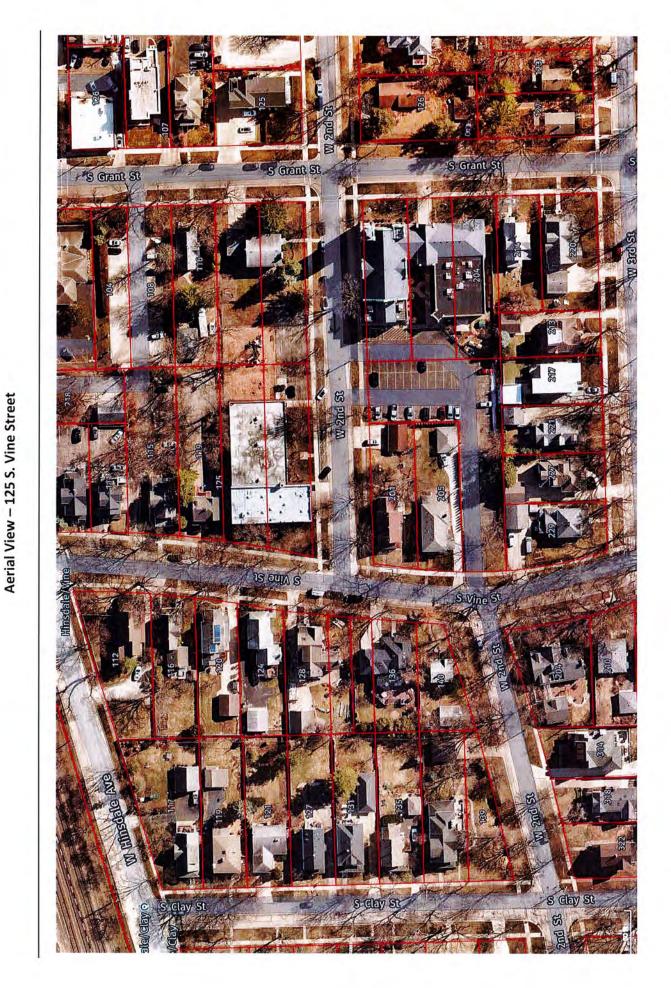
- 1. Zoning Map and Project Location
- 2. Aerial View
- 3. Birds Eye View
- 4. Street View
- Summary of Past Approvals and Adopted Ordinances (Ordinance No. O2004-15; O2005-04; O2005-27; O2012-32; O2012-53; O2013-15; O2013-27; O2015-34; O2015-44)
- 6. Proposed Text Amendment to Section 6-106 (E)(4) and Section 11-603(M)(2) of the Zoning Code
- 7. Proposed Modifications for Vine Street Station and Zion Lutheran Church Planned Development
- 8. Zoning Code Section 12-206 Definition of Substantial Conformity
- 9. Project Application Packet and Exhibits

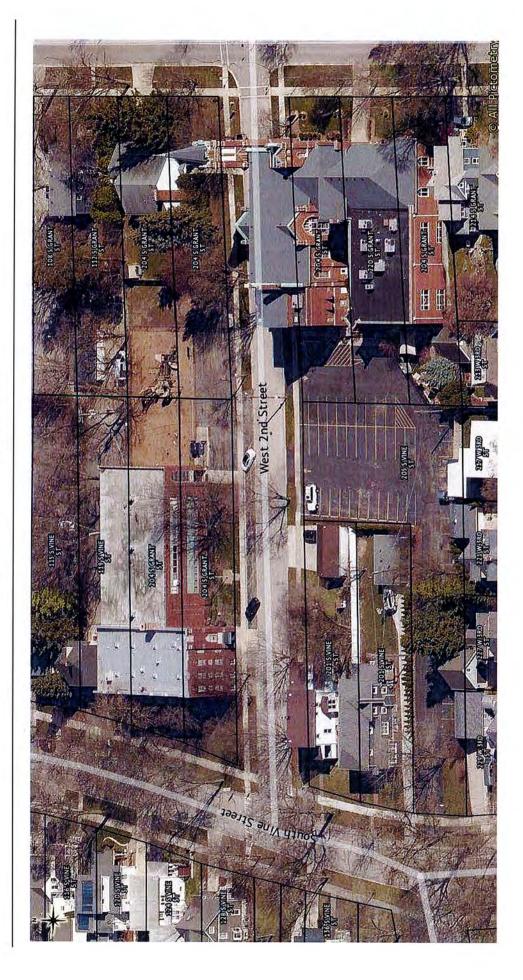
Village of Hinsdale Zoning Map and Project Location



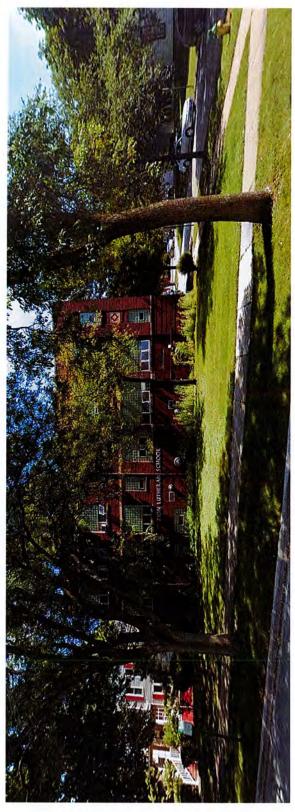
Village of Hinsdale Zoning Map and Project Location







Birds Eye View – 125 S. Vine Street

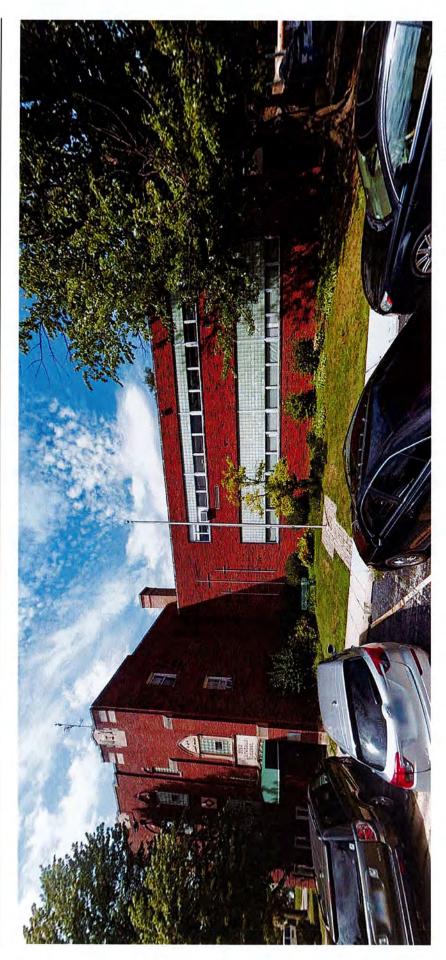


Street View - 125 S. Vine Street

View from Vine Street



View from Second Street



View from Second Street

Street View - 204 S. Grant Street

View from Grant Street and Second Street

Street View - 204 S. Grant Street

View from Second Street

Street View - 116 S. Grant Street

View from Grant Street

<u>Summary of Past Approvals / Ordinances – Zion Lutheran Church Planned Development</u>

The following ordinances were previously approved for Zion Lutheran Church Planned Development and are attached for reference:

- Ordinance No. O2004-15 On April 6, 2004, the Village Board approved a Planned Development for Zion Lutheran Church, Map Amendment to rezone portions of the site from the R-4 District to the IB District, Special Use Permits for a Planned Development, membership organization private school, child daycare services, and Exterior Appearance and Site Plans. At that time, 2.34-acre site consisted of four (4) single-family homes, a membership organization and a private school. One of the single-family homes located on Grant Street as demolished to allow for the expansion of the existing membership organization building. Several modifications to the code were approved as part of the Planned Development.
- Ordinance No. O2005-04 On February 1, 2005, the Village Board approved a Major Adjustment to the Planned Development and Exterior Appearance and Site Plan Review to allow for the installation of an awning on the private school building located at 125 S. Vine Street.
- Ordinance No. O2005-27 On July 19, 2005, the Village Board approved an Amendment to the Planned Development and Exterior Appearance and Site Plan Review to allow for the installation of a shed at 205 S. Vine Street the adjacent to Zion Lutheran Church's parking lot (This shed has been removed since this approval was granted).
- Ordinance No. O2012-32 On July 17, 2012, the Village Board approved a Special Use Permit to allow for the operation of a private middle school at 125 S. Vine Street, subject to a maximum enrollment of fifty (50) students.
- Ordinance No. O2012-53 On November 20, 2012, the Village Board approved a Major Adjustment to the Planned Development to allow for a music school and tutoring service within the private school building located at 125 S. Vine Street.
- Ordinance No. O2013-15 On July 16, 2013, the Village Board approved a Major Adjustment to the Planned Development to allow for the removal of two single-family residential lots located at 201 S. Vine Street and 205 S. Vine Street from the Planned Development. The removal of these two properties from the overall Zion Lutheran Church Planned Development created new modifications from the code, which were approved as part of this ordinance.
- Ordinance No. O2013-27 On October 15, 2013, the Village Board approved a Map Amendment to allow for the rezoning of 201 S. Vine Street and 205 S. Vine Street from the IB Institutional Buildings District to the R-4 Single Family Residential District, following the Major Adjustment approved by Ordinance No. O2013-15 to remove these properties from the Planned Development.
- Ordinance No. O2015-34 On October 7, 2015, the Village Board approved a Major Adjustment to the Planned Development to allow for the expansion of the private school located at 125 S. Vine Street to offer classes for Kindergarten through Grade 12 up to a maximum enrollment of 70 students. The request to increase enrollment up to 180 students was referred to the Plan Commission.
- Ordinance No. O2015-44 On November 17, 2015, the Village Board approved a Major Adjustment to the Planned Development to allow for the expansion of the private school located at 125 S. Vine Street up to a maximum enrollment of 90 students.

Zion Church Planned Development - Modifications

Ordinance No. O2004-15

- Front Yard (Private School Building / Vine Street): Decrease the front yard setback on Vine Street from 35 feet to 28 feet for the private school building
- Front Yard (Membership Organization Building / Grant Street): Decrease the front yard setback on Grant Street from 35 feet to 23 feet for the membership organization building
- Corner Side Yard (Membership Organization Building / Second Street): Decrease the corner side
 yard setback on Second Street from 35 feet to 1.4 feet for the membership organization building
 [please note this modification appears to be an error as the property actually appears to extend into
 the Second Street right-of-way]
- Interior Side Yard (Membership Organization Building / South Lot Line): Decrease the interior side
 yard setback along the south lot line from 25 feet to 16 feet for the membership organization building
- Interior Side Yard (Membership Organization Building Parking Lot / South Lot Line): Decrease the interior side yard setback along the south lot line from 25 feet to 6 feet for the existing parking lot
- Interior Side Yard (Private School Building / North Lot Line): Decrease the interior side yard setback along the north lot line from 25 feet to 6 feet for the private school building
- Lot Area: Decrease the minimum lot area for elementary schools from 220,000 square feet to 101,849 square feet
- Off-Street Parking: Decrease the number of required on-site parking spaces from 83 spaces to 63 spaces
- Drive Aisle Width: Decrease the minimum drive aisle width in the existing parking lot from 24 feet to 19 feet
- Maximum Building Height: Increase the maximum building height for the existing membership organization building from 40 to 48 feet

Ordinance No. O2013-27

- Floor Area Ratio (FAR): To allow an F.A.R. of 0.537 for the existing membership organization within the Planned Development, in lieu of the 0.50 allowed
- Lot Size: To allow for a reduced minimum lot size for the Planned Development of 85,378 square feet
- Parking Setback: To allow a rear yard parking lot setback of 0 feet instead of the 25 feet required.
 [Please be aware there is no rear setback]
- Landscape Buffer: To allow a landscape buffer of 0 feet along the rear parking lot, in lieu of the 10 feet required
- Lot Size for a Residential Lot: To allow a lot size of 8,375 square feet in lieu of the 10,000 required in the R-4 Single Family Residential District for 205 S. Vine Street, the residential lot being subdivided, removed from the Planned Development, and rezoned from the IB Institutional Buildings District to the R-4 Single Family Residential District

VILLAGE OF HINSDALE

ORDINANCE NO. _02004-15

AN ORDINANCE APPROVING A MAP AMENDMENT, SPECIAL USE PERMITS, PLANNED DEVELOPMENT, SITE PLANS, AND EXTERIOR APPEARANCE PLANS FOR A BUILDING EXPANSION PROJECT (Plan Commission Case A-04-2004)

WHEREAS, Zion Lutheran Church, LLC (the "Applicant") is the legal title owner of several parcels of property totaling approximately 2.34 acres in area and commonly known as 116 South Grant Street, 204 South Grant Street, 208 South Grant Street, 212 South Grant Street, 125 South Vine Street, 201 South Vine Street, 205 South Vine Street, and 209 South Vine Street (the "Subject Property"), which Subject Property is legally described on Exhibit A attached to and made a part of this Ordinance by this reference; and

WHEREAS, the Subject Property is improved with four single family detached dwellings, a membership organization building, and a private school; and

WHEREAS, the membership organization, private school, and two of the single-family residences are currently classified in the IB Institutional Buildings District pursuant to the Hinsdale Zoning Code; and

WHEREAS, the Applicant proposes the development of a planned development, which would encompass the Subject Property and would also include a 14,000-square-foot building addition onto the existing membership organization building, including associated parking, landscaping, and other improvements on the Subject Property; and

WHEREAS, the Applicant also desires to establish child day care services operated by a membership organization on the Subject Property; and

WHEREAS, the Applicant seeks (i) a Zoning Map amendment to reclassify the portions of the Subject Property commonly known as 116 South Grant Street, 208 South Grant Street, 212 South Grant Street, and 209 South Vine Street into the IB Institutional Buildings District from their current classification in the R-4 Single-Family Residential District; (ii) a special use permit and planned development approval authorizing a membership organization, a private school, a planned development, and child daycare services operated by a membership organization on the Subject Property, (iii) modifications of certain regulations in the



Hinsdale Zoning Code to accommodate the existing and proposed building expansion, (iv) site plan approval, and (v) exterior appearance approval; and

WHEREAS, the Hinsdale Plan Commission conducted a public hearing and deliberated on the application on March 10, 2004, pursuant to notice thereof properly published in the <u>Hinsdale Doings</u> and, after considering all of the testimony and evidence presented at the public hearing, the Plan Commission recommended approval of the Application subject to numerous conditions and recommendations, all as set forth in the Plan Commission's Findings and Recommendations for PC Case No. A-04-2004; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees, at a public meeting on March 22, 2004, considered the Application, the Findings and Recommendations of the Plan Commission, and all of the facts and circumstances related to the Application, and made its recommendation to the President and Board of Trustees; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have reviewed the recommendation of the Zoning and Public Safety Committee, the Findings and Recommendation of the Plan Commission, and all of the materials, facts, and circumstances related to the Application, and they find that the Application satisfies the standards set forth in the Hinsdale Zoning Code relating to the requested approvals, but only subject to the conditions set forth in this Ordinance;

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:

<u>Section 1</u>. <u>Recitals</u>. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

Section 2. Approval of Zoning Map Amendment. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-601 of the Hinsdale Zoning Code, hereby amends the Hinsdale Zoning Map to reclassify the portions of the Subject Property commonly known as 116 South Grant, 208 South Grant, 212 South Grant and 209 South Vine into the IB Institutional Buildings District.

Section 3. Approval of a Special Use Permit for a Membership Organization, Private School, Planned Development, and Child Day Care Services. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 11-602 and 11-603 of the Hinsdale Zoning Code, hereby approves a special use permit authorizing a membership organization, a private school, a planned development, and child daycare services operated by a

membership organization on the Subject Property, and approves the planned development detailed plan prepared by Larson-Kramer Architects and dated January 16, 2004 in the form attached to, and by this reference incorporated into, this Ordinance as Exhibit B (the "Approved Detailed Plan"). The approvals granted in this Section 3 are subject to the conditions stated in Section 7 of this Ordinance.

Section 4. Approval of Site Plans. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-604 of the Hinsdale Zoning Code, hereby approves the site plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit B (the "Approved Site Plans"), subject to the conditions stated in Section 7 of this Ordinance.

Section 5. Approval of Exterior Appearance Plans. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-606 of the Hinsdale Zoning Code, hereby approves the exterior appearance plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit C (the "Approved Exterior Appearance Plans"), subject to the conditions stated in Section 7 of this Ordinance.

Section 6. Modifications of Certain Zoning Code Regulations. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Subsections 11-603H of the Hinsdale Zoning Code, hereby modifies the following provisions of the Hinsdale Zoning Code, subject to the conditions stated in Section 7 of this Ordinance:

A. Minimum Yards and Setbacks.

- The minimum front yard on Vine Street for the school shall be 28 feet.
- 2. The minimum front yard on Grant Street for the membership organization shall be 23 feet.
- 3. The minimum corner side yard on Second Street for the membership organization shall be 1.4 feet.
- 4. The minimum interior side yard (south lot line) for the membership organization shall be 16 feet.
- 5. The minimum interior side yard (south lot line) for the surface parking lot shall be six feet.
- 6. The minimum interior side yard (north lot line) for the school shall be six feet.

All other yards and setbacks on the Subject Property shall comply with the provisions of Subsection 7-310 of the Hinsdale Zoning Code. No development of the Subject Property, except only in strict accordance with the Approved Detailed Plan and the Approved Site Plans, shall be \$

permitted within any yard or setback required by Subsection 7-310 of the Hinsdale Zoning Code. No reduction or any other change shall be permitted to any required yard or setback except only as provided in this Subsection 6A or by ordinance adopted by the Board of Trustees in accordance with Paragraph 11-603K2 or Subsection 11-603L of the Hinsdale Zoning Code.

- B. The minimum number of off-street parking spaces required to be located within the Subject Property for the project approved by this Ordinance shall be 63 spaces.
- C. The minimum lot size for the Subject Property shall be 101,849 square feet.
- D. The minimum drive aisle width in the existing parking lot shall be 19 feet.
- E. The maximum building height for the existing membership organization building shall be 48 feet.

Section 7. Conditions on Approvals. The approvals granted in Sections 2, 3, 4, 5, and 6 of this Ordinance are granted expressly subject to all of the following conditions:

- A. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. Engineering Plans. Prior to the issuance of any building permit for any work on the Subject Property, the Applicant shall submit to the Village Engineer detailed final engineering plans, including among other things drainage plans satisfying all applicable stormwater management requirements (the "Engineering Plans"). After approval by the Village Engineer, the Engineering Plans shall, automatically and without further action by the Village, be deemed to be incorporated in and made a part of the Approved Site Plans.
- C. <u>Performance Security</u>. Prior to the issuance of any building permit for any work on the Subject Property, the Applicant shall file with the Village a letter of credit in a form satisfactory to the Village Manager

and in the amount of 110 percent of the cost of all public improvements related to the project as estimated by the Village Engineer. No building permit shall be issued until after such letter of credit has been filed and has been reviewed and approved by the Village Manager and the Village Attorney.

- D. <u>Compliance with Codes, Ordinances, and Regulations</u>. Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern the development of the Subject Property. All such development shall comply with all Village codes, ordinances, and regulations at all times.
- E. <u>Compliance with Approved Plans</u>. All development within the Subject Property shall be undertaken only in strict compliance with the Village-approved planned development plans, including without limitation the Approved Site Plans, the Approved Exterior Appearance Plans, and other Village-approved plans.
- F. <u>Building Permits</u>. The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- G. <u>Easement Agreement</u>. Prior to the issuance of any building permit for any work on the Subject Property, the Applicant shall prepare and submit a permanent easement agreement (the "Easement Agreement") between the Applicant and the owner of the property commonly known as 214 South Grant Street (the "214 South Grant Owner") to allow the 214 South Grant Owner to use the driveway and curb cut located on the Subject Property until the property at 214 South Grant Street is redeveloped. The Easement Agreement shall be subject to the review and approval of the Village Manager and shall be recorded at the expense of the Applicant with the office of the DuPage County Recorder.

Section 8. <u>Violation of Condition or Code</u>. Any violation of (i) any term or condition stated in this Ordinance or (ii) 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 9. 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.

PASSED this 6th day of April 2004.

AYES: TRUSTEES LENNOX, WILLIAMS, JOHNSON, BLOMQUIST, WOERNER AND ELLIS.

NAYS: NONE

ABSENT: NONE

APPROVED this _6th day of _April

2004

George L. Faulstich, Jr., Village President

ATTEST:

Village Clerk

#1783434_v1

-6-

EXHIBIT A LEGAL DESCRIPTION

116 South Grant Street: LOTS 10 AND 13 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

204 South Grant Street: LOT 1 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

208 South Grant Street: LOT 4 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

212 South Grant Street: LOT 5 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

125 South Vine Street: LOTS 11 AND 12 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.



201 South Vine Street: LOT 2 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

205 South Vine Street: LOT 3 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

209 South Vine Street: LOT 6 IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

Exhibit B Detailed Plan Site Plan

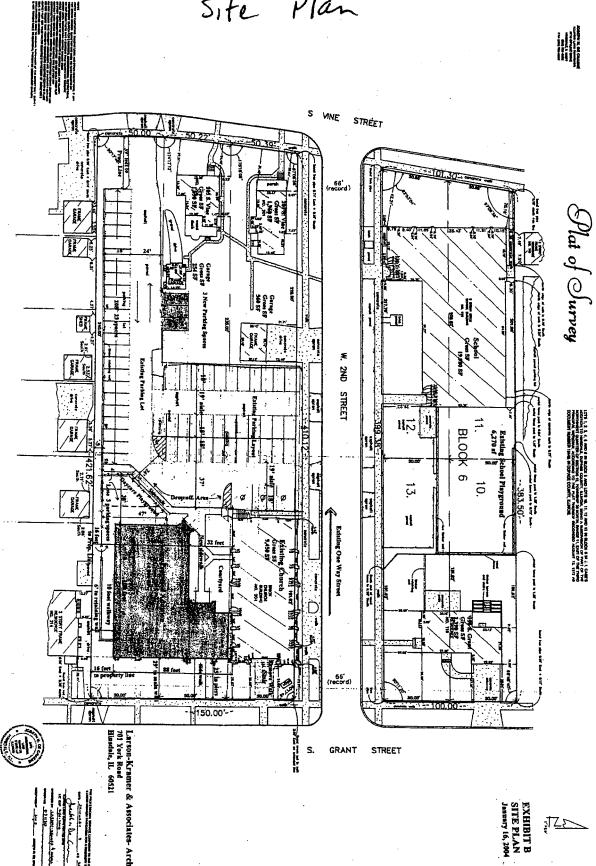


Exhibit c "1"

Exterior Elevations

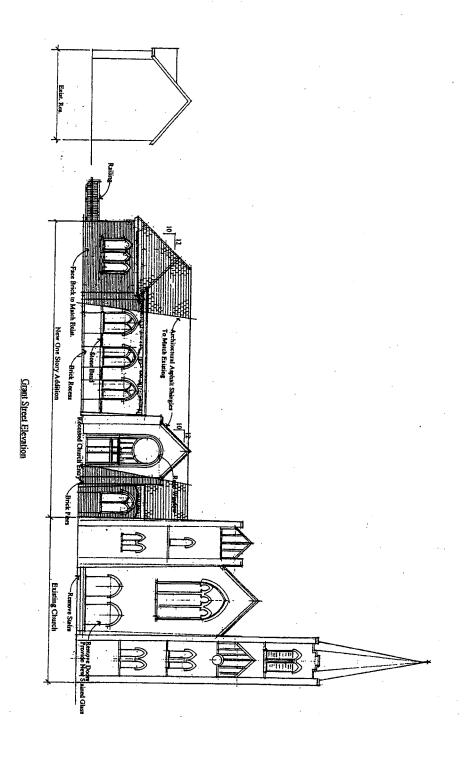


EXHIBIT C ELEVATION-1

ZION LUTHERAN CHURCH



LARSON~KRAMER AND ASSOCIATES LTD. ARCHITECTS-ENGINEERS 701 N. YORK ROAD./HINSDALE, IL. 60521/7007 100 1911-1001



Exhibit C "2" Exterior Elevations Ha

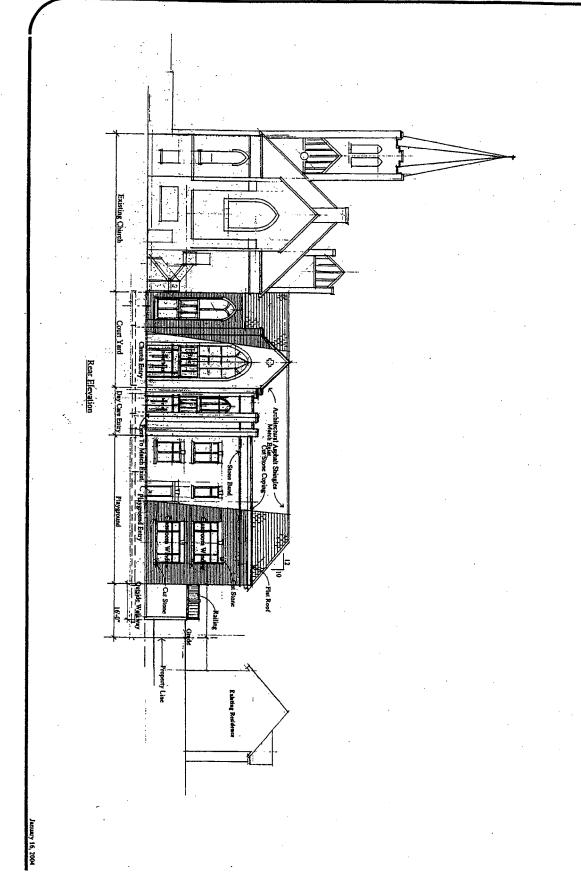


EXHIBIT C ELEVATION-2



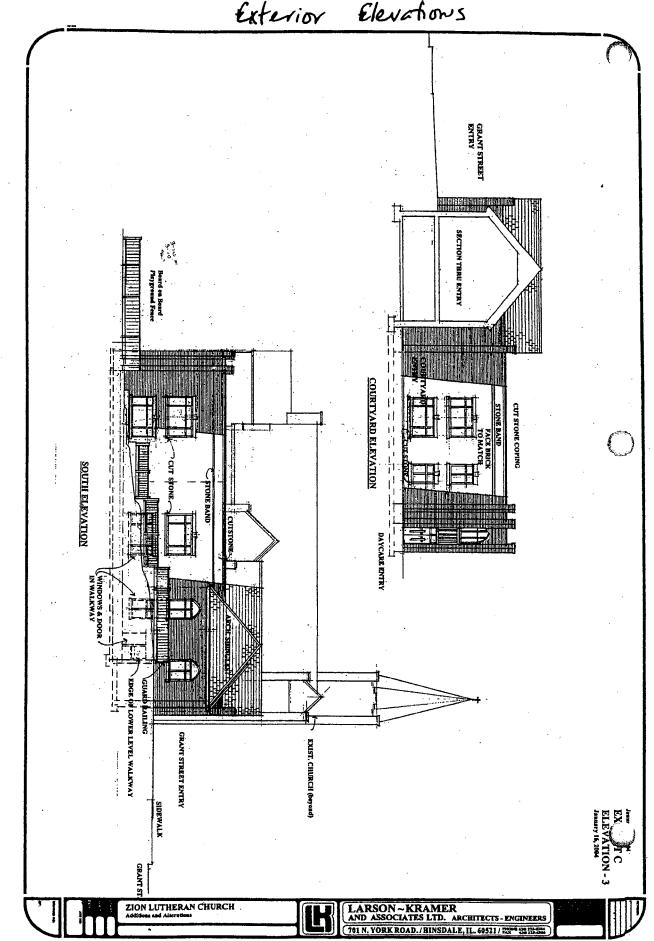
ZION LUTHERAN CHURCH Additions and Alternitons



LARSON ~ KRAMER AND ASSOCIATES LTD. ARCHITECTS - ENGINEERS 701 N. YORK ROAD./HINSDALE, IL. 60521/EXT ENHANCE



Exhibit C '3" Exterior Elevations



VILLAGE OF HINSDALE

ORDINANCE NO. 02005-04

AN ORDINANCE AMENDING ORDINANCE NO. 02004-15 TO AUTHORIZE INSTALLATION OF AN AWNING FOR ZION LUTHERAN SCHOOL AT 125 SOUTH VINE STREET

WHEREAS, Zion Lutheran Church, LLC (the "Owner") owns the property commonly known as 125 South Vine Street, Hinsdale, Illinois (the "Subject Property"); and

WHEREAS, a planned development final plan for the Subject Property (the "Approved Final Plan") was approved by Hinsdale Ordinance No. O2004-15 (the "Original Ordinance"); and

WHEREAS, the Owner requests (i) approval of a major adjustment to the Approved Final Plan to install a green cloth awning at the entrance into the school building located on the Subject Property, (ii) site plan approval, and (iii) exterior appearance plan approval (the "Application"); and

WHEREAS, the Zoning and Public Safety Committee of the Village of Hinsdale Board of Trustees, at a public meeting on January 24, 2005, considered and recommended approval of the Application; and

WHEREAS, the President and Board of Trustees have reviewed the recommendation of the Zoning and Public Safety Committee and all of the materials, facts, and circumstances related to the Application and they find that the Application is in substantial conformance with the Approved Final Plan and that it satisfies the standards set forth in Paragraph 11-603K2 of the Zoning Code related to major adjustments;

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. Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

Section 2. Approval of Major Adjustment to Approved Final Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the

State of Illinois and by Paragraph 11-603K2 of the Hinsdale Zoning Code, hereby approves a major adjustment to the Approved Final Plan, authorizing the changes set forth in the Application as depicted on the site and exterior appearance plan attached to, and by this reference made a part of, this Ordinance as Exhibit A (the "Updated Site and Exterior Appearance Plan"), subject to the conditions set forth in Section 4 of this Ordinance. The Original Ordinance is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

Section 3. Approval of Updated Site and Exterior Appearance Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 11-604 and 11-606 of the Hinsdale Zoning Code, hereby approves the Updated Site and Exterior Appearance Plan for the proposed development located on the Subject Property, subject to the conditions stated in Section 4 of this Ordinance.

Section 4. Conditions on Approval. The approvals granted in Sections 2 and 3 of this Ordinance are granted subject to the following conditions:

- A. <u>Compliance with Plans</u>. All work on the Subject Property shall be undertaken in strict compliance with the Approved Final Plan, the Updated Site and Exterior Appearance Plan, and other Village-approved plans and specifications.
- B. <u>Compliance with Codes, Ordinances, and Regulations</u>. Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern the development of the Subject Property. All such development shall comply with all Village codes, ordinances, and regulations at all times.
- C. <u>Building Permits</u>. The Owner shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.

Section 5. <u>Violation of Condition or Code</u>. 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 6. 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.

PASSED this <u>lst</u> day of <u>February</u> 2005.

AYES: TRUSTEES LENNOX, BLOMQUIST, JOHNSON AND WOERNER.

NAYS: NONE

ABSENT: TRUSTEES WILLIAMS AND ELLIS.

APPROVED this 1st day of February 2005.

George L. Faulstich, Jr., Village Presiden

ATTEST:

Village Clerk & By: Rosenary Stahan Douty Village Clerk

_ 1873

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JOB NAME

zion lutheran

DATE

1-17-05

MATERIALS & COLORS
(if decided upon at time of readering)

forest green fabric with linen graphics.



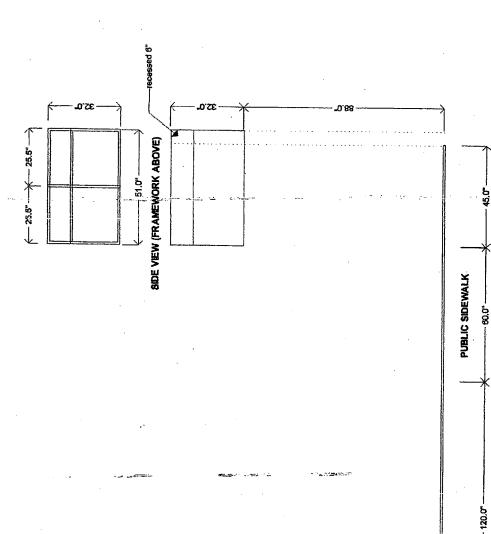


File Name: 2007 500

Job Name:

Job Number:

Chesterfield Awning Co., Inc. 16999 Van Dam Rd. South Holland, IL 60473 (708) 596-4434



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STREET

Colors are representative only--for true colors, please see samples.

Color/Method: Location:

Size/Style:

Misc. Notes: JAN-1 7 2005

Customer Approval

Sales Approval

File Name: 2000

Chesterfield Awning Co., Inc. 16999 Van Dam Rd.

South Holland, IL 60473

(708) 596-4434

- 28.0" - 28.0"-Job Name: Job Number: - 28.0"--

32.0

FRONT VIEW (FRAMEWORK ABOVE) 125

-84.0-

Z BRACKET ANCHORING DETAIL

Color/Method: Pawied Luber Pk. Size/Style: Lettering 1'0" sa. Location:

Misc. Notes: JAN 1 7 2005

Customer Approval

Sales Approval

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Colors are representative only-for true colors, please see samples.

VILLAGE OF HINSDALE

ORDINANCE NO. <u>02005-27</u>

AN ORDINANCE AMENDING ORDINANCE NO. 02004-15 AND AUTHORIZING THE INSTALLATION OF A SHED FOR ZION LUTHERAN CHURCH AT 204 SOUTH GRANT STREET

WHEREAS, Zion Lutheran Church, LLC (the "Owner") owns the property commonly known as 204 South Grant Street, Hinsdale, Illinois (the "Subject Property"); and

WHEREAS, a planned development final plan for the Subject Property (the "Approved Final Plan") was approved by Hinsdale Ordinance No. O2004-15 (the "Original Ordinance"); and

WHEREAS, a major adjustment to the Approved Final Plan was approved by Hinsdale Ordinance No. O2005-04 for installation of a green cloth awning at the entrance into the school building located at 125 South Vine Street; and

WHEREAS, the Owner now requests (i) approval of a major adjustment to the Approved Final Plan to install a 100 square foot shed adjacent to the parking lot on the Subject Property, (ii) site plan approval, and (iii) exterior appearance plan approval (the "Application"); and

WHEREAS, the Zoning and Public Safety Committee of the Village of Hinsdale Board of Trustees, at a public meeting on June 27, 2005, considered and recommended approval of the Application; and

WHEREAS, the President and Board of Trustees reviewed the recommendation of the Zoning and Public Safety Committee and all of the materials, facts, and circumstances related to the Application and found that the Application is in substantial conformance with the Approved Final Plan and that it satisfies the standards related to major adjustments set forth in Paragraph 11-603K2 of the Hinsdale Zoning Code (the "Zoning Code");

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. Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

Section 2. Approval of Major Adjustment to Approved Final Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Paragraph 11-603K2 of the Zoning Code, hereby approves a major adjustment to the Approved Final Plan, thereby authorizing the changes at the Subject Property as set forth in the Application and depicted on the site and exterior appearance plan attached to, and by this reference made a part of, this Ordinance as Exhibit A (the "Updated Site and Exterior Appearance Plan"), subject to the conditions set forth in Section 4 of this Ordinance. The Original Ordinance is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

Section 3. Approval of Updated Site and Exterior Appearance Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 11-604 and 11-606 of the Zoning Code, hereby approves the Updated Site and Exterior Appearance Plan for the proposed shed to be located on the Subject Property, subject to the conditions stated in Section 4 of this Ordinance.

Section 4. Conditions on Approval. The approvals granted in Sections 2 and 3 of this Ordinance are granted subject to the following conditions:

- A. <u>Compliance with Plans</u>. All work on the Subject Property shall be undertaken in strict compliance with the Approved Final Plan, the Updated Site and Exterior Appearance Plan, and other Village-approved plans and specifications.
- B. <u>Compliance with Codes, Ordinances, and Regulations</u>. Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Zoning Code shall apply and govern the development of the Subject Property. All such development shall comply with all Village codes, ordinances, and regulations at all times.
- C. <u>Building Permits</u>. The Owner shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.

Section 5. <u>Violation of Condition or Code</u>. 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 granted in this Ordinance.

Section 6. 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.

PASSED this 19th day of	July	2005.
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AYES: TRUSTEES TUGGLE, WILLIAMS, ORLER AND FOLLETT

NAYS: NONE

ABSENT: TRUSTEES SMITH AND JOHNSON

APPROVED this 19th day of July 2005.

Michael Woerner, Village President

ATTEST:

Village Clerk

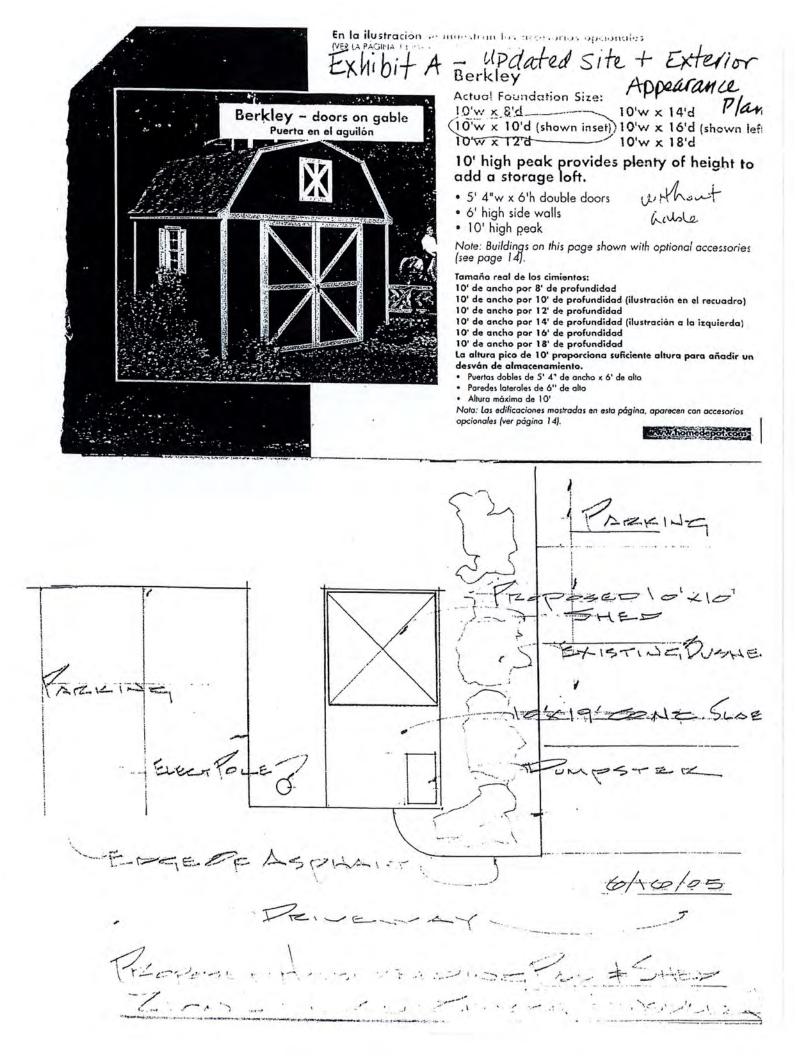
Sy: Rosemany Straham

Deputy Willage Clerk

3011346_v1

psdata/ord&res/pc/2005/zionchurchmajoradjustmentshed.doc

Exhibit A- Updated Site and Exterior Appearance Plan CRANT STREET 11 211 Plat of Survey 11)445 INN 9



VILLAGE OF HINSDALE

ORDINANCE NO. 02012-32

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A PRIVATE MIDDLE SCHOOL AT 125 S. VINE STREET (Plan Commission Case No. A-15-2012)

WHEREAS, an application seeking a special use permit to operate a private school in the existing school building located at 125 S. Vine Street, Hinsdale, Illinois, (the "Subject Property"), in the IB Institutional Buildings Zoning District, was filed by Petitioner Nurturing Wisdom with the Village of Hinsdale; and

WHEREAS, a special use for a private school on the Subject Property had previously been approved as one aspect of a planned development in Ordinance No. 2004-15, but had lapsed due to the school use having been discontinued for a period in excess of six (6) months; and

WHEREAS, the Subject Property, which is improved with an existing school building, 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 Hinsdale Zoning Code ("Zoning Code"), as amended; and

WHEREAS, on June 13, 2012, the Plan Commission held a public hearing on the Application pursuant to notice thereof properly published in *The Hinsdalean* on May 24, 2012, 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 4 in favor, 0 against, 1 abstention, and 4 absent, all as set forth in the Plan Commission's Findings and Recommendation for Plan Commission Case No. A-15-2012 ("Findings and Recommendation"), a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees of the Village, at a public meeting on June 25, 2012, considered the Application and the Findings and Recommendation of the Plan Commission and made its recommendation of approval to the Board of Trustees, subject to there being a maximum enrollment under the special use of fifty (50) students; and

WHEREAS, the President and Board of Trustees of the Village have duly considered the Findings and Recommendation of the Plan Commission, and all of the materials, facts and circumstances affecting the Application, and find that the Application 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:

<u>Section 1</u>: <u>Incorporation</u>. 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 Private School. 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 private school in the IB Institutional Buildings Zoning District in the existing school building on the Subject Property located at 125 S. Vine Street, legally described in **Exhibit A**, subject to the condition that enrollment at the private school shall not exceed fifty (50) students.

<u>Section 3</u>: <u>Violation of Condition or Code</u>. 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 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.

<u>Section 5</u>: <u>Effective Date</u>. 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.

PASSED this 17th day of July 2012.
AYES: Trustees Angelo, Geoga, LaPlaca, Saigh
NAYS: None
ABSENT: Trustees Elder and Haarlow
APPROVED by me this 17th day of July , 2012, and attested to by the Village Clerk this same day.
Thomas K. Cauley, Jr., Village President
ATTEST:
Christine M. Bruton, Village Clerk

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

Shu Dec.

By: Director

Its: Alyssa Declesar!

Date: Guly 17, 2012

EXHIBIT A

LOTS 11 AND 12 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 125 S. VINE STREET, HINSDALE, ILLINOIS

HINSDALE PLAN COMMISION

Re: Case A-15-2012 – Nurturing Wisdom – 125 S. Vine Street - Request: Special Use Permit to

Operate a Private Middle School

DATE OF PLAN COMMISSION REVIEW:

June 13, 2012

DATE OF ENVIRONMENT & PUBLIC SERVICES REVIEW:

June 25, 2012

FINDINGS AND RECOMMENDATION

I. FINDINGS

- 1. The Applicant, Nurturing Wisdom, submitted an application for a Special Use to operate a private middle school at 125 S. Vine Street.
- 2. The property is located within the IB Institutional Buildings District and improved with an existing school where a private elementary school operated previously. Middle schools are listed as a Special Use.
- 3. The Plan Commission heard testimony from the applicant regarding the proposed request, including proposed hours and class sizes, at the Plan Commission meeting of June 13, 2012.
- 4. The Commissioners asked the applicant questions regarding the proposed use, which confirmed, among other things, that the facility would not be doing tutoring from this location.
- 5. The Commissioners agreed that the proposed use was a good fit for the location.
- 6. The Plan Commission specifically finds that based on the Application and the evidence presented at the public hearing, the Applicant has satisfied 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 is the fact that the school will be located in an existing building specifically designed for school use, that a school has operated at this location in the past, that adequate public facilities to serve the school are already in place, and that adequate parking to serve the proposed school use exists.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, by a vote of four (4) "Ayes," 0 "Nay," one (1) "Abstention" and four (4) "Absent", recommends that the President and Board of Trustees approve the Application for a special use permit to allow the operation of a private middle school at 125 S. Vine Street.

THE HINSDALE PLAN COMMISSION

y: ____

Chairman

Dated this $\frac{1/2}{2}$ day of $\frac{3\nu/9}{2}$, 2012.

VILLAGE OF HINSDALE

ORDINANCE NO. 02012-53

AN ORDINANCE APPROVING A MAJOR ADJUSTMENT TO A PLANNED DEVELOPMENT TO ALLOW A MUSIC SCHOOL AND TUTORING SERVICE - 125 S. VINE STREET – ZION LUTHERAN CHURCH

WHEREAS, a Planned Development for Zion Lutheran Church (the "Applicant") at 125 S. Vine Street (the "Subject Property") was originally approved by Ordinance No. 2004-15 (the "Planned Development"); and

WHEREAS, the Subject Property, improved with, among other things, an existing school building, is legally described in <u>Exhibit A</u> attached hereto and made a part hereof; and

WHEREAS, among the various uses approved as part of the Planned Development was a private school use, which was later discontinued. A special use for a private school on the Subject Property was recently reapproved and a private school is again operating on the Subject Property; and

WHEREAS, the Applicant has now submitted an application for a major adjustment to the Planned Development to allow for a music school and tutoring service (the "Proposed Uses") within the private school building on the Subject Property, during hours when the private school is not operating (the "Application"); and

WHEREAS, as the Proposed Uses are uses which would not otherwise be permitted in the IB Institutional Buildings Zoning District, a major adjustment to the Planned Development is required to be approved by the Village Board pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code in order for the Proposed Uses to operate; and

WHEREAS, the President and Board of Trustees, upon initial consideration of the Application, sent it back to the Plan Commission so that nearby residents of the Subject Property could be notified of the Proposed Uses and have an opportunity to register their approval or disapproval; and

WHEREAS, following notice to nearby residents, the Plan Commission, on October 10, 2012, held a meeting at which the Application was discussed. No residents were present to comment on the Application or Proposed Uses, and one commented through a written submission. Following presentations and discussion, the Plan Commission recommended approval of the Application

on a vote of 7 ayes, 0 nays, and 2 absent. The Findings and Recommendation of the Plan Commission are attached hereto as $\underline{\text{Exhibit B}}$ and made a part hereof; and

WHEREAS, the Board of Trustees of the Village have duly considered the Findings and Recommendation of the Plan Commission, and all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards set forth in Section 11-603 of the Zoning Code relating to major adjustments to planned developments.

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:

<u>SECTION 1</u>: <u>Recitals</u>. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the Board of Trustees.

<u>Development</u>. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code, approve the major adjustment to the previously approved Planned Development, to allow a music school and tutoring service to operate in the private school building on the Subject Property. The Planned Development, is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

SECTION 3: Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance, the Ordinance approving the Planned Development, any previous amendments thereto, or of any applicable code, ordinance, or regulation of the Village shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

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.

	PASSED this 20th day of November 2012.
	AYES:Trustees Elder, Angelo, Geoga, LaPlaca, Saigh
	NAYS: None
	ABSENT: Trustee Haarlow
Treiling.	APPROVED this <u>20th</u> day of <u>November</u> 2012.
OT NO.	APPROVED this 20th day of November 2012. Thomas K. Cauley, Jr., Village President
7 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	Thomas/K. Cauley, Jr., Village President
No.	ATTECT
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	Christine M. Bruton
	Christine M. Bruton, Village Clerk

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

Borr cholenal

Date: Naugnage 21, 2012

EXHIBIT A

LOTS 11 AND 12 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 125 S. VINE STREET, HINSDALE, ILLINOIS

EXHIBIT B

FINDINGS OF FACT (ATTACHED)

HINSDALE PLAN COMMISION

Re: 125 S. Vine Street – Zion Lutheran Church - Request: Major Adjustment to a Planned Development to Allow a Music School and Tutoring Service at 125 S. Vine Street

DATE OF PLAN COMMISSION REVIEW:

October 10, 2012

DATE OF ZONING & PUBLIC SAFETY REVIEW:

October 22, 2012

FINDINGS AND RECOMMENDATION

I. FINDINGS

- The Applicant, Zion Lutheran Church, submitted an application for a Major Adjustment to a Planned Development to allow a music school and tutoring service at 125 S. Vine Street.
- 2. The property is located within the IB Institutional Buildings District and improved with an existing school where a private elementary school operated previously.
- 3. The Plan Commission heard a presentation from the applicant regarding the proposed requests, including proposed hours, days and class sizes for the two uses, at the Plan Commission meeting of October 10, 2012.
- 4. The Commissioners asked the applicant questions regarding the proposed use, which included the church's long term goals and intentions for the school building.
- 5. Certain Commissioners expressed concerns with the residential homes being part of the Planned Development and while the applicant did not identify any immediate plans for those lots, they indicated their general support to see those lots removed from the Planned Development and returned to residential zoning.
- 6. The Commissioners agreed that the proposed uses were a good fit for the location and indicated they didn't see any need to restrict the time, day or hours of operation for either use.
- 7. The Plan Commission specifically finds that based on the Application and the evidence presented at the public meeting, the Applicant has satisfied the standards in Section 11-603 of the Zoning Code applicable to approval of a major adjustment to Planned Developments. Among the evidence relied upon by the Plan Commission is the fact that the uses will be located in an existing building specifically designed for school uses, that a school has operated at this location in the past and that generally, the requested uses are appropriate for this location.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, by a vote of seven (7) "Ayes," 0 "Nay," two (2) "Absent", recommends that the President and Board of Trustees approve the Application for a Major Adjustment to a Planned Development to Allow a Music School and Tutoring Service at 125 S. Vine Street

VILLAGE OF HINSDALE

ORDINANCE NO. 02013-15

AN ORDINANCE APPROVING A MAJOR ADJUSTMENT TO A PLANNED DEVELOPMENT RELATIVE TO REMOVAL OF CERTAIN PROPERTIES FROM THE PLANNED DEVELOPMENT AND WAIVERS RELATED TO SAME – ZION LUTHERAN CHURCH

WHEREAS, a Planned Development for Zion Lutheran Church (the "Applicant") at 125 S. Vine Street was originally approved by Ordinance No. 2004-15 (the "Planned Development"), and has been subsequently amended; and

WHEREAS, the Planned Development includes, among other things, a membership organization, an existing school building, and two residential properties, and is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Applicant has now submitted an application (the "Application") for a major adjustment to the Planned Development to allow for two residential lots originally included within the Planned Development at 201 and 205 S. Vine (the "Residential Lots") to be removed from the Planned Development, along with applications for a subdivision of one of the two Residential Lots, and a map amendment rezoning both of the Residential Lots from IB to R-4 upon their removal from the Planned Development (collectively, the major adjustment, subdivision and map amendment are the "Proposed Relief"); and

WHEREAS, the Application also seeks certain waivers as a result of the removal of the Residential Lots from the Planned Development. The waivers sought are as follows:

- To allow a F.A.R. of .537 for the existing membership organization within the Planned Development, in lieu of the .50 allowed;
- To allow the minimum lot size for the Planned Development to be 85,378 square feet;
- To allow a rear yard parking lot setback of zero feet (0') instead of the twenty-five feet (25') required;
- To allow a landscape buffer of zero feet (0') along the rear parking lot, in lieu of the ten feet (10') required; and
- To allow a lot size of 8,375 square feet for the 205 S. Vine property upon its subsequent subdivision and removal from the Planned Development/rezoning, in lieu of the 10,000 square feet required.

WHEREAS, as the Proposed Relief includes removal of property from the Planned Development, which will in turn require certain waivers, a major adjustment to the Planned Development is required to be approved by the Village Board pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code in order for the

Proposed Relief to be granted. The major adjustment does not involve any physical or visual changes to the Planned Development; and

WHEREAS, the Zoning and Public Safety Committee of the Village of Hinsdale Board of Trustees, at a public meeting held on June 24, 2013, considered the Application, found it to be in substantial conformance with the approved Planned Development final plan, as previously amended, as required by Subsection 11-603(K)(2) of the Hinsdale Zoning Code, and recommended its approval; and

WHEREAS, the President and Board of Trustees of the Village have duly considered all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards set forth in Section 11-603 of the Zoning Code relating to major adjustments to planned developments.

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: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the Board of Trustees.

<u>Section 2</u>: Approval of Major Adjustment to the Approved Planned Development. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code, approve the major adjustment to the Planned Development, as previously amended, to allow removal of the Residential Lots commonly known as 201 and 205 S. Vine from the Planned Development, subject to subsequent approval of a Subdivision related to 205 S. Vine, and a Map Amendment rezoning both lots to R-4 upon their removal from the Planned Development. As part of the conditional approval of the Major Adjustment, the following waivers are granted:

- To allow a F.A.R. of .537 for the existing membership organization within the Planned Development, in lieu of the .50 allowed;
- To allow the minimum lot size for the Planned Development to be 85,378 square feet;
- To allow a rear yard parking lot setback of zero feet (0') instead of the twenty-five feet (25') required;
- To allow a landscape buffer of zero feet (0') along the rear parking lot, in lieu of the ten feet (10') required; and
- To allow a lot size of 8,375 square feet for the 205 S. Vine property upon its subsequent subdivision and removal from the Planned Development/rezoning, in lieu of the 10,000 square feet required.

The Planned Development is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

SECTION 3: <u>Violation of Condition or Code</u>. Any violation of any term or condition stated in this Ordinance, the Ordinance approving the Planned Development, any previous amendments thereto, or of any applicable code, ordinance, or regulation of the Village shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

SECTION 4: Conditional Approval. The approval granted herein is subject to the following: subsequent approval by the President and Board of Trustees of a Subdivision related to 205 S. Vine and of a Map Amendment rezoning of the Residential Lots being removed from the Planned Development. If such approvals are not made by the President and Board of Trustees within one hundred and eighty (180) days from the approval of this Ordinance, this Ordinance shall become null and void.

SECTION 5: 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 6: 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.

AYES: NAYS:		ow, Hughes, LaPlaca, Saigh
ABSEN		
PPRO	VED this <u>16th</u> day of _	July 2013.
ATTE		Thomas K. Cauley, Jr., Village President
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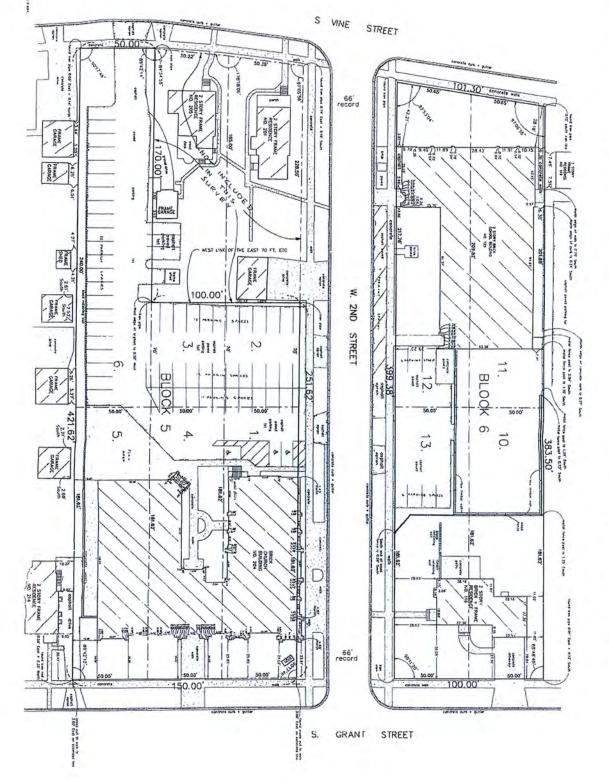
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EXHIBIT A

LOT 1, THE EAST 70.00 FEET OF LOTS 2 AND 3 AND ALL OF LOTS 4, 5 AND 6 IN BLOCK 5, ALSO, LOTS 10, 11, 12 AND 13 IN BLOCK 6 ALL IN J. I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 116 - 212 S. GRANT and 125 - 209 S. VINE STREET, HINSDALE, ILLINOIS

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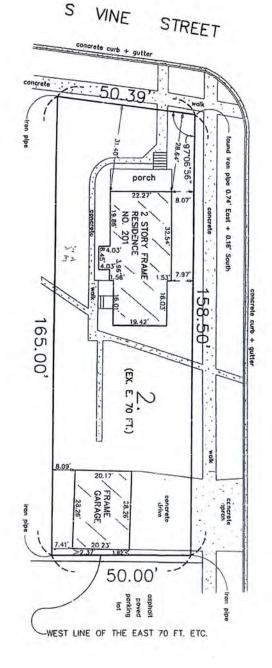
1"-20" BLOCK 5 48242 Sent. BLOCK 5

JOSEPH M. DE CRAENE ILINOIS LAND SURVEYOR 8710 SKYLINE DRIVE HINSDALE, IL 60527 PHN 630-789-0898 FAX 630-789-0697

LOT 2 (EXCEPT THE EAST 70 FEET THEREOF) IN BLOCK 5 IN J. I. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINCIS.



W. 2nd STREET





LIC. EXP.

11-30-2014

ILLINOIS LAND SURVEYOR NO. 2476

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

Jan Do APRIL 5, AB. 2013

130205-201 VINE

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1"=20" IOSEPH M DE CRAENE

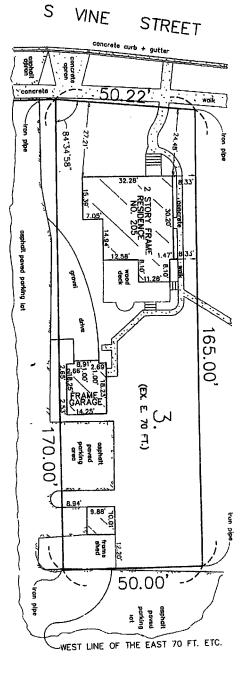
THE INTERNATION OF ORDERED BY:

ORDER NO:

JOSEPH M. DE CRAENE ILLINOIS LAND SURVEYOR 8710 SKYLINE DRIVE HINSDALE, IL 60527 PHN 630-789-0898 FAX 630-789-0897

LOT 3 (EXCEPT THE EAST 70 FEET THEREOF) IN BLOCK 5 IN J. I. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.







CHECK FOR EASEMENTS, BUILDING LINES AND OTHER RESTRUCTIONS, IF ANY, NOT SHOWN HEREON, SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT ISSUED HAT OF RESEMBENTS, BUILDINGS, RESTRUCTIONS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. CHECK PROPERTY DESCRIPTION HEREON AGAINST DEEP FOR CLARITY OR FOR CHECK PROPERTY DESCRIPTION HEREON AGAINST DEEP FOR CLARITY OR FOR PRODUCTION BREGEOLIATIES, DO NOT SEALE FROM PLAT. CONSULT WITH SURVEYOR FROM TO USING THIS PLAT FOR MAY CONSTRUCTION UPPROBES COMPAGE ALL WEORANDTON SHOWN BEFORE USE. DO NOT ASSIME THAT FOR DEPERTY MODULESS DE ADDRESS MICHORITE REMAIN UN PLACE. SURVEY PLAY NOT MADE ON THE PLACE.

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•	A.D. 2013	NDARY SURVEY

ILLINOIS LAND SURVEYOR NO. 2476 LIC. EXP. ORDERED BY: 11-30-2014 130205-205 VINE LARSON

1"=20' JOSEPH M. DE CRAENE

VILLAGE OF HINSDALE

ORDINANCE NO. O2013-27

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF HINSDALE RELATIVE TO THE REZONING OF PROPERTIES LOCATED AT 201 AND 205 S. VINE STREET

WHEREAS, an application (the "Application") to amend the Official Zoning Map of the Village of Hinsdale by changing the zoning of properties located at 201 and 205 S. Vine Street from IB Institutional Buildings Zoning District to R-4 Single Family Residential Zoning District (the "Proposed Map Amendments") has been filed with the Village by Zion Lutheran Church (the "Applicant") pursuant to Section 11-601 of the Hinsdale Zoning Code; and

WHEREAS, the Application was referred to the Plan Commission of the Village for consideration and a hearing, and has otherwise been processed in accordance with the Hinsdale Zoning Code, as amended; and

WHEREAS, the properties to be rezoned through the Proposed Map Amendments (the "Subject Properties") are generally described as the two long-existing residential lots located at 201 and 205 S. Vine Street, with the exception of the rear seventy (70) feet of 205 S. Vine, which has been subdivided pursuant to a Plat of Subdivision separately approved by the Village (the "Subdivision"). The Subject Properties are legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Subject Properties are currently part of a Planned Development originally approved in 2004 by Ordinance No. 2004-15, and are being removed from the Planned Development concurrent with this rezoning, pursuant to an Ordinance Approving a Major Adjustment to the Planned Development previously approved by the Board of Trustees that was conditioned on approval of this Rezoning and of the Subdivision; and

WHEREAS, on September 11, 2013, 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, the Plan Commission recommended approval of the Proposed Map Amendments by a vote of 6 in favor, 0 against and 1 absent, all as set forth in the Plan Commission's Findings and Recommendation for Plan Commission Case No. A-22-2013 ("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 September 23, 2013, considered the Application and the Findings and Recommendation of the Plan Commission and made its recommendation to the Board of Trustees; and

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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, 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:

<u>Section 1</u>: <u>Incorporation</u>. Each whereas paragraph set forth above is incorporated by reference into this Section 1.

<u>Section 2</u>: <u>Findings</u>. The President and Board of Trustees, after considering the Findings and Recommendation of the Plan Commission, recommendation of the Zoning and Public Safety Committee 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 Map Amendments are demanded by and required for the public good.

Section 3: Map Amendments. Pursuant to the authority granted under Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.) and the Hinsdale Zoning Code, the President and Board of Trustees of the Village of Hinsdale approve the Proposed Map Amendments, and the Official Zoning Map of the Village of Hinsdale, DuPage and Cook Counties, Illinois, as amended, is further amended by changing the zoning classification of the Subject Properties described in Exhibit A from IB Institutional Buildings Zoning District to R-4 Single-Family Residential Zoning 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.

<u>Section 5</u>: <u>Effective Date</u>. 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.

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ADOPTED this _	<u>15th</u> day of <u>October</u> , 2013, pursuant to a roll
call vote as follow	JS'
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AYES:	Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh
NAYS:	Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh None Trustee Elder D by me this
ABSENT:	Trustee Elder
	D by me this 15th day of 0ctober, 2013, and
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2 :0	Thomas IX. Gabley, St., Village y lesident
1873	
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Christine	M. Brudon
Christine M. Bruto	on, Village Clerk

EXHIBIT A

DESCRIPTION OF PROPERTIES BEING REZONED

LOT 2 (EXCEPT THE EAST 70 FEET THEREOF) IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS, ALSO;

LOT 3 (EXCEPT THE EAST 70 FEET THEREOF) IN BLOCK 5 IN J.I. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TWONSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS.

Commonly Known As: 201 and 205 S. Vine Street, Hinsdale, Illinois.

P.I.N.s: 09-12-111-001 & -003

EXHIBIT B

FINDINGS OF FACT AND RECOMMENDATION OF THE PLAN COMMISSION (ATTACHED)

HINSDALE PLAN COMMISION

RE: Case A-22-2013 - 201-205 S. Vine Street - Zion Lutheran Church - Map Amendment

DATE OF PLAN COMMISSION REVIEW: September 11, 2013

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DATE OF COMMITTEE REVIEW:

September 23, 2013

FINDINGS AND RECOMMENDATION

I. FINDINGS

- 1. Zion Lutheran Church, (the "applicant"), represented by Keith Larson submitted an application to the Village of Hinsdale for the property located at 201 and 205 S. Vine Street (the "subject property").
- 2. The subject properties are currently zoned IB, Institutional Buildings and are currently being occupied by two single-family homes that were part of a Planned Development.
- 3. On July 16th, 2013, the Village Board approved a Major Adjustment to the Planned Development, for the removal of these two lots from the Planned Development, including all necessary waivers, subject to the approval of the requested Map Amendment.
- 4. The applicant is proposing to rezone the two properties from IB, Institutional Buildings District to R-4 Single-Family Residential.
- 5. The Plan Commission heard a presentation from the applicant which included testimony that the Plan Commission had previously suggested their desire to see these two lots removed from the Planned Development and returned to R-4 single-family.
- 6. The Commission agreed that this request was appropriate given the surrounding zoning classification and confirmed that they would prefer to see these two lots rezoned to R-4 single-family residential, as indicated by the applicant. As such the Plan Commission specifically finds that the Application satisfies the standards in Section 11-601 of the Zoning Code applicable to approval of the amendments.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, by a vote of six (6) "Ayes", zero (0) "Nays", one (1) "absent", recommends to the President and Board of Trustees of the Village of Hinsdale to approve the map amendment at 201 and 205 S. Vine Street – Zion Lutheran Church.

THE HINSDA	ALE PLAN COMMISS		
By: <u>Chair</u>	MABy rue		
	a 1.		
Dated this	9 <u>m</u> day of	Oct	, 2013.

VILLAGE OF HINSDALE

ORDINANCE NO. 02015-34

AN ORDINANCE APPROVING A MAJOR ADJUSTMENT TO A PLANNED DEVELOPMENT TO ALLOW EXPANSION OF A PRIVATE SCHOOL - 125 S. VINE STREET – VINE ACADEMY AT ZION LUTHERAN CHURCH

WHEREAS, a Planned Development that includes property located at 125 S. Vine Street (the "Subject Property") was originally approved by Ordinance No. 2004-15 (the "Planned Development"); and

WHEREAS, among the various original uses approved as part of the Planned Development was a private school use, which was later discontinued for a period in excess of six (6) months; and

WHEREAS, the Subject Property, which is improved with an existing school building and is in the IB Institutional Buildings Zoning District, is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, a special use for a private school on the Subject Property with a maximum of fifty (50) students was approved in 2012 and a private school has since been again operating on the Subject Property; and

WHEREAS, the Applicant, Vine Academy, has now submitted an application for a major adjustment to the Planned Development to allow for an expansion of the private school use for grades K through 12 to operate in all 10 classrooms on the property, up to a maximum enrollment of one hundred and eighty (180) students (the "Proposed Use") within the private school building on the Subject Property (the "Application"); and

WHEREAS, as the Proposed Use is an expansion of the previously approved special use that had a maximum allowed enrollment of fifty (50) students, it is a major adjustment to the Planned Development and is required to be approved by the Village Board pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code in order for the Proposed Use to operate; and

WHEREAS, the President and Board of Trustees find that the major adjustment to the Planned Development in the form of the expansion of the previously approved special use for operation of a private school on the Subject Property, to allow a maximum enrollment of one hundred and eighty (180) students, as approved by this Ordinance, meet the standards set forth in Section 11-603 for approval of such adjustments, and will be in substantial conformity with the approved final plan for the Planned Development, as amended, in conformance with Subsection 11-603(K)(2) of the Hinsdale Zoning Code.

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: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the Board of Trustees.

<u>Section 2</u>: Approval of Major Adjustment to the Approved Planned Development. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code, approve the major adjustment to the previously approved Planned Development, as amended, to allow the expansion of the previously approved private school with a cap of fifty (50) students, to a new maximum enrollment of one hundred and eighty (180) students. The school shall operate in the private school building on the Subject Property. Said major adjustment is approved subject to the conditions set forth in Section 3 of this Ordinance. The Planned Development is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

SECTION 3: Conditions on Approvals. The approval granted in Section 2 of this Ordinance is subject to the following conditions:

- A. No Approval of Future Plans or Authorization of Work. This Ordinance does not constitute the approval of any specific plans for redevelopment or authorize the commencement of any work on the Subject Property within the Planned Development. The Applicant acknowledges that any future plans for redevelopment within the Planned Development are subject to the Planned Development processes and approvals, and all other Zoning Code requirements of the Village.
- B. <u>Compliance with Codes, Ordinances, and Regulations</u>. Except for the waivers specifically set forth in this Ordinance, the provisions of the Planned Development, as previously amended, the Hinsdale Municipal Code and the Hinsdale Zoning Code, including specifically the Planned Development processes and approvals, shall apply and govern any redevelopment or other work within the Planned Development area. All work within the Planned Development shall comply with all Village codes, ordinances, and regulations at all times.
- C. Parking Agreement. The Applicant is currently able to meet all parking requirements through a parking agreement with Zion Lutheran Church. The Applicant shall be required to keep such an agreement in place at all times in order to meet the parking requirements of the Village, or to otherwise be able to show satisfactory compliance with Village parking requirements.

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SECTION 4: Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance, the Ordinance approving the Planned Development, any previous amendments thereto, or of any applicable code, ordinance, or regulation of the Village shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

SECTION 5: 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 6: 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.

ADOPTED thi	is <u>7th</u> day of _	October	, 2015, pursuant to a roll
call vote as fol	llows:	·	
AYES:	Trustees Elder	stees Elder, Stifflear, Hughes, LaPlaca, Saigh e rustee Angelo this	
NAYS:	None	The section of the se	
ABSEN	IT: Trustee Ange	lo	
APPROVED b	y me this <u>7th</u>	_day of <u>October</u>	, 2015, and attested to
by the Village	Clerk this same da	ay.	^
ED .	.	h	CAR
5. \$1 \tag{2}	À	Thomas K. Cauley,	Jr., Village President
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ATTEST:	,		•
Christin	em Buto	a	
Christine M. B	ruton, Village Clerl	k	

ADOPTED this 7th

EXHIBIT A

LOTS 11 AND 12 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 125 S. VINE STREET, HINSDALE, ILLINOIS

VILLAGE OF HINSDALE

ORDINANCE NO. 02015-44

AN ORDINANCE APPROVING A MAJOR ADJUSTMENT TO A PLANNED DEVELOPMENT TO ALLOW EXPANSION OF A PRIVATE SCHOOL TO A MAXIMUM ENROLLMENT OF NINETY (90) STUDENTS — 125 S. VINE STREET – VINE ACADEMY AT ZION LUTHERAN CHURCH

WHEREAS, a Planned Development that includes property located at 125 S. Vine Street (the "Subject Property") was originally approved by Ordinance No. 2004-15 (the "Planned Development"); and

WHEREAS, among the various original uses approved as part of the Planned Development was a private school use, which was later discontinued for a period in excess of six (6) months; and

WHEREAS, the Subject Property, which is improved with an existing school building and is in the IB Institutional Buildings Zoning District, is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, a special use for a private school on the Subject Property with a maximum of fifty (50) students was approved in 2012 and a private school has since been again operating on the Subject Property; and

WHEREAS, the Applicant, Vine Academy, has submitted an application for another major adjustment to the Planned Development to allow for an expansion of the private school use for grades K through 12 to operate in all 10 classrooms on the property, up to a maximum enrollment of one hundred and eighty (180) students (the "Proposed Use") within the private school building on the Subject Property (the "Application"); and

WHEREAS, an ordinance partially approving the Proposed Use was approved on October 7, 2015. That Ordinance approved an increase in the maximum allowed enrollment from fifty (50) students to seventy (70) students as in substantial conformity with the existing Planned Development; and

WHEREAS, the Application as it applied to enrollment beyond the approved seventy (70) students was referred to the Plan Commission for further consideration pursuant to Subsection 11-603(K)(2) of the Hinsdale Zoning Code; and

WHEREAS, the Plan Commission, on October 14, 2015, held a meeting at which the Application was discussed. Following presentations and discussion, the Plan Commission recommended approval of the Proposed Use to a maximum enrollment of ninety (90) students on a vote of eight (8) ayes, zero (0) nays, and zero (0) absent. The findings of the Plan Commission are attached hereto as **Exhibit B** and made a part thereof. In doing so, the Plan Commission recommended denial of

the Proposed Use as to the request for an increase in enrollment above ninety (90) students up to the requested one hundred and eighty (180) students; and

WHEREAS, the President and Board of Trustees find that the major adjustment to the Planned Development in the form of the expansion of the previously approved special use for operation of a private school with a maximum enrollment of seventy (70) students on the Subject Property, to allow a maximum enrollment of up to ninety (90) students, meets the standards set forth in Section 11-603 for approval of such adjustments. However, the President and Board of Trustees find that an expansion of the number of students beyond the ninety (90) approved herein to the requested one hundred and eighty (180) students does not merit approval is that portion of the Application is denied.

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: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the Board of Trustees.

<u>SECTION 2</u>: Approval of Major Adjustment to the Approved Planned Development – Expansion to Ninety (90) Students. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and pursuant to Subsection 11-603(K)(2) and (L) of the Hinsdale Zoning Code, approve the major adjustment to the previously approved Planned Development, as amended, to allow the expansion of the previously approved private school with a maximum enrollment of seventy (70) students, to a new maximum enrollment of ninety (90) students. The school shall operate in the private school building on the Subject Property. Said major adjustment is approved subject to the conditions set forth in Section 4 of this Ordinance. The Planned Development is hereby amended to the extent provided, but only to the extent provided, by the approval granted herein.

SECTION 3: Conditions on Approvals. The approval granted in Section 2 of this Ordinance is subject to the following conditions:

- A. <u>No Approval of Future Plans or Authorization of Work.</u> This Ordinance does not constitute the approval of any specific plans for redevelopment or authorize the commencement of any work on the Subject Property within the Planned Development. The Applicant acknowledges that any future plans for redevelopment within the Planned Development are subject to the Planned Development processes and approvals, and all other Zoning Code requirements of the Village.
- B. <u>Compliance with Codes, Ordinances, and Regulations.</u> Except for the waivers specifically set forth in this Ordinance, the provisions of the Planned Development, as previously amended, the Hinsdale Municipal Code and the Hinsdale Zoning Code, including specifically the Planned

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Development processes and approvals, shall apply and govern any redevelopment or other work within the Planned Development area. All work within the Planned Development shall comply with all Village codes, ordinances, and regulations at all times.

C. Parking Agreement. The Applicant is currently able to meet all parking requirements through a parking agreement with Zion Lutheran Church. The Applicant shall be required to keep such an agreement in place at all times in order to meet the parking requirements of the Village, or to otherwise be able to show satisfactory compliance with Village parking requirements.

SECTION 4: Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance, the Ordinance approving the Planned Development, any previous amendments thereto, or of any applicable code, ordinance, or regulation of the Village shall be grounds for rescission by the Board of Trustees of the approvals set forth in this Ordinance.

SECTION 5: 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 6: 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.

call vote as follows:
AYES:Trustees Angelo, Stifflear, LaPlaca, Saigh
NAYS: None
ABSENT: Trustees Elder and Hughes
APPROVED by me this
Thomas K. Cauley, Jr., Village President
ATTEST: Christine M. Bruton, Village Clerk

EXHIBIT A

LOTS 11 AND 12 IN BLOCK 6 IN J.I. CASE'S ADDITION TO HINSDALE, DUPAGE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT NUMBER 15440, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 125 S. VINE STREET, HINSDALE, ILLINOIS

EXHIBIT B

FINDINGS AND RECOMMENDATION (ATTACHED)

HINSDALE PLAN COMMISSION

RE: Case A-26-2015 - Applicant: Vine Academy (Amanda Vogel) at 125 S. Vine St.

Request: Major Adjustment to Planned Development/Special Use for up to 180 Students in IB District

DATE OF PLAN COMMISSION REVIEW:

October 14, 2015

DATE OF BOARD OF TRUSTEES 1ST READING:

November 3, 2015

FINDINGS AND RECOMMENDATION

I. FINDINGS

- 1. The Plan Commission heard testimony from the applicant's proposal to increase the maximum student enrollment from 50 to 180. It was clarified however, that the Board of Trustees approved the request for 20 additional students for a maximum of 70.
- 2. The applicant explained the reason for additional students was due to growth in the school. Ms. Vogel introduced herself as the director and owner of Vine Academy. She indicated that she has been at the location for the last 3 years, starting with 11 students to the current 50. Ms. Vogel also explained the building at 125 S. Vine (former Zion Lutheran School building) used to hold a little over 200 students.
- 3. The applicant explained another function of the request is to plan for when the school will potentially outgrow the space. Thus, finding out what is potentially allowed will serve its planning process.
- 4. The Plan Commission asked if the name of the school was ever "Nurturing Wisdom Tutoring". This was confirmed by the applicant.
- 5. The Plan Commission asked how they plan to stagger the drop off times to prevent potential traffic issues. Ms. Vogel explained that there are 4 distinct, grade based programs that already follow staggered pick-up times. She also intends to plan for ways to prevent wrapping around the block as the school grows.
- 6. The Plan Commission asked the applicant how long they expect the approved 70 maximum students to be a limitation at Vine Academy. She replied it should be OK for the current school year. She also noted that she does not want the school to grow any faster, as experienced recently.
- 7. The Plan Commission asked if there would be an issue with seeing how the 70 students would affect the area, and to subsequently apply again next summer based on the experience. Ms. Vogel replied she's OK with that. However, her goal was to secure a long term plan goal for the space.
- The Plan Commission strongly expressed concern for the potential traffic and its affect to the residential neighborhood. It was also brought up that the area is a buffer zone between businesses and the residential district.
- 9. The Plan Commission, in general, explained that they are not comfortable with the requested full amount of 180 students. Zoning Code section 11-602(E) was referenced by a Commissioner, to be considered when reviewing special use permits. However, the Commission also wanted to make sure the school would be allowed to grow, should the demand exceed 70 students during the school year.
- 10. For consideration of additional students over 90, the Plan Commission would like to see a detailed traffic, pick-up and drop off plan. In addition, neighborhood meeting(s) was also requested for any potential requests.

11. The Plan Commission asked a representative of Zion Lutheran Church if any resident has approached them in regards to the proposal. He responded no. In response to another question, he explained that the school building has been there since 1930 and an addition was completed in 1960.

II. RECOMMENDATIONS

Following a motion to recommend approval for up to a maximum of 90 students, the Village of Hinsdale Plan Commission, on a vote of eight (8) "Ayes," and zero (0) "Nay," (a Commissioner resigned) recommends that the President and Board of Trustees approve the major adjustment to a planned development/special use for up to a maximum of 90 students.

THE HINSDALE PLAN COMMISSION

Bv:

Chairman

Dated this 11th day of _

Attachment 4

Attachment 6

PROPOSED TEXT AMENDMENT

Amendment Summary

The proposed amendments to Section 6-106 (E)(4) and Section 11-603(M)(2) of the Village's Zoning Code would allow for Lifestyle Housing as a Special Use in the O-1 Specialty Office District. Text with a strikethrough is to be deleted. Text in *red and bolded* is to be added.

Section 6-106 (E)(4) - Special Uses in Office Districts

		0-1	0-2	0-3
E. 1	Miscellaneous:			
1.	Planned developments.	S	S	S
2.	Hotels (7011).			S
3.	One dwelling unit accessory to a funeral home or parlor.		S	
	Lifestyle housing, subject to the planned development provisions of bsection 11-603M of this Code.	S	S	

Section 11-603(M)(2)

M. Lifestyle Housing:

- 1. General Purposes: The regulations of this subsection M govern development of very high quality townhouse and condominium dwellings, in one or more buildings, on property near downtown Hinsdale (generally known as "lifestyle housing"). The regulations are intended to authorize such housing, but only to the extent that it reflects the highest standards of design and construction, consistent with the village's historic and distinctive residential character and with uses and development adjacent to the proposed development. Lifestyle housing is intended to be attractive to existing Hinsdale residents who seek housing that requires less maintenance than single-family detached houses; residents who wish to remain in the village, close to neighbors, friends, and familiar institutions, near downtown shopping and amenities, and close to the transportation center of the village. Lifestyle housing may be appropriate on property near downtown Hinsdale and on property of a transitional nature between the downtown retail environment and nearby single-family residential areas. Lifestyle housing is appropriate in furtherance of the following public purposes:
- (a) Local Atmosphere: To maintain the local, "small town" atmosphere of the areas within which lifestyle housing may be developed.
- (b) Compatibility: To ensure compatibility of new development with the existing characteristics of the area.
 - (c) Transitional Areas: To protect sensitive areas of transition from one land use to another.
- (d) Attractiveness; Stimulation Of Downtown: To protect and enhance the village's attractiveness to longtime residents and to visitors, and to support and stimulate downtown businesses.
 - (e) Strong Economy: To strengthen the economy of the village.
- 2. Location Restrictions: Lifestyle housing shall be permitted only in the B-1 community business district, the B-3 general business district, the O-1 specialty office district, and the O-2 limited office district. Further, lifestyle housing shall be permitted only on property where the purposes set forth in subsection M1 of this section are advanced. Further, lifestyle housing shall be permitted on any particular parcel of land only if the proposed development is, in the determination of the board of trustees, compatible with adjacent land uses. For example, but only by way of example, a row house style development may be appropriate on a parcel of land located adjacent to existing residential uses but a condominium development on that same parcel may not be appropriate; or, the board of trustees

may determine under all of the standards applicable to special use permits, site plans, exterior appearance plans, planned developments, and lifestyle housing that no multiple-family use of any kind is appropriate on that same parcel.

- 3. Applicability Of District Regulations: The regulations of the zoning district within which the subject property is classified shall apply to and control development of lifestyle housing except only as specifically provided otherwise in this section.
- 4. Applicability Of Planned Development Standards: The regulations and standards of this section shall apply in their entirety to development of lifestyle housing except only as specifically provided otherwise in this subsection M.
- 5. Special Exterior Appearance And Design Standards: In addition to all other applicable exterior appearance standards, the board of trustees shall consider and evaluate the propriety of approving a planned development for lifestyle housing guided by the standards and considerations set forth in subsections 11-605E1(b), E1(c), E2(a), E2(g), E2(h), E2(i), E2(j) and E2(k) of this article.
- 6. Special Bulk, Yard, And Space Standards: The bulk, yard, and space standards of the zoning district within which the subject property is classified shall apply to lifestyle housing except as may be modified pursuant to this section and except as follows:

Maximum height	33 feet or district maximum, whichever is higher, but in no event more than 3 stories			
Lot area	20,000 square feet			
Minimum lot area per unit	1,000 square feet			
Maximum units per acre	35			
Minimum lot width	60 feet			
Minimum lot depth	125 feet			
Maximum lot coverage	70 percent			
Maximum building coverage	70 percent			
Maximum floor area ratio	1.5			
Minimum number of off street parking spaces	1.5 spaces per unit			

- 7. Authorized Uses: Notwithstanding the provisions of subsection 4-107D of this code or of subsection H3 of this section, the board of trustees shall have the authority, in connection with the granting of a planned development approval for lifestyle housing, to authorize on the first floor of a structure, retail or service uses compatible with similar retail and service uses in the vicinity of the proposed development. The board of trustees may limit, specifically or generally, the types of retail or service uses that are authorized and may place any condition on any such uses as the board of trustees determines is appropriate. The board of trustees shall not authorize any use that is not permitted or authorized as a special use in the B-2 central business district and shall not authorize any such use above the first floor of any structure.
- 8. Inapplicability Of Certain Standards: Certain of the standards for planned developments set forth in subsection E of this section are not useful to the concept of lifestyle housing in the context authorized by this section. Accordingly, although the principles set forth in said subsection E of this section may be used to guide the board of trustees, the provisions in subsections E2(d), "Public Open Space And Contributions", E2(e), "Common Open Space", and E2(g), "Building And Spacing", of this section shall not be strictly applicable to a lifestyle housing proposal.
- N. Expansion Of New Or Used Motor Vehicle Dealerships On Ogden Avenue: The board of trustees, in accordance with the procedures and standards set out in this section and by ordinance duly adopted, may grant a special use permit authorizing the expansion of new or used motor vehicle dealerships located on property abutting Ogden Avenue and existing as of May 1, 2003, as a planned development. (Ord. 95-14, §3A, 4-24-1995; Ord. O2002-66, §4, 10-1-2002; Ord. O2006-75, §2, 10-17-2006; Ord. O2007-62, §4, 9-4-2007; Ord. O2019-29, § 3, 9-17-2019)

Vine Street Station - Proposed Modifications to Code Requirements

- Front Yard Setback (Vine Street) Reduce the front yard setback from 35' to 28.2'
- Corner Side Yard Setback (Second Street) Reduce the corner side yard setback from 35' to 2.4'
- Interior Side Yard and Setback Reduce the interior side yard setback from 10' to 6.1'
- Building Height Increase the maximum building height from 33' to 38'5"
- <u>Drive Aisle Width</u> Reduce the two-way aisle width in the parking garage from 24' to 20'2"
- Parking Space Stalls Reduce the parking space stall width from 9' to 8'
- Loading Space Length Reduce the length of the required loading space from 30' to 20'
- Specified Structures and Uses in Required Yard.
 - West Balconies Front Yard Increase the balcony projection from an exterior wall into the required front side yard from 3' to 6'
 - North Balconies Interior Side Yard Increase the balcony projection from the exterior wall into the required interior side yard from 2' to 6'
 - <u>South Balconies Corner Side Yard</u> Increase the balcony projection from the exterior wall into the required corner side yard from 2' to 6'
 - <u>Awning Corner Side Yard</u> Increase the awning projection from the exterior wall into the
 required corner side yard from 2' to 2'6" and allow for the awning to extend outside of the planes
 drawn from the main corners of the building at an interior angle of twenty two and one-half
 degrees (22 1/2°) from the wall in question
 - <u>Fire Table and Outdoor Grill Corner Side Yard</u> Allow an outdoor fire table and outdoor grill to be located within the required corner side yard
- <u>Fences</u> Allow for a five (5) foot tall fence with partially solid areas to be located in the required corner side yard
- <u>Perimeter Landscaped Open Space</u> Reduce the width of the required perimeter landscaped open space along Vine Street from 35' to 28.2'

Major Adjustment to Zion Lutheran Church Planned Development

New modifications to the Zoning Code are requested as a result of removing the 0.61-acre site from the Planned Development. In addition to the requested waivers, all waivers previously granted relative to the Planned Development under the original approval and subsequent amendments shall continue in full force and effect, unless no longer required. The list of modifications are included in the attached application packet and are summarized below:

- <u>Lot Area for the Planned Development</u> Decrease the minimum lot area for membership organizations from 80,000 square feet to 58,739 square feet
- Off-Street Parking Decrease the number of required on-site parking spaces from 74 spaces to 67 spaces
- <u>Front Yard Setback Grant Street Membership Organization Building at 204 S. Grant Street Decrease the front yard setback along Grant Street from 35' to 23.9'</u>
- Front Yard Setback Grant Street Single-Family Home at 116 S. Grant Street Decrease the front yard setback along Grant Street from 35' to 27.9'
- Corner Side Yard Setback Second Street Membership Organization Building at 204 S. Grant Street Decrease the corner yard setback along Second Street from 35' to 0' [Note: the previous modification of 1.4' granted appears to be incorrect as the existing membership organization building extends several feet north into the Second Street right-of-way]
- Corner Side Yard Setback Second Street Single-Family Home at 116 S. Grant Street Decrease
 the corner yard setback along Second Street from 35' to 28.1'
- Interior Side Yard Setback South Lot Line Membership Organization Building at 204 S. Grant Street Decrease the interior side yard setback along the south lot line from 25' to 16'
- <u>Interior Side Yard Setback North Lot Line Single-Family Home at 116 S. Grant Street</u> Decrease the interior side yard setback along the north lot line from 25' to 11.4'
- Parking Setbacks and Landscape Buffer Membership Organization Parking Lot at 204 S. Grant
 Street Decrease the corner side yard setbacks and interior side yard setbacks for the existing
 parking lot from 25' to 0' and required landscape buffer from 10' to 0'
- Parking Lot Drive Aisle Width Decrease the drive aisle width from 24' to 19'
- <u>Building Height</u> Increase the maximum building height for the existing membership organization building from 40' to 48'

Zoning Code Section 12-206: Definitions

<u>Substantial Conformity</u>: For the purposes of granting plan approvals relating to planned developments and site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan:

- A. Does not increase the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use; and
- B. Does not increase building coverage by more than ten percent (10%) of the percentage of the previously approved plan; and
- C. Does not change the orientation of any building by more than two percent (2%) compared to the previously approved plan; and
 - D. Does not decrease open space; and
- E. Does not change the general location of any open space in any manner to detract from its intended function in the previously approved plan; and
- F. Does not change the general location and arrangement of land uses within the development as shown on the previously approved plan; and
- G. Does not change or relocate rights of way shown on the previously approved plan in any manner or to any extent that would decrease their functionability, adversely affect their relation to surrounding land use and rights of way elements, or reduce their effectiveness as buffers or amenities; and
- H. Does not alter the percentage of any land use in any stage of the development by more than ten (10) percentage points as compared to its percentage in the previously approved plan; and
- I. Does not delay any stage of the previously approved development schedule by more than twelve (12) months; and
 - J. Does not violate any applicable law or ordinance; and
- K. Does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

Vine Street Station

Proposed Planned Development with Lifestyle Housing

PRESENTED TO:

The Village of Hinsdale Community Development Department



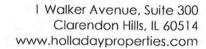
PRESENTED BY:



HOLLADAY PROPERTIES

Building Solutions Since 1952







January 17, 2022

Ms. Bethany Salmon Village Planner Village of Hinsdale 19 E. Chicago Avenue Hinsdale, IL. 60521

Re: 125 S. Vine Street- Application for Board Referral

Dear Bethany:

As a resident of Hinsdale, IL since 2012, I have taken great pride in being fortunate enough to call Hinsdale "home". I have deep respect for the community, its heritage, and its precious fabric that makes Hinsdale the envy of its neighbors. I represent Holladay Properties, www.holladayproperties.com, a highly reputable real estate development company established in 1952 and based in South Bend, IN. Currently, I am the lead partner in our "Chicago" development office, located in downtown Clarendon Hills, IL. Over the last decade, our office has been focuses on development opportunities in surrounding DuPage County communities, including Downers Grove, Westmont, Lombard, and Glen Ellyn among others. Our firm has largely focused on Transitoriented-development, or "TODs" as often referred to in the planning community, which are walkable urban, often mixed-use developments designed with an intent of increasing vibrancy.

It was a matter of chance to become aware of the unique opportunity to pursue an adaptive-reuse of the historic Zion School located at the Northeast corner of Second and Vine streets in Hinsdale. Two

of my three children participated in pre-school at Zion Lutheran – considered by many to be one of the preeminent pre-schools in Hinsdale. I often wondered about the building across the street from the new pre-school with the 1931 cornerstone and the beautiful, but largely concealed, two-story stained glass window. It was only later, in my review of the D181 school district office relocation analysis, that I learned that the Zion school had been contemplated as an administrative office location for the school district. Disappointingly, I learned that D181 passed on the Zion location for a variety of reasons, primarily siting building obsolescence and renovation costs. In fact, the location ranked the lowest of the three that had been studied.

Undeterred, I was able to obtain access to the building and was surprised to find it had "great bones". I invited Chris Walsh, of Tandem Architecture in Chicago, to tour the building with the Holladay team and we collectively concluded that this building could

potentially be adapted to a new and exciting residential use. We successfully worked with Zion's real estate broker and Hinsdale resident, Rick Morris, and Zion's Pastor Klein to complete a Purchase

and Sale Agreement with Holladay Properties as the Contract Purchaser. Road bumps were mediated – for example, we quickly learned that the building's location in a floodplain would be a challenge. Further, we understood that the road to entitlement in Hinsdale for such a use would likely be long and certainly not easy.

Still undeterred, we have been able to identify a potential path to saving the building, navigating the flood plain issue, identifying a new use that would resonate with the congregation while allowing us to preserve its façade and historical elements (of which there are many!). Further, we learned that the Hinsdale code of municipal ordinances contains a provision for "Lifestyle Housing" which provides a path to obtaining necessary approvals while allowing Holladay an opportunity to offer a product that expressly targets Hinsdale's growing and underserved "empty nester" community.

It is under this backdrop, and the result of our most genuine hope, that this vision aligns with that of the community and that our efforts to preserve and improve this important building will result in another 90 years of vibrant use. Our Proposal for the site is summarized below:

- We intend to fully restore the exterior façade of the building to preserve its architectural features including carved limestone details, cornice, masonry, and stained glass.
- We intend to utilize the entire lower level of the building for resident parking providing a fully enclosed, temperature controlled private parking garage with 22 enclosed parking spaces as well as a refuse area out of view and for resident use. There are three exterior parking spaces on site as well resulting in 25 total parking spaces on site.
- We intend to renovate the second and third levels of the building to create twelve luxury residential and age restricted condominium units (six units per floor)..
- We intend to restore the entire site landscaping to comply with current code, preserve existing mature vegetation as recommended by the Village forester and remove the existing surface parking lot to expand the landscaped green space and increase the pervious area of the site to reduce stormwater runoff. The green space located at the west side of the site at the corner of Vine Street and Second Street will be improved with a sitting garden which will be open for the surrounding community to enjoy.

In order to accomplish this vision we will need to obtain Village approval for a variety of zoning issues related to the former Zion School site as well as amendments to the existing Planned Development Ordinance which is in place for the Zion Lutheran Church Campus. The Zion Lutheran Church has authorized Holladay Properties as Contract Purchaser to pursue the necessary approvals and will sign certain applications which require their consent. The zoning matters which will need to be addressed include the following:

- Amendment of the current Planned Development Ordinance currently in place for the church campus to remove the School site and reconfigure the site of the Pastor's Home at 116 S.
 Grant St. (Major Adjustment to Planned Development for Zion Lutheran Church).
- Re-subdivision of the existing lots which comprise the church site and the adjacent residential lots comprising the Pastor's home.
- Rezoning of the former Zion School site from the current IB Institutional zoning to O1
 Specialty Office with Lifestyle Housing as a special use (Special Use Permit, Map
 Amendment and Text Amendment).

- Planned Development Application Concept Plan Level for former School site 125 S. Vine Street.
- Certificate of Zoning Compliance
- Exterior Appearance/ Site Plan review
- Text Amendment to allow a Planned Development/Lifestyle Housing in O1 District.

Prior to submitting this application for Board Referral we have held two neighborhood meetings (on August 18 and September 29) to explain our intent for the property. The response from the surrounding neighbors and members of the Zion Lutheran Church have been quite supportive of our preliminary plan and we have incorporated a variety of suggestions we received from community members. For example, following community feedback we have made converted the western portion of the site into a publicly accessible and privately pocket park, we removed a dog play area, we have adjusted privacy screen of the outdoor living room, and are crafting HOA covenants to prohibit short term rentals and keep balconies clean from bicycles and other storage. We have also obtained a preliminary traffic analysis which indicates that traffic generated by this proposed residential use has a significantly reduced impact as compared to the prior school use and potential institutional use of the property. Many of the surrounding neighbors indicated an interest in converting the one way traffic on Second Street to provide two-way traffic. This could be studied along with our proposal.

In order to eliminate the existing parking lot and convert it to landscaped greenspace we need to adjust the location of the rear lot line separating the school site from the lots comprising the pastor's home at 116 S. Grant Street. This results in a reduction of the lot depth for the Pastor's home site from approximately 150 feet to 125 feet in depth. The fence separating the former school site from the Pastor's home site will be replaced and actually relocated west toward the former school site as a result. The fence and the added area to the Pastors home site east of the new fence location will also be landscaped per code as well. These changes will be documented in the Major Adjustment to the Planned Development Ordinance for the church campus as referenced above.

Holladay Properties extensive prior experience in similar projects reveals that a true partnership between the developer and municipality is essential for a development project to be successful. It is only via this joint effort, with a shared vision, high level of communication, and emphasis on follow-through/execution, that truly transformative developments may thrive. It is in this spirit of cooperation that we ask for your support of our plans to preserve this important piece of the history of the Village of Hinsdale.

Yours very truly,

Holladay Properties Services Midwest, Inc.

Drew Mitchell

Partner & VP Development

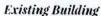


Adaptive Reuse of Zion School

125 s. Vine Street, Hinsdale, IL

PROJECT SUMMARY:

Holladay Properties discovered this opportunity through association with the Zion Lutheran Church in late 2020 and quickly envisioned transforming their aged, vacant school building into (12) twelve luxury "Lifestyle Housing" condominium units. The proposed project includes the addition of a public pocket park & formal sitting garden to benefit both the surrounding neighborhood & future residents. Holladay intends to work with The Village of Hinsdale & incorporate feedback obtained from adjacent property owners to preserve & revive this historic building in the heart of the community.









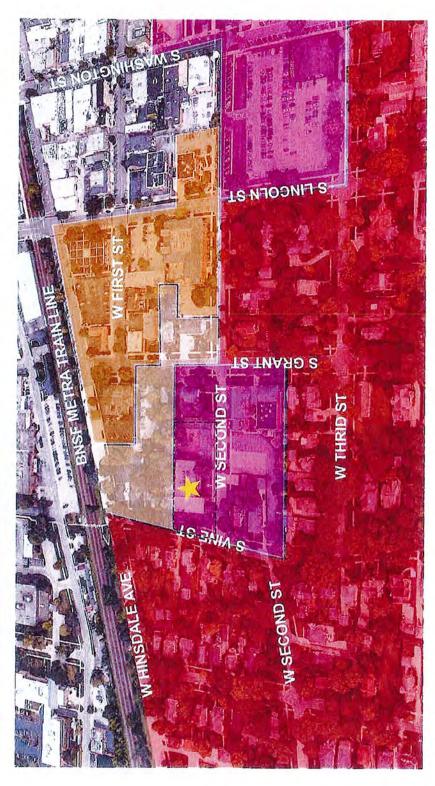


PROJECT HIGHLIGHTS:

- Adaptive re-use of historic school dating to 1931
- · Preserves facade while celebrating existing historical elements such as cornerstone & 2-story stained glass window
- Twelve (12) luxury condominium units designed for empty-nesters (55+)
- **Estimated \$6MM investment** in Hinsdale
- Strong community support including neighbors & Zion Congregation
- Project utilizes existing codes (Lifestyle Housing) which are designed for this type of project
- Enclosed parking garage within building lower level

- Units to feature floor to ceiling windows, elevator access to garage & exceptional modern amenities
- Development to feature "outdoor living room" & garden for resident enjoyment
- Project leaders live in Hinsdale
- Introduce privately-maintained, but publicly accessible pocket park at the northeast corner of 2nd & Vine
- Parking exceeds code minimum requirement
- Building will be brought up to current code (ADA. flood plain, etc.)

ZONING FOR ADJACENT PROPERTIES SOURCE: VILLAGE OF HINSDALE 2019 ZONING MAP



EGEND.

SINGLE FAMILY RESIDENTIAL DISTRICT R-4

INSTITUTIONAL BUILDINGS DISTRICT 8

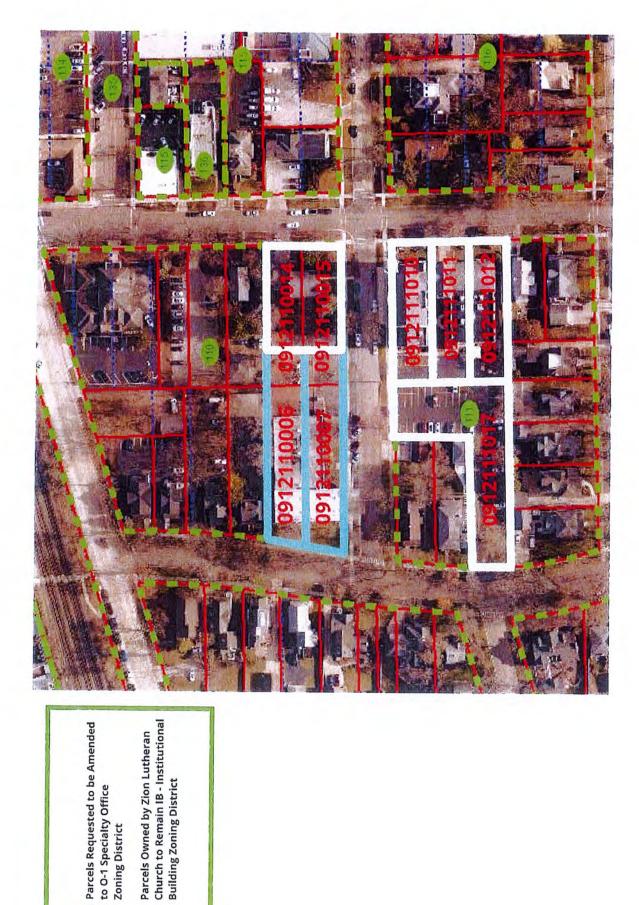
SPECIALTY OFFICE DISTRICT 6

0-2 LIMITED OFFICE DISTRICT



PROPOSED ZONING FOR SUBJECT PROPERTY (INDICATED WITH DASHED LINE) =

O-1 SPECIALTY OFFICE DISTRICT W/ SPECIAL USE - LIFESTYLE HOUSING



Zoning District



VILLAGE OF HINSDALE COMMUNITY DEVELOPMENT DEPARTMENT

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant	Owner		
Name: Holladay Properties 1 N Walker Ave. Address:	Name: Zion Lutheran Church Address: 204 S. Grant St.		
City/Zip: Clarendon Hills, 60514	City/Zip: Hinsdale, IL 60521		
Phone/Fax: (312) 545-5123 / E-Mail: dmitchell@holladayproperties.com	Phone/Fax: (630) 323-0065		
E Main	E-Mail: smcgivne@gmail.com; Congregation President		

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

Name: Michael O'Connor Holladay Properties
Title: VP- Development & Leasing
Address: 1 Walker Ave
City/Zip: Clarendon Hills, 60514
Phone/Fax: (602) 663-3986 /219-764-0446
E-Mail: Moconnor@holladayproperties.com

II. SITE INFORMATION

Address of subject property:	Proposed Vine Street	Station	125 S. Vine St.;
Pastors House 116 S. Grant St.	; Zion Lutheran Church	204 S.	Grant St.

Property identification number (P.I.N. or tax number): 09-12-110-006; 09-12-110-007;

09-12-110-014; 09-12-110-015

Brief description of proposed project: Holladay Properties seeks to transform the historic Zion School into twelve (12) luxury lifestyle housing condominiums targeting Hinsdale's "empty nester" population.

General description or characteristics of the site: Three floor masonry structure previously utilized as a school. The building has been largely vacant since the school vacated in 2009.A local baseball team has previously utilized the gymnasium. The building is now vacant.

Existing zoning and land use: IB - Institutional Building

North: O-1 Office

South: IB - Institutional Building

East: IB-Inst. B

West: R-4 Residential

Proposed zoning and land use: O-1 Office with Special Use- Planned Development/Lifestyle Housing. Existing 20,977 SF Proposed 26,639 SF

Ple sta	ase mark the approval(s) you are seeking and ndards for each approval requested:	atta	ach all applicable applications and
V	Site Plan Approval 11-604	X	Map and Text Amendments 11-601E Amendment Requested: Rezoning from
	Design Review Permit 11-605E		IB to O-1 with special use Planned Devel/Lifestyle Housing
X	Exterior Appearance 11-606E	225	Planned Development 11-603E
Ž	Special Use Permit 11-602E Special Use Requested: Of district /Planned Development/Lifestyle Housing		Development in the B-2 Central Business District Questionnaire

CONTRACT PURCHASER

Holladay Properties Services Midwest, Inc.

1 Walker Ave.

Clarendon Hills, IL. 60514

Drew Mitchell; Michael O'Connor

TRAFFIC/PARKING ENGINEER

Kenig, Lindgren, O'Hara and Aboona

9575 W. Higgins Rd, Suite 400

Rosement, IL. 60018

Javier Milan

CIVIL ENGINEER

Civworks Consulting, LLC

3343 N. Neva Ave.

Chicago, IL. 60634

Osvaldo Pastrana

MARKET ANALYSIS CONSULTANT

Tracy Cross and Associates, Inc.

1375 E. Woodfield Road Suite 520

Schaumburg, IL 60173-5427

HollyAnn Eageny

TABLE OF COMPLIANCE

Address of subject property: 125 S. Vine Street

The following table is based on a blend of the proposed O-1 District and Lifestyle Housing Requirements / existing IB District

Minimum Code Requirements O-1 and Lifestyle Housing Requirements	Minimum Code Requirements I-B District	Existing Development (Lots 11 & 12)	Proposed Development
20,000sf min.	220,000sf for Schools & 80,000sf for Membership Organizations	20,977sf	26,639 SF
125 Ft	250 Ft	258.58 Ft	274.2 Ft
60 Ft	200 Ft	100 Ft	100 Ft
33 feet or district maximum, whichever is higher, but in no event more than 3 stories. (30Ft in the O-1 District)	40 Ft	38'-5"	38' 5"
3 Stories	N/A	2.5	2.5
35 Ft			28.27 Ft
35 Ft			2.41 Ft
10 Ft			6.19 Ft
25 Ft			96.64' Ft
1.50	0.50		
70%	N/A	9,415sf / 20,9 7 7sf = 4 4.8 %	9,415sf / 26639sf = 35%
70%	N/A	12,008sf / 20,977sf = 57%	14,100sf / 26,639sf = 53 %
1.5 spaces per unit = 18 spaces for Lifestyle Housing	Schools = 1 for each 2 employees or 1 for each 15 students, whichever is greater. 7 existing	7 spaces	25 / 12 units = 2.08/unit
35 Ft	35 Ft	NIA	N/A
35 Ft	35 Ft	0'	75 Ft
10 Ft	25 Ft	58.7'	5 Ft
25 Ft	25 Ft	0	62'-8"
1	1	0	1 (non compliant in size)
N/A	N/A	N/A	N/A
1,000 square feet	N/A	N/A	2,219 square feet
35	N/A	0	12 units / .6115 ac = 19.62 du/ac
	Requirements O-1 and Lifestyle Housing Requirements 20,000sf min. 125 Ft 60 Ft 33 feet or district maximum, whichever is higher, but in no event more than 3 stories. (30Ft in the O-1 District) 3 Stories 35 Ft 10 Ft 25 Ft 1.50 70% 1.5 spaces per unit = 18 spaces for Lifestyle Housing 35 Ft 10 Ft 25 Ft 10 Ft 11 N/A	Requirements O-1 and Lifestyle Housing Requirements Requirements I-B District 20,000sf min. 220,000sf for Schools & 80,000sf for Membership Organizations 125 Ft 250 Ft 60 Ft 200 Ft 33 feet or district maximum, whichever is higher, but in no event more than 3 stories. (30Ft in the O-1 District) N/A 35 Ft 35 Ft 35 Ft 35 Ft 10 Ft 25 Ft 25 Ft 25 Ft 1.50 0.50 70% N/A 1.5 spaces per unit = 18 spaces for Lifestyle Housing Schools = 1 for each 2 employees or 1 for each 15 students, whichever is greater. 7 existing 35 Ft 35 Ft 37 Ft 35 Ft 38 Ft 35 Ft </td <td> Requirements O-1 and Lifestyle Housing Requirements I-B District</td>	Requirements O-1 and Lifestyle Housing Requirements I-B District

^{*} 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:

<u>Any lack of compliance stems from current Institutional building structure being non-compliant Holladay will seek to preserve the current structure</u>



125 S. Vine Street - Requested Code Modifications

- 1. Front Yard and Setback Reduce the front yard and setback from Vine Street from 35' to 28.27' (Section 6-111(D)(4)(a)) (Section 6-111(C)(1))
- 2. <u>Corner Side Yard and Setback</u> Reduce the corner side yard and setback from Second Street from 35' to 2.41' (Section 6-111(D)(4)(a)) (Section 6-111(C)(1))
- 3. Interior Side Yard and Setback. Reduce the interior side yard and setback from 10' to 6.19' (verify) (Section 6-111(D)(4)(b)) (Section 6-111(C)(2))
- 4. <u>Building Height</u>. Increase building height from 33' to 38'5" (verify) (Section 11-603(M)(6))
- 5. <u>Drive Aisle Width</u>. Reduce the two-way aisle width in the parking garage from 24' to 20'2" (Section 9-104(I)(3))
- 6. Parking Space Stalls. Reduce the parking space stall width from 9' to 8' (Section 9-104(I)(4)
- 7. <u>Loading Spaces</u>. Reduce the required size of loading spaces from 1 space to 1 that is non-compliant in size (Section 9-105(C)(3)(e)).
- 8. Specified Structures and Uses in Required Yards
 - a. North Balcony Interior Side Yard Projection Increase balcony projection in required yard from 2 feet to 6 feet. Section 6-111.H.7. (c) O-1 district such projections shall not exceed two feet (2')
 - b. West Balconies Front Yard Projection Increase balcony projection in required yard from 3 feet to 6 feet. Section 6-111.H.7. (c) Awnings, canopies, bay windows, and balconies projecting not more than three feet (3') from an exterior wall.
 - c. <u>South Balconies Corner Side Yard</u> Increase balcony projection in required yard from 3 feet to 6 feet. Section 6-111.H.7. (c) Awnings, canopies, bay windows, and balconies projecting not more than three feet (3') from an exterior wall.
 - d. Awning Projection Corner Side Yard Allow awning to project 2'-6" from face of building. Section 6-111.H.7. (c) projections shall come entirely within planes drawn from the main corners of the building at an interior angle of twenty two and one-half degrees (22 1/2°) with the wall in question.
 - e. <u>Fire Table and Outdoor Grill Corner Side Yard</u> Allow the Fire Table and Outdoor Grill in the required corner side yard, Section 6-111.H.7. (d) projecting not more than two feet (2') from an exterior wall.
- 9. <u>Fences</u>. Allow for a five (5) foot tall garden wall fence with partially closed areas in the required corner side yard (Village Code Section 9-12-3(H)(3) and Section 9-12-3(E)(1)(b))
- 10. <u>Perimeter Landscaped Open Space</u>. Reduce the width of the required perimeter landscaped open space along Vine Street from 35 feet to 28.2 feet (Section 6-111(H)(5), Section 6-110(B)(5), Section 9-107(L))

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- 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:
 - Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 - A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of 2. 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 kink 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 26 f	- Commence	day of	October.	2021 I/We	have	read	the	above	certification.	understand	it.	and
agree to abide	by its con	ditions.	,								,	

Signature of applicant or authorized agent

T. Drew Mitchell - Authorized Agent

Name of applicant or authorized agent

Signature of applicant or authorized agent

Name of applicant or authorized again.

Motary Public

JOHNNIE MICHELLE . Notary Public, State of SEAL! La Porte Coun.

My Commission Exa April 20, 20

SUBSCRIBED AND SWORN to before me this 分句 day of Actober

2017 Version

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COMMUNITY DEVELOPMENT DEPARTMENT SPECIAL USE PERMIT CRITERIA

Must be accompanied by completed Plan Commission Application

Address of proposed request:	125 S. Vine Street
Proposed Special Use request:	Planned Development/Lifestyle Housing in O-1 District
Is this a Special Use for a Planr requires a <u>completed</u> Planned De	ned Development? No Yes (If so this submittal also velopment 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. See attached
- 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. See attached

The historic envelope and footprint of the existing building will be maintained to ensure compatibility with the existing characteristics of the area. By retaining and renovating the existing structure the Lifestyle Housing use will protect this sensitive area of transition from the downtown business district to the adjacent residential neighborhood.

4. Adequate Public Facilities. The proposed use and development will be served adequately byessential 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.

The in-fill location of the Zion School building allows for utilization of existing infrastructure which will adequately serve the proposed Lifestyle Housing use. In addition, sidewalk and parkway renovation as well as reduction of on-street parking will serve to enhance the public right of way serving the surrounding neighborhood.

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

The proposed Lifestyle Housing use limited to twelve residential units will generate significantly less traffic than the former school use or other potential institutional uses.

A preliminary traffic study has confirmed the limited traffic impact the proposed use would have on the surrounding 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.
 - Preservation of the existing structure and re-use as Lifestyle Housing will maintain the scenic and historic features of the existing neighborhood and will enhance the natural and historic environment in the area.
- Compliance with Standards. The proposed use and development complies with all additionalstandards imposed on it by the particular provision of this Code authorizing such use.

The redevelopment and renovation of the existing structure for Lifestyle Housing use will comply with the important standards of the code while enabling preservation of an existing historic structure and thereby minimizing disruption of the continuity of the existing residential neighborhood.

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

The redevelopment and renovation of the existing structure for Lifestyle Housing use will comply with the special standards of the code while enabling preservation of an existing historic structure and thereby minimizing disruption of the continuity of the existing residential neighborhood. 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 particularlocation 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.

Redevelopment and preservation of the existing structure for Lifestyle Housing use will benefit the public interest by providing a desirable low maintenance housing option for existing Hinsdale residents as intended by the code. In addition, the proposed use will preserve an existing historic building thereby minimizing any impact upon the surrounding community and benefitting the general welfare of the surrounding residential neighborhood.

 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.

The location of this historic structure is unique in the Village and offers each of the attributes indicated within the General Purposes for the Lifestyle Housing use including proximity to the downtown shopping and amenities, close to the transportation center of the Village and serving as a transitional use between the downtown retail environment and nearby single family residential areas.

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

While preserving the existing historic structure for use as Lifestyle Housing, the site will also be enhanced by providing landscape improvements and public open space for use by neighbors and residents of the development. In addition, the reduction of exterior on site parking and paved areas will result in a significant increase of pervious area to minimize stormwater runoff to the surrounding neighborhood. Parking for the Lifestyle Housing use will be located primarily within the existing building utilizing its lower level thereby improving the visual impact upon surrounding properties.



PLANNED DEVELOPMENT CRITERIA

Community Development Department

*Must be accompanied by completed Plan Commission Application

Address of proposed reques	125 S. Vine Street (Vine Street Station)	
Proposed Planned Developm	ent request: Lifestyle Housing	
DEVIEW CRITERIA		

Section 11-603 of the Hinsdale Zoning Code regulates Planned developments. The Board of Trustees, in accordance with the procedures and standards set out in Section 11-603 and by ordinance duly adopted, may grant special use permits authorizing the development of planned developments, but only in the districts where such developments are listed as an authorized special use. Planned developments are included in the Zoning Code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based on procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in the Code in recognition of the fact that traditional bulk, space, and yard regulations of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.

1. Special use permit standards. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to Subsection 11-602E of the Zoning Code.

See attached

- 2. Additional standards for all planned developments. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
 - See attached Unified ownership required. a.
 - b. Minimum area.
 - Covenants and restrictions to be enforceable by village.
 - d. Public open space and contributions.

- Special use permit standards. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to Subsection 11-602E of the Zoning Code.
 - The proposed plan will be in harmony with the purposes of the code to benefit the public. Will not have a substantial impact on adjacent properties. Will have adequate public facilities and uses and will positively effect ingress and egress currently at the site. Will maintain the historic aspects of the building and will beautify some significant features including but not limited to masonry and window details.
- 2. Additional standards for all planned developments. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
 - a. Unified ownership required. Holladay Properties Services
 Midwest, Inc is the contract purchaser. Current owner is Zion
 Lutheran Church.
 - b. Minimum area. The proposed development meets the minimum lot area requirement and maximum dwelling units per acre requirement for planned developments.
 - c. Covenants and restrictions to be enforceable by village. The proposed covenants, deed restrictions, easements, and similar restrictions to be recorded for the 125 S. Vine Street in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future owners within the proposed development.
 - d. Public Open Space Contributions. Certain of the standards for planned developments set forth in subsection E of this zoning ordinance are not useful to the concept of lifestyle housing in the context authorized by this section. Accordingly, although the principles set forth in said subsection E of this section may be used to guide the board of trustees, the provisions in subsections E2(d), "Public Open Space And Contributions", E2(e), "Common Open Space", and E2(g), "Building And Spacing", of this section shall not be strictly applicable to a lifestyle housing proposal. The proposed development at 125 S. Vine Street does include a publicly accessible open space/park area located at the corner of Vine Street and Second Street with upkeep to be the responsibility of the owners in the planned development. No other public open space contribution is proposed.
 - e. Common open space.
 Amount, location, and use.

A publicly accessible landscaped open space with an area of 3,534 SF is provided at the corner of Vine Street and Second

Street. An enclosed private open space with an area of 2,764 SF is provided for use by building residents in an enclosed courtyard on the south side of the building. A landscaped private open space with an area of 6, 265 SF for use by building residents is provided on the east side of the site east of the driveway access. A landscaped private open space with an area of 1,092 sf is provided at the north side of the building to provide area for a landscaped buffer and required screening.

Preservation.

Permanent recorded covenants and easements will preserve the common open space within the proposed development.

Ownership and maintenance.

All common open space will be owned and managed by a Condominium Association to provide necessary maintenance of the site. Protective covenants recorded with the deeds for the property will obligate the Condominium Association to maintain the common open spaces.

Property owners' association.

Will be established to maintain the site. Association will meet all standards indicated in section 11-603 E. 2 (e) (iv)

f. Landscaping and perimeter treatment.

Any area of the proposed 125 S. Vine Street planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the 125 S. Vine Street planned development shall be treated so as to ensure compatibility with surrounding uses by means such as: provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers.

g. Building and spacing.

The building footprint and spacing will remain as is, and all spacing will comply with code requirements.

h. Private streets.

No private streets are required for this site.

Sidewalks.

Perimeter public Sidewalks will be renovated/replaced as required.

j. Utilities.

All required utilities are currently in place to serve the proposed development.

- 3. Additional standards for specific planned developments.
- E. Standards And Considerations for Design Review Permit: In passing upon applications for design review permits, the plan commission and the board of trustees shall consider and evaluate the propriety of issuing the design review permit in terms of its effect on the purposes for which the design review district is designated. In addition, the plan commission and the board of trustees shall be guided by the following standards and considerations:
- 1. Quality of Design And Site Development: New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development guidelines:
- E1(b), Materials: The quality of materials and their relationship to those in existing adjacent structures.

The historic masonry building has been an important part of the neighborhood for ninety years and is compatible with adjacent structures including the historic Zion Church. The proposed development will include restoration of the historic exterior masonry façade and replacement of aging windows with the highest quality architecturally correct windows.

E1(c), General Design: The quality of the design in general and its relationship to the overall character of neighborhood.

Through restoration and preservation of the existing historic masonry façade the proposed development will maintain and enhance the essential overall character of the neighborhood.

- 2. Visual Compatibility: New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following guidelines:
- E2(a), Height: The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

The proposed development will maintain the existing building height in order to keep the building as visually compatible with adjacent buildings.

E2(g), Relationship Of Materials And Texture: The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.

The proposed development will maintain and restore the existing historic materials and texture of the façade so as to maintain the historic visual compatibility with predominant materials used in the buildings to which it is visually related within the neighborhood.

E2(h), Roof Shapes: The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

The proposed development will maintain the existing historic roof shape comprised of an architectural parapet style so as to maintain the existing historic visual compatibility with the surrounding buildings in the neighborhood.

E2(i), 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 proposed development will maintain and enhance the existing building façade and the addition of a masonry landscape wall at the south elevation will maintain and enhance the existing cohesive wall of enclosure along Vine Street and Second Street to enhance the presence of the building within the neighborhood.

E2(j), 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.

The proposed development will maintain and preserve the current size and mass of the historic building thereby maintaining the existing relationship with the buildings and public ways within the surrounding neighborhood.

E2(k), Directional Expression Of Front Elevation: A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

The proposed development will preserve the current historic building and its directional

The proposed development will preserve the current historic building and its directional expression of the front elevation so as to remain visually compatible with the buildings and public ways in the surrounding neighborhood.

List all waivers being requested as part of the planned development.

See attached exhibit.



COMMUNITY DEVELOPMENT DEPARTMENT EXTERIOR APPEARANCE AND SITE PLAN REVIEW CRITERIA

Address of proposed request:

125 S. Vine Street (Vine Street Station)

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.

- Open spaces. The quality of the open space between buildings and in setback spaces between street and facades. See attached
- 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.
	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.
	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 is the application <u>does not</u> meet the requirements for Site Plan Approval. Briefly describe how this application <u>will not</u> 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. See attached.
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.
	In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.
	The proposed site plan 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.

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.

The proposed site plan utilizes the existing structure without an increase in the building footprint thereby maintaining all current open space and setbacks. The current proposal is to maintain the existing building envelope. Each of the existing open space areas will include landscaping and screening to comply with code requirements. In addition, the elimination of an existing surface parking area will result in additional landscaped area and an increase in pervious surface reducing stormwater runoff from the development site.

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

The development plan includes renovation and restoration of the existing historic masonry structure including all existing limestone detailing and stained glass window features. Existing windows and doors will be replaced with compatible modern products which complement the historic architecture.

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

The existing structure has been part of the neighborhood since 1931 and will be renovated and preserved in it's entirety. By preserving the historic elements of the building the project will serve to maintain the current character of the 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.

By maintaining the existing building footprint, increasing pervious area and maintaining existing open space on the site the proposed development will maximize public benefit while providing efficient pedestrian and vehicle access, ample parking enclosed within the building and retain and preserve existing mature trees and shrubs based upon specific recommendations of the Village Forester.

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

The height of the current building will remain unaltered. All roof top equipment shall be screened by the existing parapet. An elevator will be added to the building and will include an over-run element which will extend above the roof height as depicted in the building elevations. The elevator over-run exterior will be clad with brick to match the color of the existing building and will be positioned interior to the building perimeter to minimize its visibility from surrounding properties.

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

related.

The existing structure will be maintained in its current configuration. The proportions of the existing building will be not be altered.

- 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. We are proposing to modernize the existing windows and increasing the size of some window openings in accordance with the proposed elevations. The existing stained glass window in the SE stair tower will be restored and illuminated from the interior of the building.
- 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 existing structure and it's rhythm of solids to voids will be maintained in its current configuration as indicated in the proposed elevations.
- 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 existing structure will be maintained its current configuration with no change to the building footprint and spacing on streets thereby maintaining the current visual compatibility with the surrounding neighborhood.
- 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 existing entrances and projections to sidewalks shall be maintained along with the existing configuration and footprint of the building. Private balconies are included to provide exterior access for each of the twelve residential units proposed for the building.
- 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 buildingsand structures to which it is visually related.
 - The existing building materials comprising the façade of the historic structure will be maintained and restored. The building has unique stone and masonry details that have been neglected and are tarnished. These details will be highlighted as part of the building renovation.
- 12. Roof shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
 - The roof shape of the existing structure will remain in its current configuration. Rooftop mounted equipment will be screened from view by the existing parapet. Only the elevator over-run to be added will extend above the existing parapet height.
- 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.
 - We are proposing a masonry garden wall to enclose a private garden area along Second

Street which will create a cohesive enclosure compatible with the existing structure and to enhance the streetscape and pedestrian scale at the public sidewalk. In addition, restoration of the parkway along second street and reduction of diagonal on street parking is proposed to enhance the visual appearance of the street scape. 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.

- 14. Directional expression of front elevation. The buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.
 - The existing structure will be maintained and restored in its current configuration thereby preserving the current directional character of the building which has been a part of the neighborhood for over 90 years.
- 15. 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.
 - By maintaining and renovating the existing structure there will be minimal change to the existing style, craftsmanship and detailing. Any modern materials to be added to the building such as windows and doors will be accomplished utilizing architecturally compatible products consistent with the historical context of the building.

REVIEW CRITERIA - Site Plan Review

Below are the criteria that will be used by the Plan Commission and Board of Trustees in determining is the application <u>does not</u> meet the requirements for Site Plan Approval. Briefly describe how this application <u>will not</u> 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.
 - The existing building does not meet some of the modern setback requirements and would exceed the FAR requirements because it was built before these were in place. However, this departure from standards is warranted in order to preserve the existing structure.
- The proposed site plan interferes with easements and rights-of-way.
 Not Applicable. No easements or rights-of-way are impacted by the renovation of the existing structure in its current configuration.
- 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.

By maintaining the structure and building footprint in its current configuration, the site plan minimizes impact to significant natural and topographical features of the site. The site landscaping will be enhanced with additional vegetation and the mature trees will be preserved based upon specific recommendations by the Village forester. By eliminating the existing on site exterior parking lot and providing parking within the existing building, the permeable surface area and open space area are increased significantly.

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

By preservation and renovation of the existing structure in its current configuration and by increasing the permeable area and open space area on the site, the proposed site plan will enhance the use and enjoyment of surrounding residential areas. The proposed site plan will create opportunities for public enjoyment with improved landscapedoutdoor spaces.

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.

The proposed Lifestyle Housing use will result in a significantly reduced traffic impact to the existing residential area as compared to the previous school use and potential institutional use of the property. A preliminary traffic study has been provided which examines the limited traffic impact created by the twelve residential units proposed for the building. The fully enclosed parking area contained within the lower level of the existing structure results in a reduction of on street parking within the existing residential neighborhood.

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

The proposed site plan provides landscape screening from adjacent properties as required by

code. The proposed site plan provides an increase of permeable site area and landscape open space area benefitting the neighboring properties and enhancing the visual appearance of the community.

- 7. The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.
 - By maintaining and preserving the existing historic structure on the site, the proposed site plan maintains compatibility with the surrounding structures and uses. By enhancing the existing landscaping and providing a publicly accessible open space area the amenity provided to the surrounding community is improved significantly.
- 8. In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.

The proposed site plan will maintain the current open spaces and provides an increase in permeable area and landscape open space resulting from the elimination of an exterior on-site parking area.

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

The proposed site plan provides an increased permeable surface area by elimination of the existing exterior on-site parking area thereby reducing the impact of stormwater runoff from the site upon surrounding properties. In addition, the proposed site plan complies with the

requirements of the DuPage County stormwater ordinance.

10. The proposed site plan places unwarranted or unreasonable burdens on specified utilitysystems 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.

The preservation and re-use of the existing structure enables the site plan to utilize existing utilities serving the site accommodate the proposed Lifestyle Housing residential use of the building.

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

Although not currently a designated public use area, The proposed site plan provides a publicly accessible landscaped open space at the corner of Vine Street and Second Street for the enjoyment of the surrounding community.

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

The site will not negatively affect the public health, safety, or general welfare of the community. By providing a housing option consistent with the requirements of the Lifestyle Housing code the proposed site plan enhances the general welfare of the community.



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 125 S. Vine Street

Description of the proposed request: Rezone from IB District to O1 District to allow for Lifestyle Housing Planned Development.

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.

- The consistency of the proposed amendment with the purpose of this Code. See attached.
- 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.

ZONING CODE TEXT AND MAP AMMENDMENT APPLICATION

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

 The proposed amendment to allow rezoning of the property to)-1 Specialty Office District is consistent with the adjacent land uses to the North of the subject property and allows for a transition to residential uses to the west.
- 2. The existing uses and zoning classifications for properties in the vicinity of the subject property.

Properties to the North are zoned O-1/Properties to the East are zoned I-B Institutional. Properties to the South are zoned I-B Institutional. Properties to the West are Zoned R-4 Single family residential.

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.

The trend of development in the area is consistent with this request. This mature area is currently fully developed as a transitional area between the downtown retail area, adjacent O-1 specialty office district area and the R-4 single family residential area. The IB district is isolated and allows the institutional uses for the Zion Lutheran Church operations.

- 4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.
 - The value of the subject property is diminished by the Institutional Buildings classification which allows limited uses which apply to its former use as an elementary school. As demand for the school use declined the value of the property has also declined.
- 5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
 - There is no offsetting increase in the public health, safety and welfare resulting from the vacant school building. The vacant building will decline further over time due to deferred maintenance expenses and obsolescence.
- The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
 - The use and enjoyment of adjacent properties will be enhanced by the proposed amendment allowing restoration and renovation of the property as required to attract marketable uses allowed under the O-1 District.
- 7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
 - The value of adjacent properties will be enhanced by the proposed amendment which will enable the property to attract uses allowed under the O-1 District.
- The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
 - The proposed amendment to the O-1 District will enable future orderly development of adjacent

properties in this transitional area between the downtown retail district to the east and the adjacent single family residential district to the west.

- 9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.
 - The subject property is no longer suitable to attract the prior educational use of the site. The allowed institutional uses are no longer viable in this location.
- 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.

The site allows adequate ingress and egress using second street consistent with its prior use as an elementary school. Due to the small site area, there is limited traffic impact to surrounding streets associated with the potential uses in the proposed O-1 district as compared to the prior Institutional use as a school.

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.

There are adequate utilities in place to serve the potential uses permitted under the present zoning classification at this mature infill site location.

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.

This site has been largely vacant since 2005. Its most recent use only involved the school gymnasium use for indoor little league baseball practice. Otherwise the properties in the vicinity of the subject property are fully developed in this mature community.

13. The community need for the proposed amendment and for the uses and development it would allow.

The community will benefit from the proposed amendment as the subject property will be returned to active use without the limitations imposed by the current Institutional Building classification.

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.

Not applicable.



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 125 S. Vine Street

Description of the proposed request: To allow for Lifestyle Housing in the O1 Specialty Office District-Section 6-106 (E)(4) and Section 11-603(M)(2).

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.

- The consistency of the proposed amendment with the purpose of this Code. See attached.
- 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.

TEXT AMENDMEN APPLICATION RESPONSES

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

 The proposed amendment is consistent with the General Purposes for the Lifestyle Housing use which is intend to be attractive to existing Hinsdale residents seeking low maintenance housing alternatives within the village close to neighbors, friends and familiar institutions, near downtown shopping and amenities and close to the transportation center of the Village.
- 2. The existing uses and zoning classifications for properties in the vicinity of the subject property.

Existing uses and zoning classifications for properties surrounding the subject property are as follows: Properties to the North are zoned O-1/ Properties to the East are zoned I-B Institutional. Properties to the South are zoned I-B Institutional. Properties to the West are Zoned R-4 Single family residential.

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.

This mature area is currently fully developed as a transitional area between the downtown retail area, adjacent O-1 specialty office district area and the R-4 single family residential area. The IB district is isolated and allows the institutional uses for the Zion Lutheran Church operations.

4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.

The value of the subject property is diminished by the Institutional Buildings classification which allows limited uses which apply to its former use as an elementary school. As demand for the school use declined the value of the property has also declined.

5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.

There is no offsetting increase in the public health, safety and welfare resulting from the vacant school building. The vacant building will decline further over time due to deferred maintenance expenses and obsolescence.

6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

The use and enjoyment of adjacent properties will be enhanced by the proposed amendment allowing restoration and renovation of the property as required to enable Lifestyle Housing use of the property.

7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

The value of adjacent properties will be enhanced by the proposed amendment which will enable the property to be renovated and restored for use as Lifestyle Housing.

8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

The proposed amendment to allow the Lifestyle Housing use will enable future orderly development of adjacent properties in this transitional area between the downtown retail district to the east and the adjacent single family residential district to the west.

The suitability of the subject property for uses permitted or permissible under its present zoning classification.

The subject property is no longer suitable to attract the prior educational use of the site. The allowed institutional uses are no longer viable in this location.

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.

The site allows adequate ingress and egress using Second Street consistent with its prior use as an elementary school. Due to the small site area allowing just twelve residential units, there is limited traffic impact to surrounding streets associated with the proposed Lifestyle Housing use as compared to the prior Institutional use as a school.

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.

There are adequate utilities in place to serve the uses permitted under the present zoning classification at this mature infill site location.

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.

The subject property has been underutilized or vacant for a decade.

13. The community need for the proposed amendment and for the uses and development it would allow.

The proposed amendment allowing lifestyle housing use will provide a housing alternative not currently available to the Village residents.

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.

There are no anticipated negative effects on area residents.



MAJOR ADJUSTMENT TO PLANNED DEVELOPMENT COMMUNITY DEVELOPMENT DEPARTMENT

*Must be accompanied by completed Plan Commission Application

Address of proposed request: 204 S. Grant Street (Church) and 116 S. Grant Street (Pastor home)

Proposed Planned Development request: Remove 125 S. Vine Street Property from existing PD

for Zion Lutheran Church campus.

Amendment to Adopting Ordinance Number: Original PD 02004-15

REVIEW CRITERIA:

Paragraph 11-603K2 of the Hinsdale Zoning Code regulates Major Adjustments to a Final Planned Development that are under construction and Subsection 11-603L regulates Amendments to Final Plan Developments Following Completion of Development and refers to Subsection 11-603K. Any adjustment to the Final Plan not authorized by Paragraph 11-603K1 shall be considered to be a Major Adjustment and shall be granted only upon application to, and approval by, the Board of Trustees. The Board of Trustees may, be ordinance duly adopted, grant approval for a Major Adjustment without a hearing upon finding that any changes in the Final Plans as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a Major Adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review.

1. Explain how the proposed major adjustment will be in substantial conformity with said plan. See attached for response to definition requirements for substantial conformity.

2. Explain the reason for the proposed major adjustment.

Removal of the 125 S. Vine Street Property from the Planned Development will allow for preservation and re-development of the vacant school building at 125 S. Vine Street for Lifestyle Housing.

Substantial Conformity: For the purposes of granting plan approvals relating to planned developments and site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan:

- A. Does not increase the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use; and
 - The proposed Major Adjustment does not increase the number of dwelling units and reduces the gross floor area within the planned development.
- B. Does not increase building coverage by more than ten percent (10%) of the percentage of the previously approved plan; and
 - The proposed Major Adjustment does not increase building coverage by more than ten percent.
- C. Does not change the orientation of any building by more than two percent (2%) compared to the previously approved plan; and
 - The proposed Major Adjustment does not change the orientation of any building within the Planned Development.
- D. Does not decrease open space; and
 - The proposed Major Adjustment does not decrease the open space within the Planned Development.
- E. Does not change the general location of any open space in any manner to detract from its intended function in the previously approved plan; and
 - The proposed Major Adjustment does not change the general location of open space within the Planned Development.
- F. Does not change the general location and arrangement of land uses within the development as shown on the previously approved plan; and
 - The proposed Major Adjustment does not change the general location and arrangement of land uses within the Planned Development.
- G. Does not change or relocate rights of way shown on the previously approved plan in any manner or to any extent that would decrease their functionability, adversely affect their relation to surrounding land use and rights of way elements, or reduce their effectiveness as buffers or amenities: and
 - The proposed Major Adjustment does not change or relocate rights of way serving the Planned Development.
- H. Does not alter the percentage of any land use in any stage of the development by more than ten (10) percentage points as compared to its percentage in the previously approved plan; and
 - The proposed Major Adjustment does not alter land use within the Planned Development.
- Does not delay any stage of the previously approved development schedule by more than twelve (12) months; and
 - The proposed Major Adjustment does not delay any stage of the Planned Development.
- J. Does not violate any applicable law or ordinance; and
 - The proposed Major Adjustment does not violate any applicable law or ordinance.
- K. Does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.
 - The proposed Major Adjustment does not depart from the previously approved Planned Development.

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VILLAGE OF HINSDALE COMMUNITY DEVELOPMENT DEPARTMENT

PLAN COMMISSION APPLICATION

I. GENERAL INFORMATION

Applicant	Owner and Co-Applicant
Name: Holladay Properties	Name: Zion Lutheran Church
Address: 1 Walker Ave.	Address: 204 S. Grant St.
City/Zip: Clarendon Hills, 60514	City/Zip: Hinsdale, IL 60521
Phone/Fax: (<u>630)</u> <u>325-5878</u> /	Phone/Fax: (630) 323-0065
E-Mail: dmitchell@holladayproperties.com	E-Mail: smcgivne@gmail.com; Congregation President
Others, if any, involved in the project (i.e. Archi	tect, Attorney, Engineer)
Name: Tandem Architecture - Christopher Walsh	Name: Holladay Properties- Michael O'Connor
Title: Principal Architect	Title: Project Manager
Address: 1040 W. Huron St. Suite 300	Address: 1 Walker Ave
City/Zip: Chicago, 60642	City/Zip: Clarendon Hills, 60514
Phone/Fax: (312) 255-1153 /	Phone/Fax: (602)663-3986 cell/ (219)764-0446
E-Mail: Chris@tandeminc.net	E-Mail: moconnor@holladayproperties.com
Disclosure of Village Personnel : (List the name, address of the Village with an interest in the owner of record, the Apapplication, and the nature and extent of that interest) NA	ress and Village position of any officer or employee oplicant or the property that is the subject of this
1)	
3)	

II. SITE INFORMATION

Address of subject property 116,204,208 and 212 S. Grant St. and 125 S. Vine St.		
Property identification number (P.I.N. or tax number): 09-12-110-006; 09-12-110-007;		
09-12-110-014; 09-12-110-015;09-12-111-017;09-12-111-010;09-12-111-011;09-12-111-012		
Brief description of proposed project: The applicant seeks to remove 125 S. Vine Street from		
the existing Planned Development and also seeks to modify the lot area of 116 S. Grant Street		
within the existing Planned Development.		
General description or characteristics of the site: membership organization (church and church		
related uses; school and playground; parking and other accessory uses and institutional use		
residence and detached garage. Existing zoning and land use: IB Planned Development; Church Campus/school.		
Surrounding zoning and existing land uses:		
North: O-1 Office South: R-4 Residential (single family)		
O1 Office and R4 Residential East: West: R-4 Residential		
Proposed zoning and land use: no change, except as noted above		
Existing square footage of property: 85,378 square feet		
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		
1		

TABLE OF COMPLIANCE

Address of subject property: Original PUD

The following table is based on the I-B (as proposed) Zoning District.

You may write "N/A" if the application does NOT affect the building/subject property.	Minimum Code Requirements Based or I-B	Existing PUD Development	Amended PUD with the Removal of 125 S. Vine St.
Lot Area (SF)	80,000	85,378 sf	58,739 SF
Lot Depth	250 Ft	421.62 Ft	421.62 Ft
Lot Width	200 Ft	250 Ft	250 Ft
Building Height	40 Ft	48 Ft	48 Ft
Number of Stories	N/A	N/A	N/A
Front Yard Setback	35 Ft	23.91 Ft	23.91 Ft
Corner Side Yard Setback	35 Ft	0 Ft	0 Ft
Interior Side Yard Setback	25 Ft	6.19 Ft	11.02 Ft
Rear Yard Setback	25 Ft	58.04 Ft	58.04 Ft
Maximum Floor Area Ratio (F.A.R.)*	0.50	45,820/ 85,378 = 0.537	27,483sf/ 58,739sf = 0.47
Maximum Total Building Coverage*	N/A	N/A to PUD	N/A to PUD
Maximum Total Lot Coverage*	N/A	N/A	N/A
Parking Requirements	1 for each 2 employees or 1 for each 15 students, whichever is greater. (3 for each dwelling unit for single family home in membership org)	74	67
Parking front yard setback	35 Ft	39 Ft	39 Ft
Parking corner side yard		0'	0'
Parking interior side yard		6 Ft	6 Ft
Parking rear yard setback		0' - N/A	0' - N/A
Loading Requirements	0	0	0
Accessory Structure Information	N/A	N/A	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: Any lack of compliance stems from current Institutional building structure being non-compliant Holladay will seek to preserve the current structure.

TABLE OF COMPLIANCE

Address of subject property: 116 S. Grant Street

The following table is based on the O-1 Zoning District but property will remain in the I-B District if approved.

You may write "N/A" if the application does NOT affect the	Minimum Code	Minimum Code	Existing	Proposed
building/subject property.	Requirements	Requirements I-B District	Development (Lots 10 & 13)	Development
Lot Area (SF)	8,500	80,000sf for Membership Organization	18,162sf	12,500 SF
Lot Depth	125 Ft	250 Ft	181.62 Ft	125 FI
Lot Width	60 Ft	200 Ft	100 Ft	100 Ft
Building Height	30 Ft	40 Ft	27 Ft	27 FT
Number of Stories	2.5 Stories	N/A	2	2
Front Side Yard Setback	35 Ft	35 Ft	27.94 Ft	27.94 Ft
Corner Side Yard Setback	35 Ft	35 Ft	28.18 Ft	28.18 Ft
Interior Side Yard Setback	10 Ft	25 Ft	11.4 Ft	11.4 Ft
Rear Yard Setback	25 Ft	25 Ft	114.58 Ft	57.99 Ft
Maximum Floor Area Ratio (F.A.R.)*	0.4	0.5	2,452sf /18,162sf = 0.135	2,452sf /12,500sf = 0.2
Maximum Total Building Coverage*	35%	35%	1,803sf / 18,162sf = 10%	1,803sf / 12,500sf = 14.4%
Maximum Total Lot Coverage*	80%	80%	3,182sf / 18,162sf = 17.5%	3,182sf / 12,500sf = 25.4 %
Parking Requirements	3 for each dwelling unit for single family home.	3 for each dwelling unit for single family home.	2 in attached garage	2 in attached garage
Parking front yard setback	35 Ft	35 Ft	28.04 Ft	28.04 Ft
Parking corner side yard setback	35 Ft	35 Ft	N/A	N/A
Parking interior side yard setback	10 Ft	25 Ft	N/A	N/A
Parking rear yard setback	25 Ft	25 Ft	N/A	N/A
Loading Requirements	0	0	0	0
Accessory Structure Information	N/A	N/A		Shed RY = 17.21' SY=4.11'

^{*} 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:

Any lack of compliance stems from current Institutional building structure being non-compliant Holladay will seek to preserve the current structure.



New Modifications Requested to Original PUD

- 1. Front Yard Grant Street (Membership Organization): 23.91 feet
 - Decrease front yard setback (Grant Street) 35 feet to 23.91 feet for membership organization building
- 2. Front Yard Grant Street (Single-Family Home at 116 S. Grant): 27.94 feet
 - a. Decrease front yard setback (Grant Street) 35 feet to 27.94 feet
- 3. Corner Side Yard Second Street (Membership Organization): 0 feet
 - Decrease corner side yard setback (Second Street) 35 feet to 0 feet for membership organization building.
- 4. Corner Side Yard Second Street (Single-Family Home at 116 S. Grant): 28.18 feet
 - a. Decrease corner side yard setback (Second Street) 35 feet to 28.18 feet
- 5. Interior Side Yard South Lot Line (Membership Organization): 16 feet
 - Decrease interior side yard setback (south lot line) 25 feet to 16 feet for membership organization building (verify this number is correct)
- 6. Interior Side Yard South Lot Line (Membership Organization Parking Lot): 6 feet
 - Decrease interior side yard setback (south lot line) 25 feet to 6 feet for existing parking lot;
- 7. Interior Side Yard North Lot Line (Single-Family Home at 116 S. Grant): 11.4 feet
 - a. Decrease interior side yard setback (north lot line) from 25 feet to 11.4 feet
- 8. Parking Setback Adjustment:
 - To reduce the interior side yard parking lot setback from 25 feet to as little as 0 feet for the membership organization (currently approximately 6'-0").
- 9. Landscape Buffer modification:
 - a. To reduce the landscape buffer for the interior side yard parking lot for the membership organization from 10 feet to as little as 0 feet (currently approximately 6'-0").
- 10. Lot Area for the Planned Development: 58,739 square feet
 - Decrease the minimum lot area for membership organizations from 85,378 square feet to 58,739 square feet.
- 11. Off-Street Parking:
 - a. Decrease the number of required on-site parking spaces from 74 to 67
- 12. Drive Aisle Width: 19 feet
 - a. Decrease drive aisle width from 24 to 19 feet
- 13. Maximum Building Height: 48 feet
 - a. Increase maximum building height for existing membership organization building from 40 to 48 feet
- 14. FAR Decrease:
 - a. The FAR will be reduced from 0.537 to 0.47 which is below the 0.50 allowed.

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- 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:
 - Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 - A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of 2 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 kink 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
- 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
- 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
- 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

PATIVIENT		
On the 10th day of October agree to abide by its conditions.	2021 I/We have read the above certification, understand it, a	inc
	25. 116-	

Signature of applicant or authorized agent T Drew Mitchell - Authorized Agent

Name of applicant or authorized agent

Signature of applicant or authorized agent Suzanne McGivney

Name of applicant or authorized agent.

JOHNNIE MICHELLE Notary Public. State : La Porte Cour . My Comm ssion - .

SEAL:

April 20. 2"

16 Notary Public

2017 Version

to before me this 24

October

SUBSCRIBED AND SWORN

Page 8 of 8

VILLAGE OF HINSDALE

COMMUNITY DEVELOPMENT DEPARTMENT

19 East Chicago Avenue Hinsdale, Illinois 60521-3489 630.789.7030

Application for Certificate of Zoning Compliance

You must complete all portions of this application. If you think certain information is not applicable, then write "N/A." If you need additional space, then attach separate sheets to this form.

•			
Applicant's name:	Drew Mitchell		
Owner's name (if differen	t): _Holladay Properties Services Midwest Inc.		
Property address:	125 S. Vine St		
Property legal description	n: [attach to this form]		
Present zoning classifica	tion: IB, Institutional Buildings		
Square footage of proper	ty: <u>26,639</u> sf		
Lot area per dwelling:	2,220sf		
Lot dimensions:	274 x 100		
Current use of property:	Elementary School		
Proposed use:	☐Single-family detached dwelling Other: Lifestyle Housing /O-1 Planned Dev		
Approval sought:	☐ Building Permit ☐ Variation ☐ Special Use Permit ☐ Planned Development ☐ Site Plan ☐ Exterior Appearance ☐ Design Review ☐ Other: Map Amendment and Text Amendment		
Duine I and a			
Brief description of reque	-		
Zoning compliance with special u	se of site amended to O-1 zoning for Lifestyle Housing		
Plans & Specifications:	[submit with this form]		
F	Provided: Required by Code:		
Yards:			
front: interior side(s)	28.27 <u>35</u> 6.19 / <u>25</u> /		

	Provided:	Required by Code:
corner side	2.41	35
rear	<u>95.64'</u>	<u>25</u>
Setbacks (businesses ar	nd offices):	
front: interior side(s) corner side rear others: Ogden Ave. Center: York Rd. Center: Forest Preserve:	28.27 6.19 / 2.81 95.61	N/A N/A N/A N/A N/A 200 200 N/A
Building heights:		
principal building(s):	<u>38'- 5"</u>	<u>33'</u>
accessory building(s):	N/A_	N/A
Maximum Elevations:		
principal building(s): accessory building(s):	38'-5"	33'
Dwelling unit size(s):	<u>1125sf – 1615sf</u>	
Total building coverage:	35%	70%
Total lot coverage:	53%	70%
Floor area ratio:	0.9	1.5
Accessory building(s):	N/A	
Spacing between building	s:[depict on attache	ed plans]
principal building(s): accessory building(s):		
Number of off-street parki		
Number of loading spaces		

Statement of applicant:

I swear/affirm that the information provided in this form is true	
I swear/affirm that the information provided in this form is true and complete. I under	stand
"" and on the state of the stat	cie for
denial or revocation of the Certificate of Zoning Compliance.	313 101
anioute of Zening Compilance,	

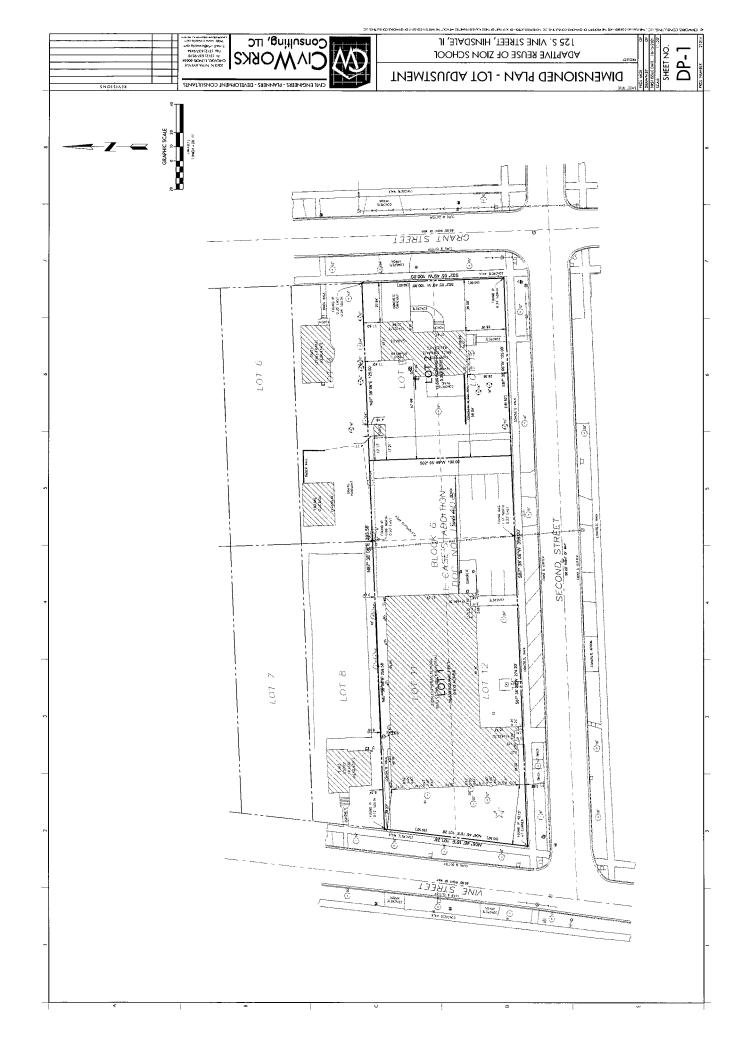
Ву:	Th
	Applicant's signature
	<u>Drew Mitchell</u> Applicant's printed name

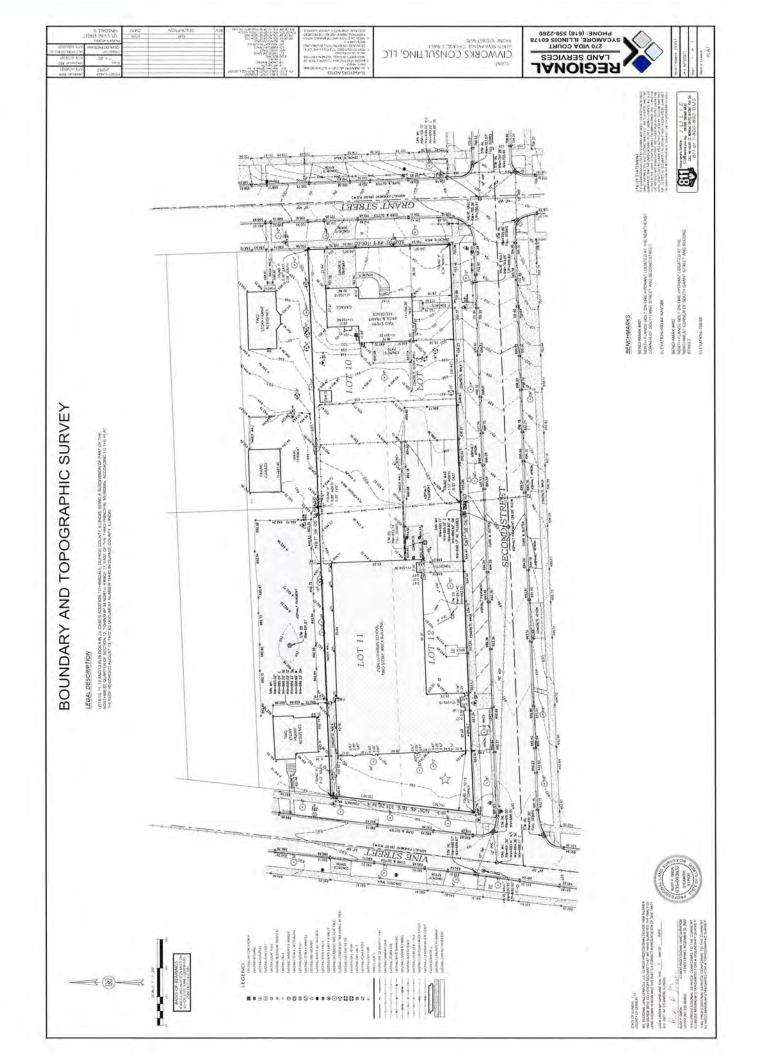
Dated: /2 -/6 , 20 2/.

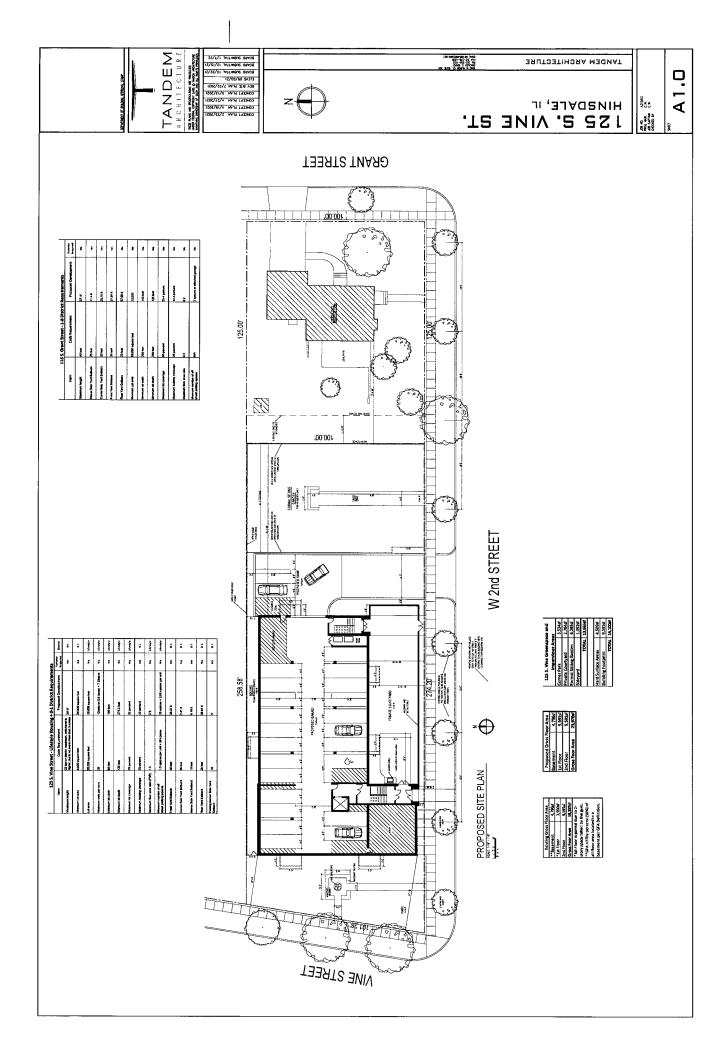
11. Special Development Considerations- 125 S. Vine Street

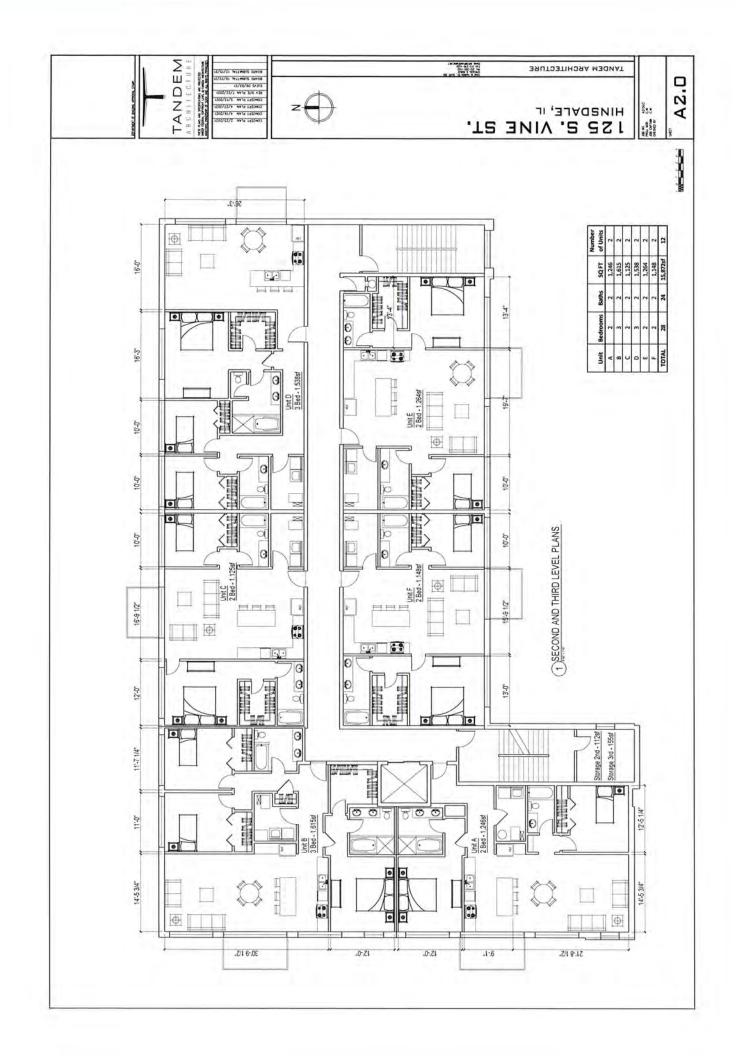
Section 6-110 Special development and use regulations

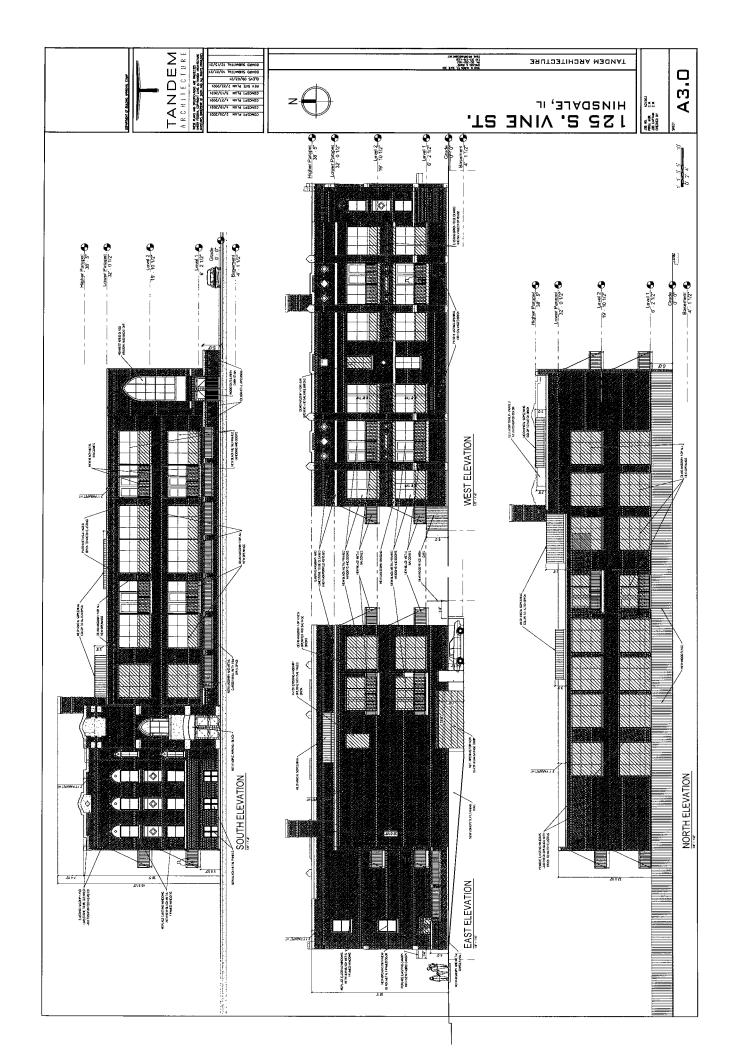
- A. Exterior Appearance And Site Plan Review: See application herein.
- B. O-1 Specialty Office District:
- 1. Conversion Of Existing Structures: No permitted or specially permitted use shall be established in the O-1 District by the conversion or rebuilding of any structure originally designed for a residential use, unless the existing residential character of the structure is retained. The quality of exterior design shall be equal on all facades of the structure, and the materials used shall be of the same or comparable quality on all facades of the structure. Reuse/preservation of existing structure originally built in 1931.
 - 2. New Structures: Not applicable
- 3. Visual Compatibility: All conversions of existing structures or new construction shall be designed to be visually compatible in terms of the materials used, shapes, textures, colors, projections, proportions, and scale with the buildings, public ways, and places to which they are visually related. *Reuse/preservation of existing structure originally built in 1931*
- 4. Exterior Lighting: All exterior lighting in any O-1 District shall be so arranged as to prevent direct glare of beams onto any Residential District by the use of lumina cutoffs. <u>Will comply within future detailed plan submittal</u>.
- 5. Landscaping: Any yard in the O-1 District that abuts a Residential District shall be treated as a perimeter landscaped open space, as provided in subsection <u>9-107</u>L of this Code. <u>See conceptual landscape plan. Will comply within future detailed plan submittal.</u>















DEVELOPER:

HOLLADAY PROPERTIES 1 WALKER AVE, SUITE 300 CLARENDON HILLS, IL 60514

T: (312) 545.5123
www.holladayproperlies.cor

VINE STREET STATION Luxury Condominiums Vine & Second Street Hinsdale, IL

TANDEM

ARCHITECT:

TANDEM ARCHITECTURE 700 N. CARPENTER STREET CHICAGO, IL 60642

T: (312) 255.1153 www.tandeminc.net



CIVIL ENGINEER:

CONCEPTUAL LANDSCAPE PLAN NOTES 1 FINAL PLANT SELECTIONS TO COMPLY WITH VILLAGE PLANT LIST REQUIREMENTS.
2 PUBLIC POCKET PARK TO BE PRINATELY MARKATAKED.

CONCEPTUAL LANDSCAPE PLAN N.T.S.

T: (312) 637.9570

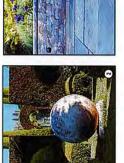
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MAINTAINED.

3 OUTDOOR APPLIANCES SHALL BE UL LABELED.

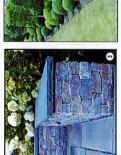




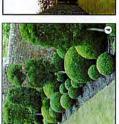




CONCEPTUAL LANDSCAPE IMAGERY KEY RECYCLED STEEL PARK BENCH SCULPTURAL ART











HOLLADAY PROPERTIES 1 WALKER AVE, SUITE 300 CLARENDON HILLS, IL 40514

DEVELOPER:

T: (312) 545.5123 www.holladayproperlies.con

HOLLADAY PROPERTIES







0

Luxury Condominiums Vine & Second Street Hinsdale, IL

VINE STREET STATION





TANDEM ARCHITECTURE 700 N. CARPENTER STREET CHICAGO, IL 60642 T: (312) 255.1153 www.tandeminc.net

ARCHITECT:

(2) 0

TANDEM



CIVWORKS Consulting, LC

ENLARGED PLAN: FORMAL SITTING GARDEN N.T.S.

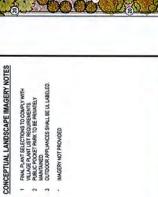
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CIVWORKS CONSULTING, ILC 3343 N. NEVA AVENUE CHICAGO, IL 60634

T: (312) 637.9570

CIVIL ENGINEER:



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ENLARGED PLAN: PUBLIC POCKET PARK N.T.S.

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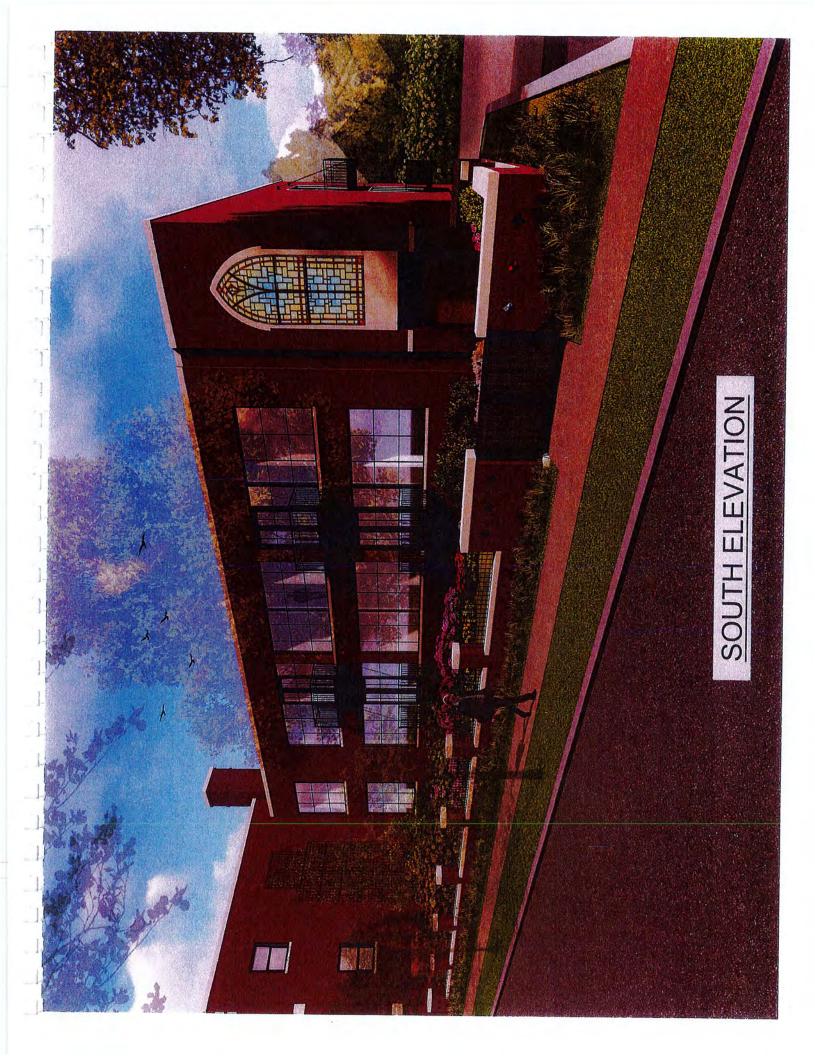




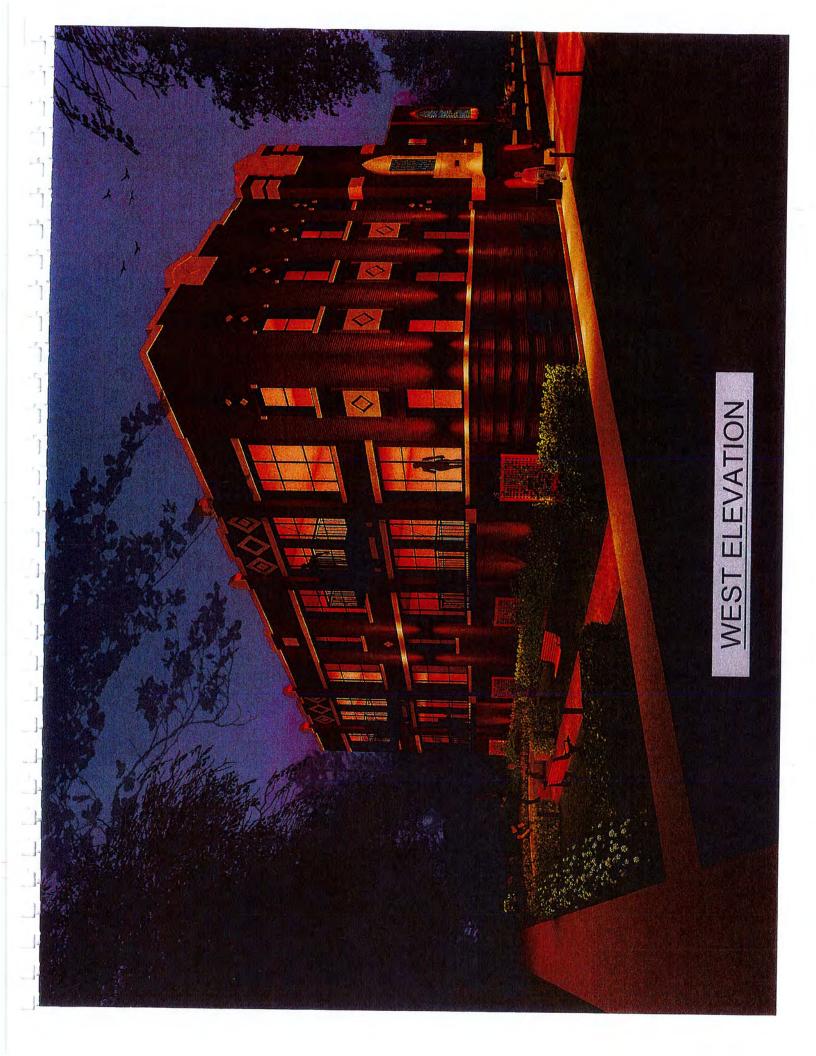


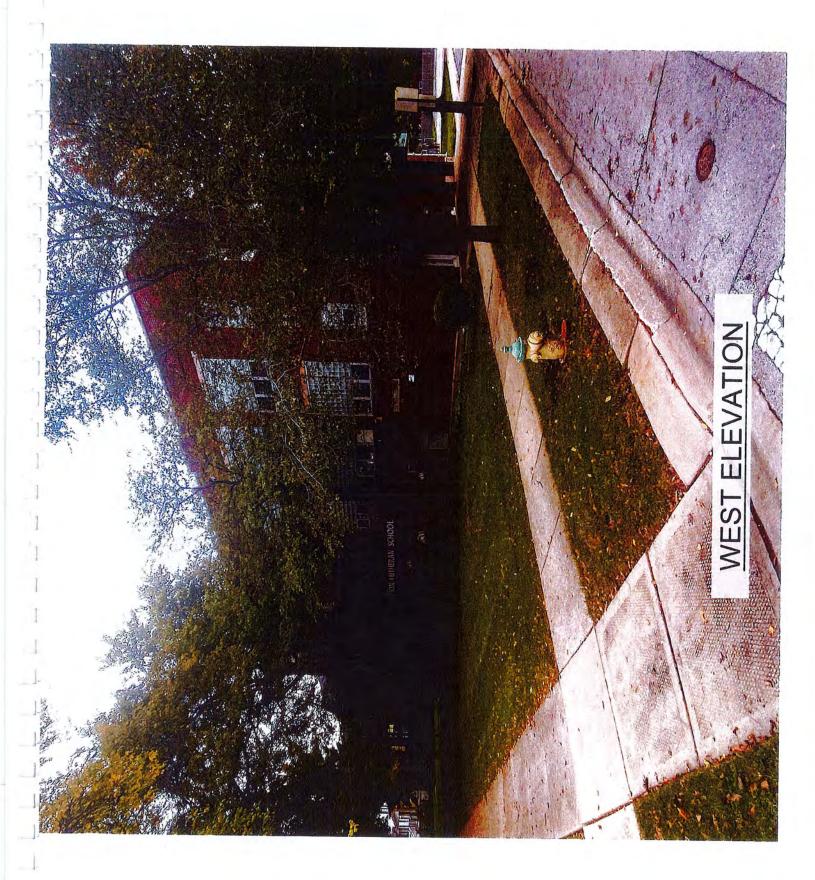


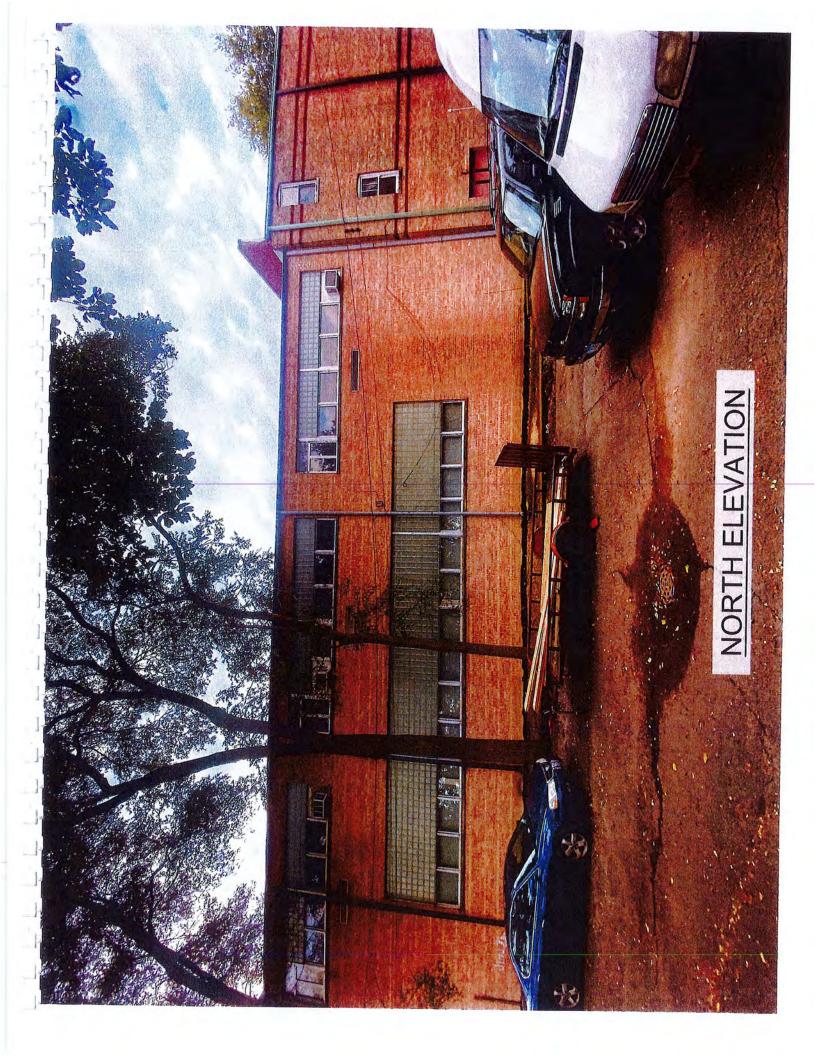


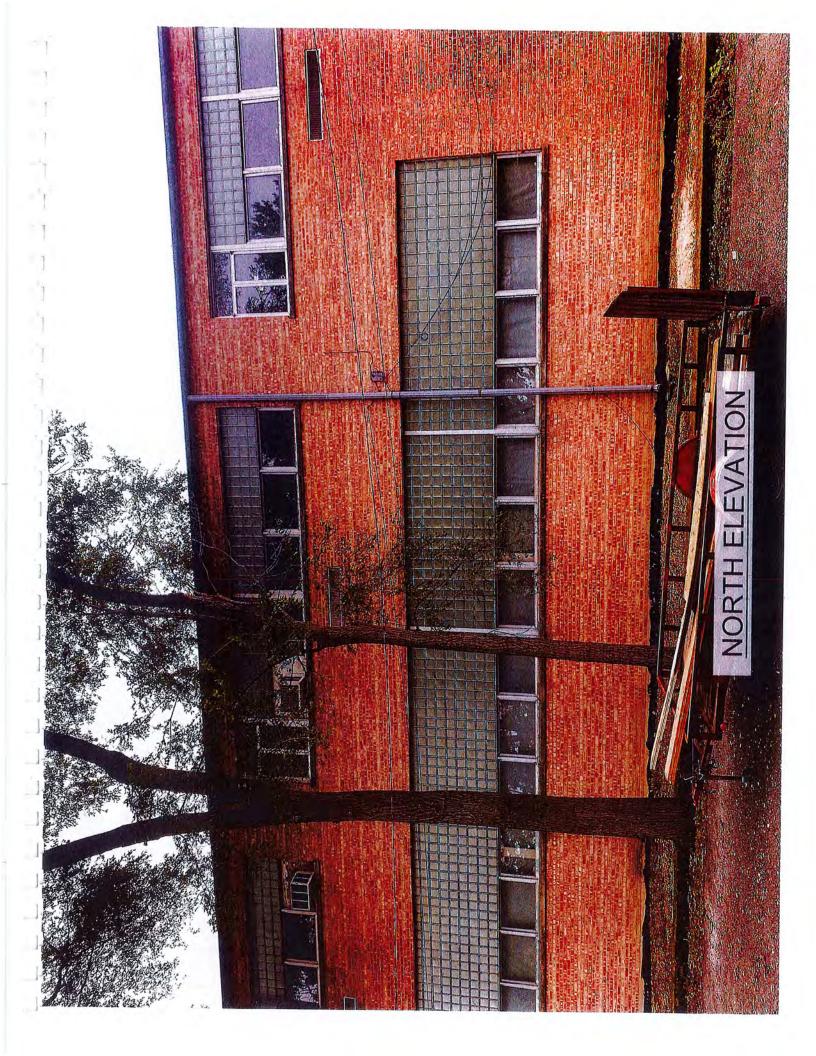


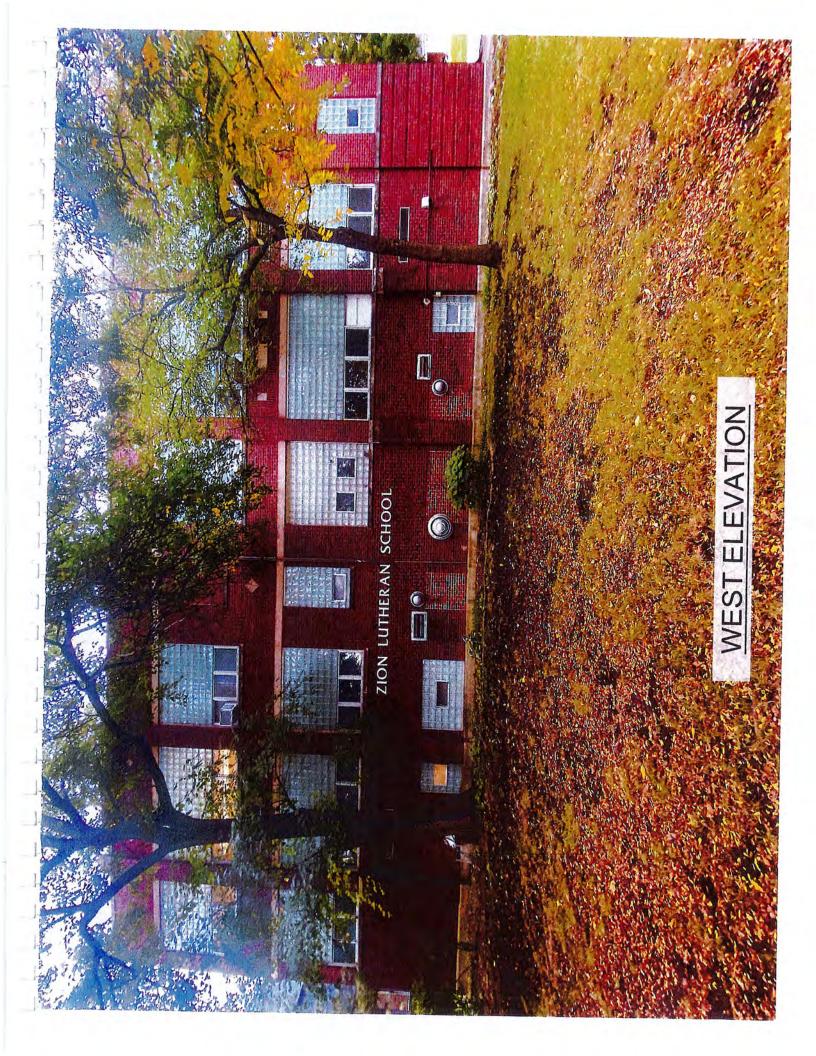


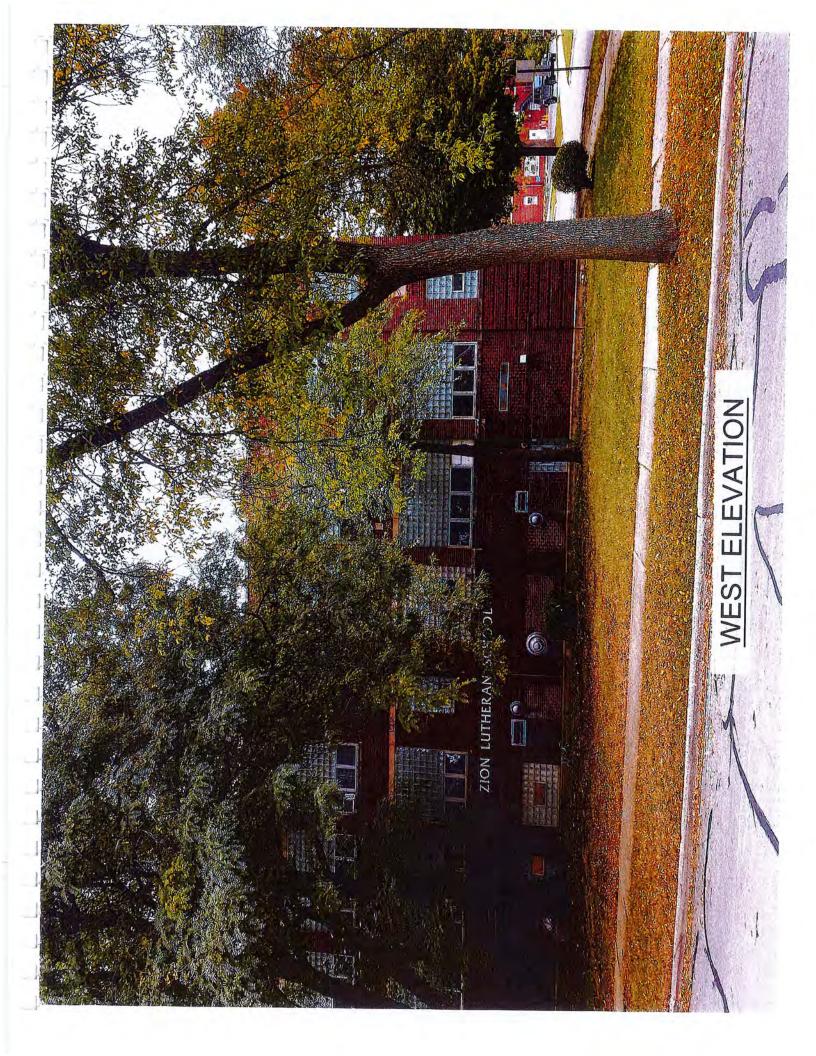


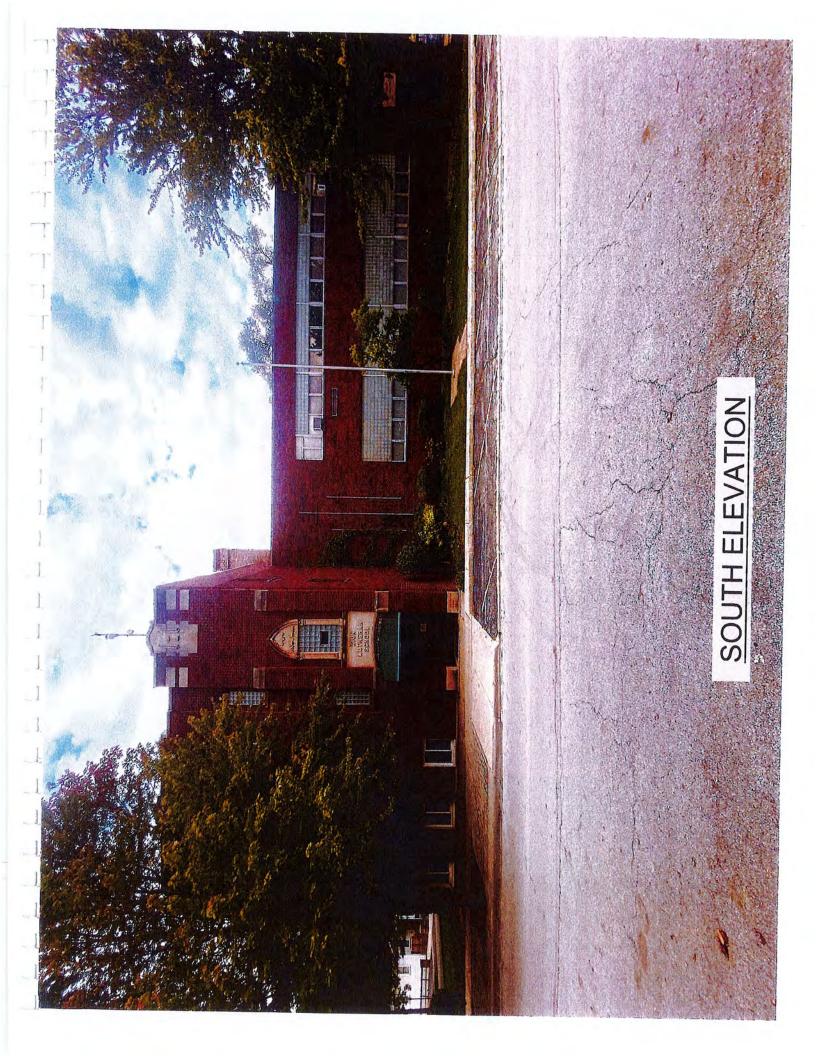


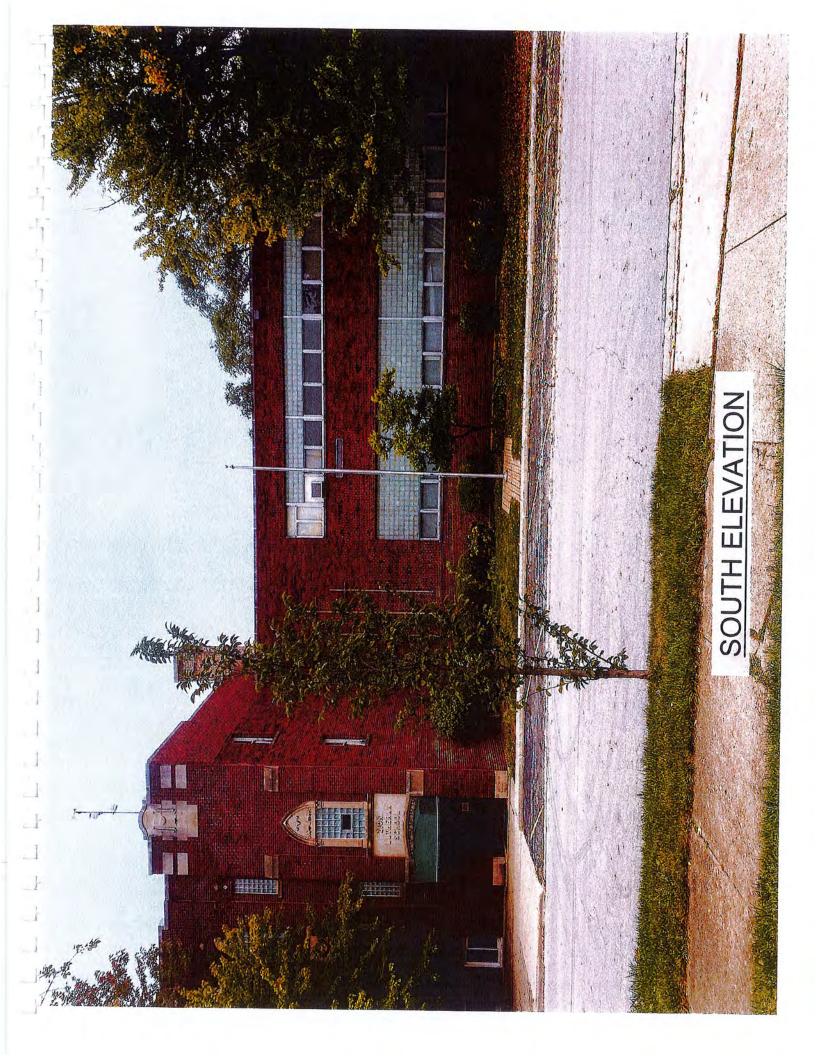




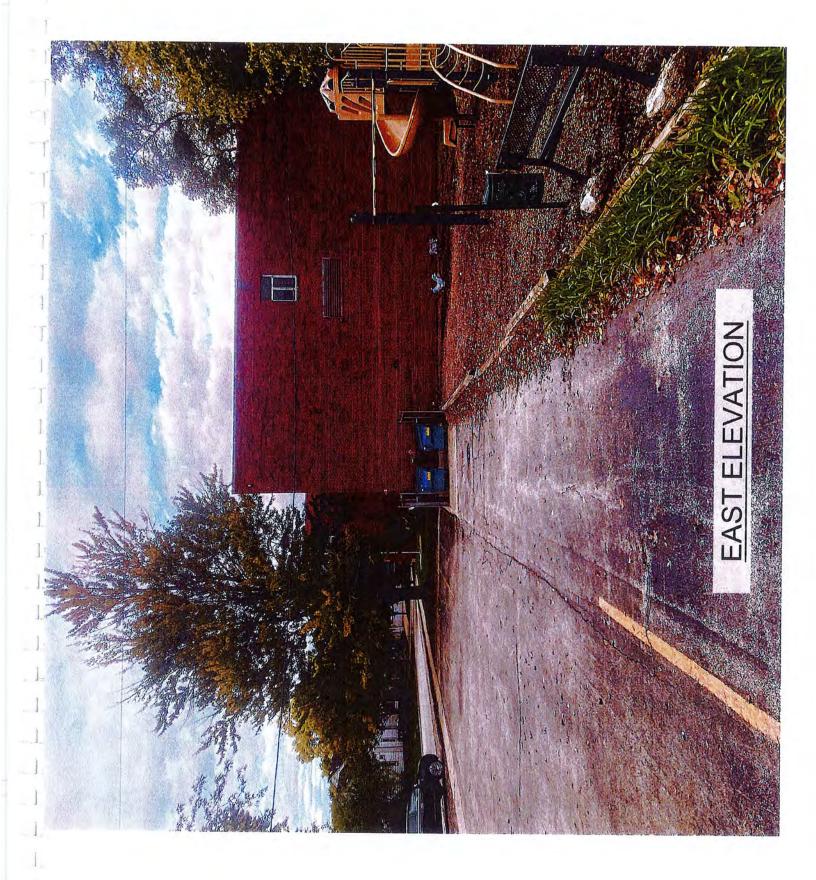












ZION LUTHERAN CHURCH AND EARLY CHILDHOOD EDUCATION CENTER 204 SOUTH GRANT STREET HINSDALE IL 60521

Rev. Jay Klein, Pastor

Phone: 630.323.0384 zionhinsdale.org

Zion Lutheran Church

HAND ISSE

Ms. Elizabeth Reilley, Director Early Childhood Education Center

Phone: 630.323.0065 zionlutheranecec.org

October 5, 2021

Ms. Bethany Salmon Village Planner Village of Hinsdale 19 E. Chicago Avenue

Re: 125 S. Vine Street and 204 S. Grant Street-Letter of Authorization

Dear Bethany:

This letter authorizes Holladay Properties and its affiliates to prepare and submit rezoning applications, plat applications, application for amendment to the original Planned Development for Zion Church (Ordinance No. 02004-15), and other forms and applications necessary to facilitate the entitlement, development and adaptive reuse of the Zion School located at 125 S Vine St, Hinsdale IL, of which Holladay Properties is under contract to purchase from Zion Lutheran Church.

Should you have any questions, please do not hesitate to contact me.

Signed,

Suzanne McGivney
Congregational President
Zion Lutheran Church
204 S Grant St, Hinsdale, IL 60521
630–202–6302

Mcgivneys@comcast.net

Cc: Drew Mitchell- Holladay Properties





1 - 4th of sense the case

MEMORANDUM TO:

Michael O'Connor

Holladay Properties

FROM:

Elise Purguette

Consultant

Javier Millan Principal

DATE:

December 15, 2021

SUBJECT:

Traffic Impact Statement

Proposed Residential Development

Hinsdale, Illinois

This memorandum summarizes the results and findings of a site traffic evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the proposed residential development to be located at 125 South Vine Street in the northeast quadrant of the intersection of Vine Street with Second Street in Hinsdale, Illinois. As proposed, the site, which currently contains the former Zion Lutheran School building, will be redeveloped with a three-story apartment building with 12 units, an approximate 22-space parking garage, and three surface parking spaces for a total of 25 parking spaces. Access will be provided via a proposed full movement access drive on Second Street. It should be noted that, given the proximity of the site to the Hinsdale BNSF Railway (BNSF) Metra station (approximately 1,430 feet northeast of the site) and downtown Hinsdale, this development is considered a Transit Oriented Development (TOD).

The purpose of this impact statement is to evaluate the trip generation characteristics of the proposed residential development, the adequacy of the proposed access drive, and the adequacy of the proposed parking supply. Figure 1 shows an aerial view of the site.

Existing Traffic Conditions

The following provides a detailed description of the physical characteristics of the roadways including geometry and traffic control and average daily traffic volumes along the adjacent area roadways.

Vine Street is a north-south local roadway that provides one lane in each direction in the vicinity of the site. At its unsignalized intersection with Second Street, Vine Street provides a through lane on both approaches. In addition, a high-visibility crosswalk is provided on the north leg of this intersection. Two-hour parking is permitted on the east side of the street from 9:00 A.M. to 6:00 P.M. and parking is not permitted on the west side of the street. Vine Street is under the jurisdiction of the Village of Hinsdale and has a posted school zone speed limit of 20 miles per hour.

Figure 1

C

Aerial View of Site

Second Street is a one-way local roadway that provides one lane in the westbound direction between Grant Street and Vine Street. At its unsignalized intersection with Vine Street, Second Street provides a combined left-turn/right-turn lane on the westbound approach. In addition, a high-visibility crosswalk is provided on the east leg of this intersection. Parking is prohibited between 8:00 A.M. and 9:00 A.M. and between 3:00 P.M. and 4:00 P.M. Further, a bus loading zone is located on the north side of the street. Finally, seven angled parking spaces are provided on the north side of the street between Grant Street and Vine Street. Second Street is under the jurisdiction of the Village of Hinsdale.

Traffic Characteristics of the Proposed Development

The plans call for developing the site with a three-story apartment building with 12 units, an approximate 22-space parking garage, and three surface parking spaces. Access will be provided via a proposed full movement access drive on Second Street located approximately 240 feet east of Vine Street. This access drive will provide one inbound lane and one outbound lane. Outbound movements should be under stop sign control. A copy of the site plan is included in the Appendix.

Development Traffic Generation

The estimates of traffic to be generated by the development are based upon the proposed land use type and size. The volume of traffic generated for the transit-oriented development was estimated using data published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition.

Based on information provided to KLOA, Inc., the proposed residential development will most likely be restricted to residents age 55 and older and at a minimum will be a senior-targeted residential development. As such, "Multi-Family Housing (Mid-Rise)" was utilized to estimate the trips to be generated by a residential development with no age restriction and "Senior Housing Attached" was utilized to estimate the trips to be generated by an age-restricted development.

As previously indicated, given the proximity of the site to the Hinsdale BNSF Railway (BNSF) Metra station (approximately 1,430 feet northeast of the site), this development can be considered a TOD. Based on inspection of Census 2019 data, approximately 34 percent of the residents in close proximity to the Hinsdale Metra station use other means of transportation as an alternative to the automobile. However, in order to provide a conservative analysis, no reduction was applied to the projected trip generation estimates for the residents who will take public transportation, bicycle, or walk. A copy of the Census 2019 data is included in the Appendix.

Table 1 summarizes the trips projected to be generated by the proposed residential development under both age-restricted and unrestricted scenarios.

Table 1
ESTIMATED PEAK HOUR DEVELOPMENT-GENERATED TRAFFIC VOLUMES

Land Use	Size		kday M Peak H	lorning our		kday E Peak Ho	vening our	Average Daily
		In	Out	Total	In	Out	Total	Traffic
Multi-Family Housing (Mid-Rise) – LUC 221	12 Units	1	3	4	3	2	5	65
Senior Housing (Attached) – LUC 252	12 Units	1	1	2	3	2	5	23

As can be seen in Table 1, the volume of traffic that will be generated by this development under either potential scenario will be minimal. Given that a residential development with no age restriction will generate more trips than an age-restricted residential development, these trip estimates were utilized in our evaluation to represent a conservative (worst-case) scenario.

As indicated earlier, the site was previously occupied by the Zion Lutheran School building. At its peak (approximately 25 years ago), the school had an attendance of approximately 240 students attending kindergarten through eighth grade. However, at its closure, the school had an attendance of approximately 80 students attending first grade through eighth grade.

Table 2 summarizes a trip generation comparison between the former Zion Lutheran School building at its peak and at its closure and the proposed residential development with no age restriction.

Table 2
ESTIMATED PEAK HOUR DEVELOPMENT-GENERATED TRAFFIC VOLUMES COMPARISON

	Size	Weekday Morning Peak Hour			Weekday Evening Peak Hour			Average Daily
Land Use		In	Out	Total	In	Out	Total	Traffic
Multi-Family Housing (Mid-Rise) LUC 221	12 Units	1	3	4	3	2	5	65
Private School LUC 534	240 Students	<u>120</u>	98	<u>218</u>	<u>29</u>	<u>33</u>	<u>62</u>	986
Difference		-119	-95	-214	-26	-31	-57	-921
Multi-Family Housing (Mid-Rise) LUC 221	12 Units	1	3	4	3	2	5	65
Private School LUC 534	80 Students	40	33	73	10	11	21	329
Difference		-39	-30	-69	-7	-9	-16	-264

As can be seen in Table 2, the proposed residential development will generate substantially less traffic than the school at either its peak or its closure. Therefore, the impact of this development on the roadway system will be minimal.

Based on a review of the Hinsdale Zoning Ordinance, the site could be developed "as of right" with an office building. As such, KLOA, Inc. also looked at the potential number of trips to be generated by the site should it be developed as an office building. **Table 3** summarizes a trip generation comparison between the proposed development of 12 apartment units with no age restriction and the traffic to be generated by an approximate 28,383 square foot general office building.

Table 3
ESTIMATED PEAK HOUR DEVELOPMENT-GENERATED TRAFFIC VOLUMES
COPARISON (APARTMENT AND OFFICE BUILDING)

	Size	Weekday Morning Size Peak Hour			kday E Peak H	Average Daily		
Land Use		In	Out	Total	In	Out	Total	Traffic
Multi-Family Housing (Mid-Rise) LUC 221	12 Units	1	3	4	3	2	5	65
Office Building LUC 710	28,383 s.f.	<u>45</u>	8	<u>53</u>	<u>5</u>	<u>29</u>	<u>34</u>	312
Difference		-44	-5	-49	-2	-27	-29	-247

As can be seen from Table 3, the proposed residential development will also generate substantially less traffic than an office building during the peak hours and on a daily basis.

Access Evaluation

1

1

As previously indicated, the site was previously occupied by the Zion Lutheran School building. As such, Second Street was designated as a one-way westbound street between Grant Street and Vine Street to facilitate the traffic circulation and drop-off/pick-up activities in proximity to the school. Second Street should be converted into a two-way street for the following reasons:

- Second Street is a two-way street east of Grant Street.
- Converting Second Street between Grant Street and Vine Street into a two-way street will allow better local access into the site and traffic flow continuity.

Residential Parking Evaluation

In order to assess the adequacy of the parking supply in meeting the parking requirements of the proposed residential development, the parking needs were determined based on the following criteria:

- The Village of Hinsdale Zoning Ordinance
- ITE Parking Generation Manual

Village of Hinsdale Zoning Ordinance

Based on the Village of Hinsdale Zoning Ordinance, with a total of 12 units (eight two-bedroom units and four three-bedroom units), the development should provide 28 parking spaces, resulting in a deficit of three parking spaces. However, it is important to note that the close proximity of the site to the Hinsdale Metra station will reduce dependence on the automobile. As previously mentioned, based on inspection of Census 2019 data, approximately 34 percent of the residents in close proximity to the Hinsdale Metra station use other means of transportation than the automobile. As such, the proposed parking supply of 25 parking spaces will be adequate in accommodating the parking demand of the proposed residential development.

ITE Parking Generation Manual

With a total of 12 residential units and 28 bedrooms (2.33 bedrooms per unit), the development will provide parking at a ratio of 2.17 spaces per unit and 0.93 spaces per bedroom. Based on a review of survey data published by the Institute of Transportation Engineers (ITE) in the *Parking Generation Manual*, 5th Edition for Land-Use Code 221 (Multifamily Housing Mid-Rise) located less than half a mile from a rail transit station, the following was determined:

- The average parking supply ratio at similar sites was 1.5 spaces per unit and 0.8 spaces per bedroom.
- The average peak parking demand ratio is 1.12 spaces per dwelling unit on a weekday and 1.15 spaces per dwelling unit on a Saturday.
- The 85th percentile peak parking demand ratio is 1.27 spaces per dwelling unit on a weekday and 1.37 spaces per dwelling unit on a Saturday.
- The average peak parking demand ratio is 0.61 spaces per bedroom on a weekday and 0.69 spaces per bedroom on a Saturday.
- The 85th percentile peak parking demand ratio is 0.86 spaces per bedroom.

Based on the above, the proposed development will have a peak parking demand of 14 parking spaces. As such, the proposed 25 parking spaces will be adequate in accommodating the projected parking demand for the proposed residential development.

Conclusion

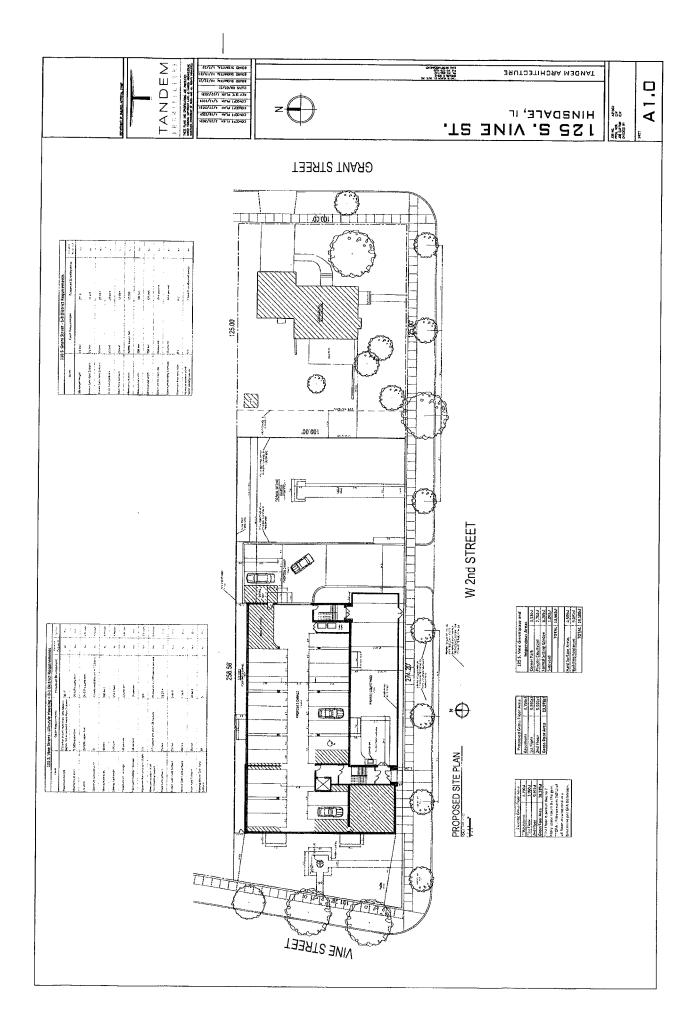
Based on the proposed development plan and the preceding evaluation, the following conclusions and recommendations are made:

- The estimated development-generated traffic volumes will not be significant and will be further reduced due to its proximity to the Hinsdale Metra station.
- The proposed residential development will generate substantially less traffic than the previous use. Therefore, the impact of this development on the roadway system will be minimal.
- Converting Second Street between Grant Street and Vine Street into a two-way street is recommended as it will provide for better local access into the site and traffic flow continuity.
- Based on the ITE Parking Generation Manual, the proposed 25 parking spaces will be adequate in accommodating the projected parking demand for the proposed residential development.

Appendix

Preliminary Site Plan Census 2019 Data

Preliminary Site Plan



Census 2019 Data

MEANS OF TRANSPORTATION TO WORK BY VEHICLES AVAILABLE

Survey/Program: American Community Survey Universe: Workers 16 years and over innouseholds TableID: 806141 Product: 2019, ACS 5-Year Estimates Detailed Tables V

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Notes	Selections	I Geo	Years	1 Topic	Surveys	Codes	Elliga.	1/- Margin of Error	Residue	Excel			
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	Census Tract 8453, DuPage County, Illinois	
Label	Estimate	Margin of Error
✓ Total	1,311	=116
No venicle available	24	±26
1 vehicle available	127	±54
2 vehicles available	587	±107
3 or more vehicles available	573	±96
> Car, truck, or van - drove alone	699	±104
> Car, truck, or van - carpooled	53	±38
> Public transportation (excluding taxicab):	370	±77
> Walked:	26	±18
> Taxicab, motorcycle, bicycle, or other means:	33	±27
> Worked from home	130	±51



AGENDA ITEM # 7d REQUEST FOR BOARD ACTION

Community Development

AGENDA SECTION:

First Reading - ZPS

SUBJECT:

Consideration of a Request for Variation-5515/5517 S. Elm Street

MEETING DATE:

February 15, 2022

FROM:

Robert McGinnis, Director of Community Development/Building

Commissioner

Recommended Motion

Approve an Ordinance Approving a Lot Variation at 5515 & 5517 S. Elm Street, Hinsdale, Illinois- Berger-Case Number V-08-21.

Background

In this application for variation, the applicant requests relief from the Minimum Lot Width requirements set forth in section 3-110(C)(3) in order to create two Zoning Lots. The specific request is for a 10' reduction in the required lot width for each of the two existing Nonconforming Lots of Record.

Discussion & Recommendation

Following a public hearing held on December 15, 2021, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") recommended approval of the Requested Variations on a vote of six (6) in favor and one (1) opposed, with zero (0) members absent.

Budget Impact

N/A

Village Board and/or Committee Action

Documents Attached

- 1. Draft Ordinance
- 2. Approved Findings of Fact and Recommendation
- 3. ZBA Application
- 4. Transcript

VILLAGE OF HINSDALE

ORDINANCE	NO.	

AN ORDINANCE APPROVING VARIATIONS FOR MINIMUM LOT WIDTH AT 5515-5517 S. ELM STREET, HINSDALE, ILLINOIS – BERGER – CASE NUMBER V-08-21

WHEREAS, the Village of Hinsdale has received an application (the "Application") from Alan Berger (the "Applicant"), the owner of property located in the R-3 Single Family Residential Zoning District at 5515-5517 S. Elm Street (the "Subject Property"), seeking certain variations; and

WHEREAS, the Subject Property is made up of two (2) underlying lots of record. The Applicant has requested variations (the "Requested Variations") from the minimum lot width requirements set forth in Section 3-110.C.3 of the Zoning Code of the Village of Hinsdale ("Zoning Code") to allow minimum lot widths of sixty (60) feet wide on the Subject Property, as opposed to the minimum lot width of 70 feet wide required for lots in the R-3 Single Family Residential Zoning District, in order to construct a residence on each of the underlying lots; 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 Zoning Board of Appeals of the Village, and has been processed in accordance with the Zoning Code, as amended; and

WHEREAS, on Wednesday, December 15, 2021, the Zoning Board of Appeals of the Village of Hinsdale held a public hearing pursuant to notice given in accordance with State law and the Zoning Code, relative to the Requested Variations; and

WHEREAS, the Zoning Board of Appeals, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the Requested Variations on a vote of six (6) in favor and one (1) opposed; and

WHEREAS, the Zoning Board of Appeals has filed its report of Findings and Recommendation regarding the Requested Variations in Case Number V-08-21 with the President and Board of Trustees, a copy of which is attached hereto as **Exhibit B** and made a part hereof; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have reviewed and duly considered the Findings and Recommendation of the Zoning Board of Appeals, and all of the materials, facts, and circumstances related to the Application; and

- **WHEREAS**, the President and Board of Trustees find that the Requested Variations satisfy the standards established in Sections 11-503 of the Hinsdale Zoning Code governing variations.
- **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**: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.
- **SECTION 2**: Adoption of Findings and Recommendation. The President and Board of Trustees of the Village of Hinsdale approve and adopt the findings and recommendation of the Zoning Board of Appeals, a copy of which is attached hereto as **Exhibit B** and made a part hereof, and incorporate such findings and recommendation herein by reference as if fully set forth herein.
- **SECTION 3**: Approval of Requested Variations. The President and Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and Subsection 11-503(A) of the Hinsdale Zoning Code, GRANT the following Requested Variations for the Subject Property commonly known as 5515-5517 S. Elm Street, and legally described in **Exhibit A** attached hereto and made a part hereof:
 - Variations from the lot width requirements set forth in Section 3-110(C)(3) of the Zoning Code in order to create two (2) zoning lots, each of which is sixty (60) feet wide, instead of the seventy (70) foot width required by the Zoning Code in the R-3 Single-Family Residential Zoning District.
- **SECTION 4**: Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance, and 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.

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PASSED this _	day of	20	022.				
AYES: _						_	
NAYS:		· · · · · · · · · · · · · · · · · · ·				_	
						_	
APPROVED by Village Clerk thi	/ me this s same day.	day of	202	2 and	attested	by	the
		Thomas K. Cau	ıley, Jr., Village	Presid	ent		
ATTEST:							
Christine M. Bru	iton. Village Cle	erk					

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOT 42 IN BLOCK 2 IN BRANIGAR BROTHERS HINSDALE HEIGHTS, BEING A SUBDIVISION OF THE NORTH 1,550 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN THEREOF RECORDED MAY 26, 1920, AS DOCUMENT 142482, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 5515 South Elm Street, Hinsdale, Illinois PIN: 09-13-206-007-0000

LOT 43 IN BLOCK 2 IN BRANIGAR BROTHERS HINSDALE HEIGHTS, BEING A SUBDIVISION OF THE NORTH 1,550 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN THEREOF RECORDED MAY 26, 1920, AS DOCUMENT 142482, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 5517 South Elm Street, Hinsdale, Illinois PIN: 09-13-206-008-0000

EXHIBIT B

FINDINGS OF FACT AND RECOMMENDATION (ATTACHED)

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

ZONING CASE NO:

V-08-21

PETITIONER:

Alan Berger

APPLICATION:

For a Variation from the minimum lot width requirements set forth in Section 3-110(C)(3) of the Zoning Code of the Village of Hinsdale ("Zoning Code") in order to create two (2) zoning

lots.

MEETING HELD:

A Public Hearing was held on Wednesday, December 15, 2021, in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on November 25, 2021.

PROPERTY:

The subject property is commonly known as 5515 and 5517

South Elm Street, Hinsdale, Illinois (the "Property").

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Alan Berger, owner of the Property (the "Applicant") for variations from the lot width requirements set forth in Section 3-110(C)(3) of the Zoning Code in order to create two buildable (2) zoning lots. The Property is made up of two underlying lots of record located in the Village of Hinsdale's R-3 Single Family Residential Zoning District; Lot 42, which has a PIN of 09-13-206-008, and Lot 43, which has a PIN of 09-13-206-007 (the "underlying lots"). Both underlying lots are nonconforming lots of record in that they are 60 feet wide, instead of 70 feet wide as required for lots in the R-3 Zoning District. The Applicant seeks a 10 foot reduction in the required lot width for each of the two (2) existing non-conforming lots of record that comprise the Property (the "Requested Variations"), in order to allow the construction of a residence on each of the underlying lots.

BACKGROUND: The Applicant had previously filed a request for a zoning interpretation with the Village asserting that the two (2) underlying lots of record met the definition of legal non-conforming lots of record in the Zoning Code, which would allow him as of right to develop the underlying lots with two (2) separate residences. Based on the records available, the Village Manager determined that because there had in the past been existing precode structures (residence on the north lot, garage on the south lot), neither of the underlying lots were "vacant on June 1, 1988" as is required by the definition for legal, non-conforming lots of record in the Village's Zoning Code. While the precode structures that had been on both the underlying lots were subsequently demolished, they were both eligible to be rebuilt pursuant to the Zoning Code, and neither underlying lot met the definition of a legal, nonconforming lot of record. The Village Manager determined in response to the Applicant's interpretation request that

the Property as a whole had been used in the past as a single zoning lot in that the underlying lots were held in common ownership and had hosted a single principal building and its accessory structures. Once a lot or collection of lots of record are used as a single zoning lot, they may not thereafter be divided and broken out as multiple lots as of right.

The Applicant subsequently filed the application for the Requested Variations at issue here. On December 15th, 2021, following the conclusion of the public hearing on this matter, the ZBA recommended approval of the Requested Variations on a vote of six (6) in favor and one (1) opposed, and directed the preparation of this Findings and Recommendation.

The Board of Trustees, upon a recommendation from the Zoning Board of Appeals of the Village of Hinsdale ("ZBA"), has final authority over the Requested Variations.

PUBLIC HEARING: At the public hearing on the Requested Variations, Owner's attorney, Matthew Klein appeared on behalf of the Applicant. Alan Berger, the Applicant spoke as well.

Mr. Klein noted at the public hearing that there are two existing underlying lots of record at the Property, each of which substantially exceeds all of the bulk regulation requirements of the R-3 Zoning District, except for lot width. The 60 foot width of the underlying lots are the same as every other lot on the block.

Mr. Berger testified that he and his wife purchased the two underlying lots that comprise the Property in 1971. The area was unincorporated at the time. They raised their family in the existing house that had been on the north lot. In 2015, they demolished the existing house on the north lot with the intent to build new single-family residences on both the underlying lots.

Mr. Klein reviewed the lot dimensions. The R-3 Zoning District requires 15,000 square foot lots, with a 70-foot width. Each of the two underlying lots are 17,600 square feet, but only 60 feet wide. He noted that under the Village's zoning standards, more than half of the residential lots in the Village are nonconforming. In the R-3 Zoning District, more than 76% of the lots are nonconforming. On the east side of Elm Street, there are 18 lots that are 60 feet by 296 feet. Mr. Klein cited two key purposes of the Zoning Code: preserving existing scale development in the Village, and protecting justifiable reliance on existing established land use patterns. He noted that despite the Zoning Code bulk requirements of 70 foot width and 15,000 square foot size in the R-3 Zoning District, the existing pattern is reuse of existing lots that do not meet those requirements due to the Code's provisions on nonconforming lots of record and precode structures. He noted that the issue here is there was an existing garage on the northern underlying lot with the residence, as well as, at one time, a garage on the southern underlying lot without a residence. Under the Village's current zoning ordinance, the existence of the garage on the southern underlying lot results in the two lots

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being treated as a single lot for zoning purposes, with the result that a variation is needed to utilize them as two separate buildable lots.

Mr. Klein further noted that combined, the lots result in 237% of the required square footage under the Zoning Code, and 450% the size of lots located in this area of the Village. Nearby lots that are not nearly as large can host a new home, yet despite the Applicant's combined lots being 450% of the size of those nearby lots, they cannot be broken into two lots each hosting a residence without a variation. This, in Mr. Klein's opinion, makes the Applicant's situation unique. He noted that granting the variation would not result in a special privilege, as the development of the resulting lots would be identical to every other lot on the east side of Elm Street, as well as the development of the 2/3rds of the lots that are nonconforming in the R-3 Zoning District. By his count, 91 of the 155 lots in the area are nonconforming, yet these would be the only two that could not be redeveloped with a new home on each of the two individual lots. He reviewed the other standards as well, and asserted that granting the variation and the resulting development would be consistent with the plans of the Village, the character of the area, with the trend of development in the area, and would not negatively impact surrounding properties.

Member Podliska questioned the premise of Mr. Klein's argument in favor of the Requested Variations, noting that the purpose of the non-conforming use and pre-code structure provisions of the Zoning Code were to ensure that someone could rebuild their existing home on a nonconforming lot. He questioned whether that rationale applied here, where the Applicant could already rebuild a single residence on his existing Property without any zoning relief, but was instead seeking variations in order to treat the Property as two separate buildable lots in order to build a second residence.

Mr. Klein responded that the Requested Variations were driven by the fact that the one "gigantic" lot created by the combination of the two underlying lots comprising the Property was out of character for the area. He suggested that the development of each of the two lots individually was more in character with the neighborhood than developing the lot as one large one. He noted that new houses built in this are nice and very large but are on 60 foot lots. His client has had a number of offers for the two lots individually, but no interest from buyers who would like to keep it as a large lot with one residence on it.

Mr. Berger noted that he had bought the two lots comprising the Property with the anticipation that he would be able to, at some point, build two houses on there. He stated he is not asking for special treatment, just equal treatment as compared to all his neighbors on Elm and Oak who have the ability to build on 60 foot lots. Member Podliska asked whether any of those new homes in the neighborhood were the result of variations. Mr. Klein responded that he was not aware of any similar variations. Mr. Klein asserted, however, that the more important point was that the Village had, through its Zoning Code provisions allowing homes to be rebuilt on 60 foot lots, deemed it reasonable for a new house to go on such lots. Member Podliska and Mr. Klein engaged in further back and forth on the intent of the Zoning Code provisions. Mr. Klein concluded by noting that in his opinion, he and his client had provided evidence the standards had been met.

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Finally, it was clarified that the reason the Village had considered it to be a single lot in need of variations was because there had been a garage on the south lot at one time that served the north lot, meaning the south lot had not been "vacant" and that a single zoning lot had been created.

Casey Zubek, owner of 5526 South Elm, across the street from the Property, testified that he did not see an issue with granting the Requested Variations. He noted that every house on the block was situated on lots that were the same as requested here. He did not think a single larger house on the Property would be appropriate for the neighborhood.

Nirav Thakkar of 5830 South Washington Street testified that he was one of the people who had offered to purchase the Applicant's land, but only under the contingency that it is two separate buildable lots. He thinks that if someone built a single large house on the Property, with a basketball court or some other separate structure, that it would stick out. He favors granting the Requested Variations in order to have two houses on lots the same size as every other house on the east side of Elm.

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

Members then discussed the Requested Variations. Member Podliska expressed concern that granting the Requested Variations may amount to a special privilege. He noted that while the Zoning Code includes provisions to protect the value of existing homes on lots that became non-conforming with the adoption of the Zoning Code, that was not the situation here. Here, the Applicant is able to build on his existing Property. Other Members disagreed, noting that there were equity issues in that houses could be built on lots throughout the neighborhood on nonconforming lots the same size or smaller than the two lots comprising the Property, and found the Code was treating the Applicant differently merely because there had once been a garage on the south lot. A majority of Members agreed that the standards for variations set forth in 11-503(F) of the Hinsdale Zoning Code had been met. A motion to approve the Requested Variation was made by Member Murphy and seconded by Member Giltner.

AYES:

Members Moberly, Alesia, Giltner, Murphy, Lee, Chairman

Neiman

NAYS:

Member Podliska

ABSTAIN:

None

ABSENT:

None

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

- 1. General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:
- 2. Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. The Property consists of two underlying lots of record which are identical or substantially similar in size to the majority of other lots on the block and in the immediate neighborhood on which individual residences are situated, yet the Applicant, unlike the other owners, is not permitted to utilize the two underlying lots for two residences.
- 3. Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The underlying lots were platted in 1920 well before the current Zoning Code was implemented, and the need for the Requested Variations is not self-created, but is instead the result of the fact that a number of years ago, a separate garage was located on the otherwise vacant south lot. The ZBA finds this standard to have been met.
- 4. Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. The Property consists of two underlying lots of record which are identical or substantially similar in size to the majority of other lots on the block and in the immediate neighborhood on which individual residences are situated. Members noted that houses could be built on lots throughout the neighborhood on nonconforming lots the same size or smaller than the two underlying lots comprising the Property, and found the Zoning Code was treating the Applicant differently and denying him substantial rights merely because there had once been a garage on the south lot. The majority of the ZBA finds this standard to have been met. Member Podliska disagreed, finding that the Applicant had not been denied substantial rights in that he already had the right to construct a single residence on his existing Property, the same as any other owner in the neighborhood.
- 5. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely

an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The majority of Members found this standard to have been met, based again on the fact that houses could be built on lots throughout the neighborhood on nonconforming lots the same size or smaller than the two underlying lots comprising the Property. Member Podliska noted that owners of other properties of the same size as the underlying lots could rebuild on their non-conforming lots based on Zoning Code provisions that protected their value in their existing homes, and that that rationale did not apply to the Applicant, who already has a right to rebuild a single residence on the Property. He found that granting the Requested Variation then amounted to a special privilege.

- 6. Code And Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The majority of the ZBA found the Requested Variation was consistent with the purposes of the Zoning Code. Member Podliska noted that the intent of the Zoning Code was to move towards larger conforming lots over time, and that allowing two residences on the two underlying nonconforming lots was contrary to that purpose.
- 7. Essential Character Of The Area: The variation would not result in a use or development on the subject property that:
- (a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The ZBA finds that the Requested Variations will not alter the essential character of the area. The underlying lots on which two residences could be created if the Requested Variations were granted are identical or substantially similar in size to most other lots on the block and in the immediate neighborhood. No area residents appeared to express opposition to the Requested Variations, and two residents appeared in support of granting the Requested Variations. The Requested Variations would maintain the character of the neighborhood and would not endanger the public health or safety.

8. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. A majority of the ZBA finds this standard to have been met.

RECOMMENDATION:

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Based on the Findings set forth above, the ZBA, by a vote of six (6) in favor and one (1) opposed, recommends to the President and Board of Trustees that the following Requested Variations relative to the Property located in the R-3 Single-Family Residential Zoning District at 5515-5517 South Elm Street, be GRANTED:

• Variations from the lot width requirements set forth in Section 3-110(C)(3) of the Zoning Code in order to create two (2) zoning lots, each of which is 60 feet wide, instead of the 70 foot width required by the Zoning Code.

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

Eq.



MEMORANDUM

DATE:

November 5, 2021

TO:

Chairman Neiman & Members of the Zoning Board of Appeals

CC:

Christine Bruton, Village Clerk

FROM:

Robert McGinnis, MCP

Director of Community Development/Building Commissioner

RE:

Zoning Variation - V-08-21; 5515/5517 S. Elm Street

In this application for variation, the applicant requests relief from the Minimum Lot Width requirements set forth in section 3-110(C)(3) in order to create two Zoning Lots. The specific request is for a 10' reduction in the required lot width for each of the two existing Non-conforming Lots of Record.

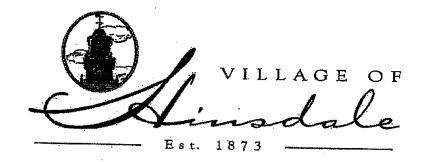
It should be noted that ZBA authority is limited to 10% in this case. In the event four affirmative votes are received, this request will move on to the Board of Trustees as a recommendation.

This property is located in the R3 Residential Zoning District in the Village of Hinsdale and is located on the east side of Elm Street between 55th and 57th. The property has a frontage of approximately 120', a depth of approximately 297', and a total square footage of approximately 35,640. The maximum FAR is .20 plus 2,000 or 9,128 square feet, the maximum Building Coverage is 25% or 8,910 square feet, and the maximum Total Lot Coverage is 50% or 17,820 square feet.

CC:

Kathleen Gargano, Village Manager

Zoning file V-08-21



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR VARIATION

- CONTROLLE AND THE REPORT OF THE PROPERTY OF	
FILING FEEL SPEED OF THE PARTY	
Name of Applicant(s): Alan Berger	
S515 S Elm St Address of Subject Property: <u>S517 S Elm St</u>	長. 學
If Applicant is not property owner, Applicant's relationship to propert	v owner:
Mathew Klein, attorney 324 w Burlington LaGange FL 60525	
FOR OFFICE USE ONLY	
Date Received: 11/4/31 & Zoning Calendar No. V-08-21	
PAYMENT INFORMATION: Check # Check Amount \$	

· in the

SECTION 1- NAME & CONTACT INFORMATION

1. Owner. Name, mailing address, telephone number and email address of owner:
Name: Alan Berger
Address: 601 Lakecide Or Hinsdale IL
Telephone: email:
2. Applicant. Name, address, telephone number and email address of applicant, if
different from owner:
Name: Matthew Klain
Name: Matthew Klain Address: 324 W Burlington La Grange IL Tolonbone 200 254804
Telephone: 708 354 8840 email: matthewoklein 55 egmail-con
- The House of the
3. <u>Consultants</u> . Name and contact information (phone or email) of each professional consultant advising applicant with respect to this application:
a. Attorney: Mathew Klein
b. Engineer:
c. Architect:
d. Contractor:
e. Other:
4. Trustee Disclosure. In the case of a land trust provide the name, address, telephone
number and email address of all trustees and beneficiaries of the trust:
Name:
Address:
Telephone:email:
5. <u>Village Personnel</u> . Name and address of any officer or employee of the Village with
an interest in the Owner, the Applicant, or the Subject Property, and the nature and
extent of that interest:
a
b

pg. 2

SECTION 2- REQUIRED DOCUMENTATION

1. <u>Subject Property</u>. Address, PIN Number, and legal description of the subject Property, use separate sheet for legal description, if necessary.

PIN Number: 09-13-206-007, 008

Address: 5515,5517 \$ Elm

- 2. <u>Title</u>. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
- 3. Neighboring Owners. List showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.

 (Note: After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.)
- 4. <u>Survey</u>. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
- 5. <u>Existing Zoning</u>. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
- 6. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
- Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. (Section 4 of this application)
- 8. <u>Successive Application</u>. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

pg. 3

SECTION 3- ZONING RELIEF REQUESTED

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Variation Sought. The precise variation	· •
	LONG PROPERTY.

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Minimum Variation. A statement of the	minimum variation of the provisions
construction, or development: (Attac	ecessary to permit the proposed
construction, or development: (Attac needed.)	ecessary to permit the proposed
construction, or development: (Attac	ecessary to permit the proposed
construction, or development: (Attac needed.)	ecessary to permit the proposed
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construction, or development: (Attac needed.)	ecessary to permit the proposed

pg. 4

Village of Hindsale Application for Variation

SECTION 4- STANDARDS FOR VARIATION AS SET FORTH IN SECTION 11-503(F)

(Fence Applications – Section 5)

Provide an explanation of the characteristics of the Subject Property that prevent compliance with the provisions of the Zoning Ordinance, and the specific facts you believe support the granting of the requested variation(s). In addition to your general explanation, you must specifically address each of the following conditions required for approval by the Zoning Board of Appeals. Attach a separate sheet of paper to your application marked Section 4 – Standards for Variation.

- (a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) <u>Denied Substantial Rights</u>. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (e) <u>Code and Plan Purposes</u>. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

pg. 5

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

- Application Fee and Escrow. Every application must be accompanied by a non-refundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount.
 The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.
- 2. Additional Escrow Requests. Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.
- 3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

By signing below, the owner or their authorized representative, states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Applicant(s):	Alan Berger	
		1 30 /2
Signature of Applicant:	Vearles Berge	
Signature of Applicant:		
Date: 1//3/21		

Berger Variation 5515 S Elm Street 5517 S Elm Street

Section 2

1. Subject Property

09-13-206-007 5515 S Elm 09-13-206-008 5517 S Elm

LOT 42 IN BLOCK 2 IN BRANIGAR BROTHERS HINSDALE HEIGHTS, BEING A SUBDIVISION OF THE NORTH 1,550 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1920, AS DOCUMENT 142482, IN DUPAGE COUNTY, ILLINOIS.

LOT 43 IN BLOCK 2 IN BRANIGAR BROTHERS HINSDALE HEIGHTS, BEING A SUBDIVISION OF THE NORTH 1,550 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1920, AS DOCUMENT 142482, IN DUPAGE COUNTY, ILLINOIS.

- 2. Title. Deed attached.
- 3. Neighboring Owners. List is attached
- 4. Survey. Survey is attached.
- 5. Existing Zoning. The surrounding area is zoned R-3 and developed with single family homes. Few lots within the surrounding area conform to the R-3 district requirements. Only 5 of 35 lots on the Elm Street frontage meet R-3 zoning district requirements, yet all except the two subject lots can freely be used for the construction of a new home. A sizable majority of lots in the R-3 zone fronting on 57th Street north to 55th Street fail to conform to R-3 zoning either by frontage less than 70 feet or area less than 15,000 square feet yet can freely be used for construction of a new home. See map segment attached.
- 6. Conformity. The proposed variation is in conformity with the Comprehensive Plan and Map. The Village by its plan and zoning has deemed it proper and appropriate to preserve and redevelop existing lots of less than 70 feet in width and less than 15,000 square feet in area. The Berger's lots, each designated as a separate lot by the Berger's, are each 17,500 square feet in area (conforming), and identical to the 60 foot width of all 20 interior lots on the east side of Elm Street.

11-11

Berger Variation 5515 S Elm Street 5517 S Elm Street

- 7. Zoning Standards. See response to
- 8. <u>Successive Application</u>. This is not a successive application.

Section 3

1. Ordinance Provision

3-110 C 3 a [R-3] lot width

2. Variation Sought

3-110 C 3 a [R-3] Reduce required lot width from 70 ft to 60ft

10-105 Deem the requirements of 10-105 related to Legal Nonconforming Lots of Record applicable to each lot

3. Minimum Variation

Allow 60 lot width on each lot, and deem each of lot a Legal Nonconforming Lot of Record.

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Berger Variation 5515 S Elm Street 5517 S Elm Street

Section 4

Standards for Variation

a) Unique Physical Condition

Each of the two lots is 60 feet in width and 17,809 square feet in area, like each of the 18 other lots (each non-conforming due to 60 foot width) on the east side of Elm Street, and conforming in area. Ten (10) other lots on Elm Street fail to conform for lack of square footage. The Berger's lots are unique in that the Village ordinance as applied requires over 237% the zoning ordinance specified minimum land area (or up to nearly 450% of the land area required as the ordinance is applied to other near by lots) to build one new home. The Bergers lots are further unique in that, in an area - the Elm Street frontage - where only 6 of 44 lots conform to zoning yet can be used for construction of a new home, only the Bergers are required to combine the to lots rather than treat each very large lot as a buildable lot.

b) Not Self Created.

Each of the two platted lots was established prior to the existing ownership - by plat in 1920, well prior to the current zoning. Only the Zoning Code, as applied, and no action of the Bergers, restricts the use of each of the two lots for one home.

c) <u>Denied Substantial Rights.</u> Each of the other 18 lots on the east side of Elm street - each with the identical (non-conforming) 60 feet width, and equal or less square footage than the Berger's lots, may be used for construction of a new home. Each the eight (8) lots on the west side of Elm, and the two (2) corner lots on the east side of Elm, each with less than the required 15,000 square feet of lot area, may be used for the construction of a new home. That the Zoning Code and planning of the Village will allow a new home to be built on a nearby R-3 lot 50 feet wide with 8,000 square feet (5650 S Washington), another 65 feet wide with 8019 square feet (23 W 57th Street), or on any of the 18 lots on Elm identical to Berger's (60 foot width, and 17, 809 square feet), but restrict the Berger's to construction of only one new home on the combined lots with 120 feet in width and 35,619 square feet of area, denies Bergers substantial property rights enjoyed by the other owners in the area - with no benefit to the neighbors or the village.

d) Not Merely Special Privilege.

No special privilege is requested. All the Bergers propose is that each of their two vacant lots be treated on par with the many lots surrounding them - almost all lots on their block and frontage are non-conforming in either width or square footage, yet can be built upon, in a zoning district where most of the lots are non-conforming yet can be used for construction of a new home.

Berger Variation 5515 S Elm Street 5517 S Elm Street

e) Code and Plan Purpose

The proposed variation will further the maintenance of a single family residential scale and character of development. The scale and character of the neighborhood is set by the 18 lots - mostly with new homes - on 60 foot wide Non-Conforming Lots of Record on the east side of Berger's block of Elm Street, and the 10 Non-Conforming Lots of Record of less than 15,000 square feet on the west side of Elm Street across from Berger's two lots, and at the end of the block on the east side of Elm.

The code has allowed virtually every nearby lot to remain and be allowed to be reconstructed with new larger homes with out conforming to the Code width or size requirement. There is no effort in the code to eliminate nor even gradually reduce the existing lots that fall below the 70 foot required width or the 15,000 required square footage, or both.

f) Essential Character of the Area.

There would be no change in the essential character of the area. All lots fronting on the east side of the block of Elm are 60 feet in width, the same as the 60 foot existing width of each of Berger's two lots. Each of the two lots is approx 17,800 square feet - a size conforming to the 15,000 square foot zoning requirement, and larger than almost all lots in the R-3 district. Many new homes have been constructed, and almost all properties have been well maintained, not-with-standing the Village allowing new construction on many surrounding R-3 lots of less than 60 feet in width or 15,000 square feet in area, all with no detriment to the essential character of the area. Allowing each of the Berger's lots to constitute a separate Legal Non-Conforming Lot of Record likewise will have no detrimental affect on the essential character of the area - a character established by the 60 foot lots and lots of less then 15,000 square feet surrounding the Berger's property.

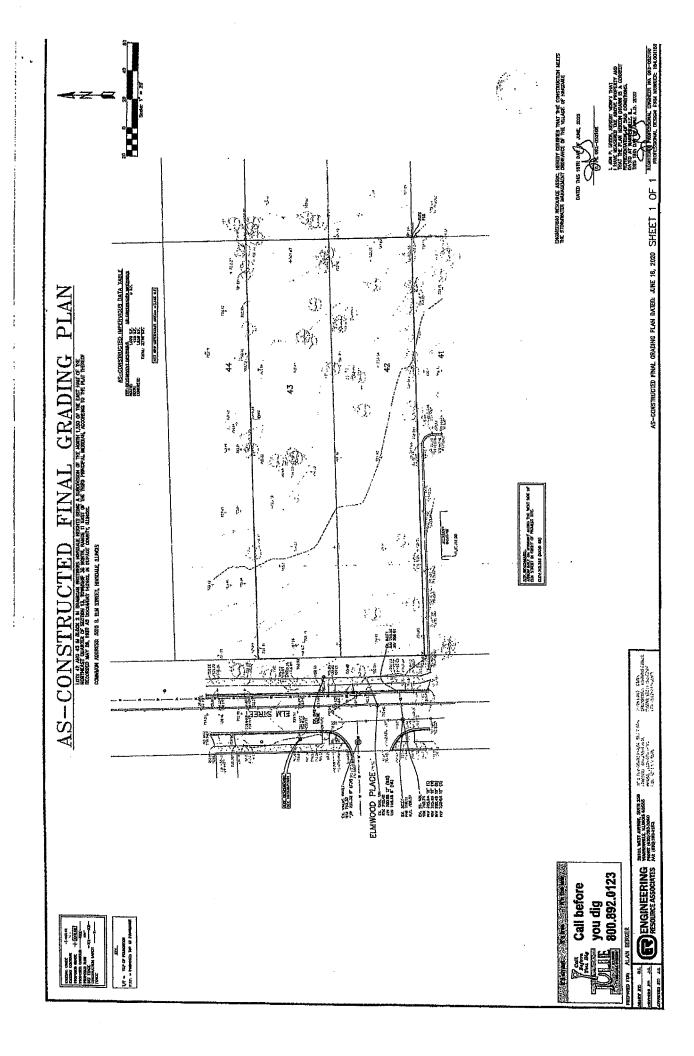
g) No Other Remedy

No other options are available to allow the use of Berger's two lots, as designated by the Berger's - that is 5515 and 5517 S Elm, on par with the other lots in the neighborhood.

Control (1995) Co.

RECORDED DU PAGE COUNTY Ma 12 2 30 真7! R71-58627 THEGRANTOR & Artime C. Anderson and Rosanne G. Anderson, his wife of Cak Paric of the VIII age of Hinsdale County of DuPage State of Illinois not in Tenency in County. In the State of Historical described Real Estate situated in the County of DuPage in the State of Historic, to with Lote 42 and 43 in Block 2 in Branigar Brothers Himsdale Heights being a Subdivision of the North, 1,550 feet of the East half of the Mortheast quarter of Section 13. Township 18 North, Hange 11. East of the Third Principal Meridian, according to the Plat thereof recorded May 26, 1920 as Document 142482, in Budget County 711 inches in DuPage County, Illinois. Subject to: 1) General Taxes and special taxes for the year 1970 and subsequent years; 2) Covenants, conditions, ease-ments, and restrictions of record; and 3) building lines and building and zoning laws and ominances. Highligh hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of S lilinois. TO HAVE AND TO HOLD said premises not in tenancy in common, but in joint tenancy forever, DATED 166_ athur C anderes Mosenne J. andersor losanna G. Anderson de ÇO, State of Historic, County of COOK S. L. the understand a Noney Public in and interest the County in the Superference of Herenay Curiffy that Arthur C. Anderson and Society of Anderson, big wife restantly known in me to be the same person. It whose name I impossible to the foregoing instrument, appeared before me this and achieved data. I have agreed, seeked and delivered that the I. five and volumers and, for the user and purpose Ŀ, he foregoing instrument, appeared before me this day in person, and that L. h EV signed, socied and delivered the sold instrument. my set, for the ours and purposes the ver of the right of homestead. 10 71 Henry T. Lebears. HOTARY PURLIC SSIS S. BIN Hindste, 12116515 THE ARTHUR ADVISED IN THE STATESTICAL PURPOSES UNITY AND IS NOT A PART OF THE DEED, SEMIN SUSTEQUENT TAX SILLS TO: 140-133 ووور

PUllman 5-00 on the above described propertion the play show as the play here. Burda & Van Scheltema a neguropy on Gare 200 1 and that the location of the A Wineis Registered Land 150,0% ,09 BUREA & ALM SOUGHBURES ~%ol−, 962 296 / 103/ 4 25 NO SOLL OF 14 1100 S. Michigan Ave. 71,508 - 2000 50.0.040 Let Surveys, Sabdio ideas, Town Subdio ideas, Town Subdio Land-Laid One, Reffreed Carrellasated, Denesige and Inganion, Work, ETW



Sec. 12-206: Definitions:

Lot: See definitions of Lot Of Record and Lot, Zoning. Unless the context indicates otherwise, all references in this code to a "lot" shall be deemed to mean a "zoning lot".

Lot Of Record: A lot that is part of a subdivision, the plat of which has been recorded in the office of the DuPage County recorder of deeds or, if appropriate, the Cook County recorder of deeds, or a parcel of land separately described in a recorded deed.

Lot, Zoning: A tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this code, to be used with such building or use. Notwithstanding the foregoing, sale of individual lots of record underlying individual dwelling units in a townhouse or two-family dwelling, following issuance of a certificate of occupancy for such dwelling, shall not prevent treatment of the tract of land underlying such dwelling as a zoning lot and all applicable bulk, space, and yard requirements shall be applied with respect to such dwelling and such zoning lot rather than with respect to individually owned dwelling units and lots of record.

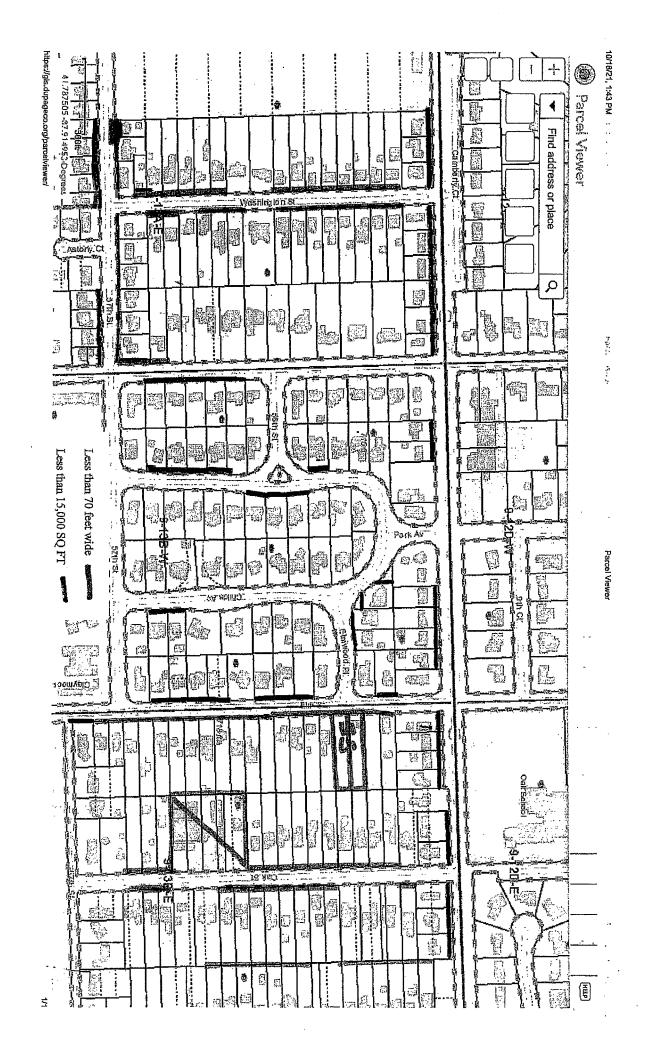
Nonconforming Lot Of Record: A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

Nonconforming Lot Of Record, Legal: A nonconforming lot of record that:

- A. 1. Was created by a plat or deed recorded at a time when the creation of a lot of such size, shape, depth, and width at such location would not have been prohibited by any ordinance or other regulation; and
- 2. Is located in a residential district and meets the minimum lot area and lot dimension standards of subsection 10-105A of this code, or is located in a district other than a residential district; and
- 3. Was vacant on June 18, 1988, or became vacant thereafter by reason of demolition or destruction of a precode structure that is not authorized to be rebuilt or replaced pursuant to subsection 10-104C of this code; or
- B. Was created pursuant to section 3-110 of this code. Except as authorized pursuant to section 3-110 of this code, a legal nonconforming lot of record cannot be created by the sale or transfer of property that results in the creation of a nonconforming lot of record or that increases the degree of nonconformity of any existing nonconforming lot of record.

<u>Precode Structure:</u> Any building or structure, other than a sign, lawfully existing as of June 18, 1988, or the date of any subsequent amendment to the village's zoning regulations that renders such building or structure nonconforming, that:

- A. Does not comply with all of the regulations of this code, or any such amendment to it, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or
- B. Is located on a lot that does not, or is so located on a lot as not to, comply with the area, dimension, yard, or setback requirements for the zoning district in which such building or structure is located; or
 - C. Both subsections A and B of this definition; except
- D. Any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a precode structure.



STATE OF ILLINOIS	
COUNTY OF DU PAGE) ss:)
BEFORE THE HINSDA	ALE ZONING BOARD OF APPEALS
In the Matter of:)
V=08=21 5515 and	

REPORT OF PROCEEDINGS had and testimony taken at the hearing of the above-entitled matter before the Hinsdale Zoning Board of Appeals, at 19 East Chicago Avenue, Hinsdale, Illinois, on December 15, 2021, at the hour of 6:30 p.m.

BOARD MEMBERS PRESENT:

5517 South Elm Street.

- MR. ROBERT NEIMAN, Chairman;
- MS. LESLIE LEE, Member, via speakerphone;
- MR. TOM MURPHY, Member;
- MR. JOSEPH ALESIA, Member; via speakerphone;
- MR. KEITH GILTNER, Member; and
- MR. GARY MOBERLY, Member.

	2		
1		4	4
		1	Garfield kept bees and sold honey. There was
2	MS. CHRISTINE BRUTON, Deputy Village Clerk;	2	even an icehouse on the corner of 60th and
3	·	3	Garfield that sold block ice.
	MR. ROBB McGINNIS, Director of	4	Over the years my wife and I have
4	Community Development;	5	raised a family in a two-story house built in
5	MR. MATTHEW KLEIN, Attorney for Applicant;	6	the 1920s on the north lot. We sent our
· ·	This Total New New York Applicant,	7	children to Elm Elementary School South in Burr
6	MR. ALAN BERGER, Applicant.	8	Ridge and to Central High School West in
7		9	Hinsdale.
,		10	Each of those 50 years we were
8	(Witnesses previously	11	assessed and have paid real estate taxes on
9		12	those two lots. In the late 1970s, I believe,
10 11		13	things changed when Hinsdale annexed the area
12	•	14	south of 55th Street to Katherine Legge park to
13	~	15	incorporate it as part of the village.
14 15		16	We continued to live on Elm Street.
16		17	We even paid special assessments to have
17	This variance request is	18	sidewalks and curbs put in. However, in 2009 my
18		19	father died, my elderly mother became an invalid
19 20	, ,	20	and she needed us to take care of her so we
21	that is too small or such. We have a lot that	21	bought a house and moved into a ranch on one
22	is grossly in excess of the district	22	level in Golfview Hills where we currently live.
	3	-	5
1	requirement.	1	We took care of my mother in that
2			,
	······-, ····- <u>-</u> -···	2	house for the last six years of her life and my
3	······-, ····- <u>-</u> -···	2 3	·
	it, there are two existing lots of record, each of them substantially exceed all of the		house for the last six years of her life and my
3	it, there are two existing lots of record, each of them substantially exceed all of the	3	house for the last six years of her life and my son continued to live in the house on Elm Street
3	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2	3 4	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently
3 4 5	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot	3 4 5	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each
3 4 5	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like	3 4 5 6	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed
3 4 5 6	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like every other lot on the block and that's the	3 4 5 6 7	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed on them that was consistent with the vast
3 4 5 6 7 8 9	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like every other lot on the block and that's the predicate. Mr. Berger will say a few things. MR. BERGER: I'm Alan Berger. I own	3 4 5 6 7 8	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed on them that was consistent with the vast majority of the properties in the area.
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3 4 5 6 7 8 9 10 11 12 13 14 15	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like every other lot on the block and that's the predicate. Mr. Berger will say a few things. MR. BERGER: I'm Alan Berger. I own the two lots at 5515 and 5517 South Elm. Some 50 years ago in 1971 I was a young 24-year old father of two infant children. My wife and I were living in a basement apartment on the north side of Chicago. We had the opportunity to benefit and better ourselves by creating a better future for our children when we purchased two lots on	3 4 5 6 7 8 9 10 11 12 13 14 15 16	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed on them that was consistent with the vast majority of the properties in the area. So we come before you this evening not to ask for special treatment but just to ask for equitable treatment in this matter. That's all that we are requesting. Thank you. MR. KLEIN: The first one the R-2 zoning district requires 15,000 square foot lots but requires 70-foot lot width. Each of the two lots are 60-feet wide. They each are 17,600 or 800 square feet in dimension. Each lot is about
3 4 5 6 7 8 9 10 11 12 13 14 15 16	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like every other lot on the block and that's the predicate. Mr. Berger will say a few things. MR. BERGER: I'm Alan Berger. I own the two lots at 5515 and 5517 South Elm. Some 50 years ago in 1971 I was a young 24-year old father of two infant children. My wife and I were living in a basement apartment on the north side of Chicago. We had the opportunity to benefit and better ourselves by creating a better future for our children when we purchased two lots on the South Elm Street in then unincorporated	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed on them that was consistent with the vast majority of the properties in the area. So we come before you this evening not to ask for special treatment but just to ask for equitable treatment in this matter. That's all that we are requesting. Thank you. MR. KLEIN: The first one the R-2 zoning district requires 15,000 square foot lots but requires 70-foot lot width. Each of the two lots are 60-feet wide. They each are 17,600 or 800 square feet in dimension. Each lot is about 296 feet in length. So the area of each of the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	it, there are two existing lots of record, each of them substantially exceed all of the perimeters of the district, we are in R-2 district, except for lot width. And the lot width of each of the two lots is 60 feet like every other lot on the block and that's the predicate. Mr. Berger will say a few things. MR. BERGER: I'm Alan Berger. I own the two lots at 5515 and 5517 South Elm. Some 50 years ago in 1971 I was a young 24-year old father of two infant children. My wife and I were living in a basement apartment on the north side of Chicago. We had the opportunity to benefit and better ourselves by creating a better future for our children when we purchased two lots on the South Elm Street in then unincorporated Downers Grove Township. The area had no	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	house for the last six years of her life and my son continued to live in the house on Elm Street until 2015. That house was subsequently demolished and the two lots cleared so that each could have a single-family residence constructed on them that was consistent with the vast majority of the properties in the area. So we come before you this evening not to ask for special treatment but just to ask for equitable treatment in this matter. That's all that we are requesting. Thank you. MR. KLEIN: The first one the R-2 zoning district requires 15,000 square foot lots but requires 70-foot lot width. Each of the two lots are 60-feet wide. They each are 17,600 or 800 square feet in dimension. Each lot is about 296 feet in length. So the area of each of the two lots is much larger than the district

- 1 are as small as 10,000 square feet, 50-feet
- 2 wide, 125 feet in depth. That's a carryover
- 3 probably from the prior ordinance which allowed
- 4 10,000 square foot lots throughout this area.
- 5 basically everywhere in Hinsdale except
- 6 southeast Hinsdale which required slightly
- 7 larger lots. They require 75-foot lot widths,
- 8 but again, have a nonconforming provision that
- 9 excepted lots that were 50 feet, were as narrow
- 10 as 50 feet in width. Each of these two lots are
- 11 60 feet so they were legal nonconforming lots of
- 12 record under the prior ordinance, under the 1960
- 13 something ordinance.
- 14 As the village has considered
- 15 zoning through the years, the current ordinance
- 16 came into place and the village was given
- 17 consideration whether there should be revision
- 18 to the current ordinance and spent a great deal
- 19 of time and effort with an outside consultant
- 20 Camiros doing a study of the applicability of
- 21 the ordinance to the village.
- 22 That study identified that

•

- 1 basically more than half the lots in the village
- 2 are nonconforming -- do not conform to the
- 3 district in which they are located. Village-
- 4 wide in the R-2 district, which this property is
- 5 in, 76 percent of the lots in the village are
- 6 nonconforming. Camiros' comment on that is
- 7 exceptionally high numbers in nonconforming lots
- 8 indicate the current regulations must be
- 9 reevaluated as they result in more
- 10 nonconformities than conformities.
- 11 CHAIRMAN NEIMAN: Forgive me., Who is
- 12 Cameros?
- 13 MR. KLEIN: Cameros was a planning
- 14 consultant that the village had hired when the
- 15 village was considering rewriting the zoning
- 16 ordinance in its entirety. They are well-known.
- 17 They are very well-qualified. There are one of
- 18 several people in Chicago that do that type of
- 19 work,
- 20 The second page parcel view, the
- 21 long page that's largely in red, a portion of
- 22 the R-2 district where these two properties are

- 1 located marked as SS on Elm Street. This
- 2 portion of the R-2 district, again many more
- 3 lots are nonconforming than are conforming. The
- 4 lots that have a black line in front of them are
- 5 nonconforming because they are less than 15,000
- 6 square feet in width. The lots that are in red
- 7 in the package that were distributed, those are
- 8 less than 70 feet in width. The one that I
- 9 handed out combines the two and all the
- 10 nonconforming lots are in red. The ones that
- 11 were distributed as part of the application, the
- 12 ones marked in red, are less than 70 feet in
- 13 width.
- 14 On Elm Street, on the east side of
- 15 Elm Street, there are, I believe, 18 lots that
- 16 are 60 by 296 feet, identical to this lot. Each
- 17 one of those is a legal nonconforming lot of
- 18 record which I know many have had a new home
- 19 built. Some of them are still older homes but
- 20 most of them have had new homes built since the
- 21 ordinance -- current ordinance was put in place
- 22 and I'll go through pictures to show there's a

9

- 1 lack of impact on surrounding properties from
- 2 the new homes that are built on the 60-foot
- 3 lots.
- 4 CHAIRMAN NEIMAN: Forgive me. Where is
- 5 Elm Street on this block in red?
- 6 MR. KLEIN: Elm Street would be --
- 7 CHAIRMAN NEIMAN: Oh, sorry. I got it.
- 8 MR. KLEIN: It's the one that has the
- 9 lot that's marked SS, the two lots that are
- 10 marked SS.
- 11 MR, MOBERLY: Those are your clients?
- 12 MR. KLEIN: Those are my clients' two
- 13 lots, yes.
- MR. MOBERLY: The lots directly to the
- 15 north, is that one lot or is that two lots?
- MR. KLEIN: There is one lot to the
- 17 north that's in red and then there are -- and
- **18** that is a 60 by 296 lot.
- 19 MR. MOBERLY: That's a code compliant
- 20 lot or it looks like there's some sort of
- 21 strange structure on this lot.
- 22 MR. KLEIN: I'm guessing it's an ice

1 rink. I don't know that. That's my best guess. 2 MR. MOBERLY: Those are two separate lots, it's not one big lot? 3

4 MR. KLEIN: That is the lot north of 5

the -- northernmost to my clients' lots.

MR. MOBERLY: Okay, two separate lots.

MR. KLEIN: There's two key purposes under the zoning ordinance. One is to preserve the existing scale development in the village

and to protect justifiable reliance on existing 10

established land use patterns. And those are 11

right in the purpose provisions of the zoning 12

ordinance and I think those are the two most 13

applicable to what we are talking about here. 14

15 The pattern, notwithstanding the ordinance requirement of 70 feet and 15,000-foot 16

17 lots, clearly most of the lots in the R-2

district do not meet that standard. The village 18

has created this concept of legal nonconforming 19

20 lot of record and precode structure both of

21 which result in there being no requirement to

22 ever change nonconforming lots, combine them, do

11

anything with them because in almost all 1

circumstances you can reuse an existing lot,

replace a precode structure with a new 3

structure.

5

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9

My clients got caught in here under the interpretation of the ordinance because when 6 they acquired the property, it had a garage on

8 the northern lot and that was legal at the time

9 that the village annexed the property. It was

10 legal under the prior zoning ordinance. Only 11 with this new zoning ordinance, which now isn't

that new, it was 1981, I think. It required 12

13 under the current interpretation of the

14 ordinance that they be combined and treated as

15 one lot. I disagree with that but that's not

16 something that is before you.

17 Again, I think the modifications to 18 the current ordinance that allowed for precode 19 structures and the interpretation was based on 20 again, people largely in northeast Hinsdale and southeast Hinsdale that had lots that were 21

22 6,280 feet zoned into a district that required 1 10,000 feet and concern that if something

happened to their house, they would not be able

to replace it. The precode structure provision

and some of the other nonconforming provisions

that allowed existing lots to be reused and

existing homes to be rebuilt, were added to the

ordinance.

R Again, because of that, the lots

that are shown in red, they are nonconforming.

10 Lots that are nonconforming relative to the

dimensions required by the code, there's no code 11

provision that would require those to be 12

13 amortized, combined or anything be done with

them other than to be able to continue using

15 them for a new house or whatever.

16 My client is just in an extremely

17 unique situation because he happens to own two

of them and unlike prior situations where the 18

19 village has allowed an accessory structure to be

20 moved from a lot and each lot be treated as

legal nonconforming lot of record or provided 21

evidence of whatever nature that the second lot

did not have structures on it, the village

allowed those to be used for two lots and so I

would suggest now going through the standards

that my clients' situation is unique.

5

The two lots combined constitutes

one of the largest lots in the village, not the

largest, there are larger lots but not very 7

many. The combined lot is 37,800 square feet.

It's 296 feet long. Many lots are similar to

10 that distance in length, especially on this

area, the two-block stretch east of Elm to 11

County Line between 55th and 57th. But the

13 result is the combined lot is 237 percent of the

required square footage under the ordinance. It 14

is 450 percent of lots that are located in this

16 area, lots shown at the southwest corner of

17 55th, the western area of the red map on the

north side of 57th Street, the two lots there

19 that are about 8,000 square feet, each of which

a new home is permissible. Each of those can be 20

reused, they can be maintained. My clients' lot

is 450 percent of that and there's a degree of

- 1 unfairness in that when a 65 by 123-foot lot can
- 2 be reused or 50 by 160-foot can be reused. So I
- 3 would say his situation is unique as to that
- 4 standard.
- 5 Not self-created. Well the lots
- 6 were created in 1920s. They were permitted lots
- 7 after annexation. In the 1970s when my client
- 8 bought it, they were permitted. Only under the
- 9 current zoning ordinance from about 1981 did the
- 10 applicability of the ordinance that's currently
- 11 interpreted by the village require that this be
- 12 only one lot and that removal of the garage on
- 13 the southern lot, which did occur, would not be
- 14 sufficient to restore the situation or the
- 15 condition of two independent legal nonconforming
- 16 lots of record.
- 17 MR, GILTNER: Can I ask a question? I
- 18 was going to ask a question while your on the
- 19 topic.
- 20 So the garage is removed. Was
- 21 there anything else on the property at that
- 22 time?

15

- 1 MR. KLEIN: There was a house on the
- 2 northern lot. There was a garage on the
- 3 northern lot. The second garage was on the
- 4 southern lot, there may have been a
- 5 miscellaneous structure, like may have been like
- 6 a chicken coop or something.
- 7 MR. BERGER: No.
- **B** MR. KLEIN: No. It was just the two
- 9 garages and I don't know and I don't think my
- 10 client knows the origin of the garage on the
- 11 second lot, whether that was there or some other
- 12 use on that lot or not. Don't know.
- 13 I'd suggest that allowing the
- 14 variance, which would result in 2 60 by 196-foot
- 15 lots result in no special privilege that would
- 16 result in development of each of the two lots
- 17 identical to the development of basically every
- 18 lot on the east side of Elm Street and the
- 19 ability to develop akin to the two-thirds of the
- 20 lots in this district that are nonconforming as
- 21 is under current ordinance. All the lots that
- 22 are marked in red. That's by my count and I'm

- 1 not sure it's perfectly accurate, but I count 91
- 2 of the 155 lots in this area that would be
- 3 nonconforming and yet be -- other than these two
- 4 -- be allowed to have a new home built on the
- 5 individual lot.
- 6 As far as code plan and purpose, I
- 7 would suggest that the variation to allow the
- 8 two lots would be consistent with the zoning
- 9 code and the planning such as has been done by
- 10 the village.

11

- Again, the planning and code allow
- 12 the preservation and the reuse of each of the
- 13 nonconforming lots that are shown in red on
- 14 here. It's only the subject site that the two
- 15 lots must be combined to have a lot twice as
- 16 large, nearly an acre in an area where 15,000
- 17 square foot lot is the required planned by the
- 18 village specification. Each of the lots would
- 19 be 17,800 if the variance is granted.
- 20 And I understand that you're not
- 21 the -- you are a recommending body to the
- 22 village board in this circumstance because it's
 - 17
- 1 more than a 10 percent variation. But I would
- suggest that the use of each of these lots as
- 3 proposed would be consistent with the plan by
- 4 the village.
- 5 As far as the character of the
- area, I would suggest that the charter of the
- 7 area is set by in particular on the east side of
- 8 Elm by all of the lots that are each 60 feet in
- 9 width and 296 feet in depth and 17,800 for most
- 10 of them and at the southern end of that block
- 11 there are 60-foot lots that are only 180 feet
- 12 resulting in 10,000 square foot lot.
- 13 Again, new homes are built on those
- 14 on the block in the area. Allowing the two lots
- 15 to exist as two lots is consistent with the
- 16 trend of the development in the area, the
- 17 pattern and I would suggest no negative impact
- 18 on the area from the plan.
- 19 Following the sheet in red, these
- are the homes on the east side of Elm Street.
- 21 The first one, 5505 is the corner of Elm and
- 22 55th Street, it's existing home. I don't know

- 1 the vintage of that one.
- 2 The second home off 55th Street,
- 3 the next page, 5511, 60-foot lot, 17,800 square
- 4 foot lot so 296 feet deep. That house has been
- 5 there a while.
- **6** Also the next one is the
- 7 miscellaneous structure.
- 8 MR. MOBERLY: I'll have to go by and
- 9 see what it looks like.
- 10 MR. KLEIN: Looks to me like an ice
- 11 rink and it's a separate ownership from the 60-
- 12 foot lot.
- 13 The next two lots are my clients'
- 14 lots. Again, each of them is 60-feet wide and
- 15 that's a nonconformity and 296 feet deep, so
- 16 they are very large lots.
- 17 Adjacent to my clients' lot, 5519
- 18 is a home built in 2004 on a 60-foot lot allowed
- 19 by the village. The house is well kept. Again,
- 20 it would indicate no likelihood of it having a
- 21 depreciatory effect on any surrounding property
- 22 and any negative impact from it being built on a
 - 19

- **1** 60-foot lot.
- 2 The property south of it, the next
- 3 house 5521, that house has been there a while
- 4 but again, 60-foot lot, no obvious likely impact
- 5 on development of the surrounding properties.
- 6 MR. PODLISKA: Could I just interrupt
- 7 you for a moment?
- 8 MR. KLEIN: Sure.
- 9 MR. PODLISKA: All of these properties
- 10 that you are giving us the examples of, you are
- 11 talking about the size of the lots and comparing
- 12 it to your clients' lot, but isn't the
- 13 distinction here that in each of these other
- 14 lots there was a structure on these lots at the
- 15 time of the ordinance. Because as you explained
- 16 to us, the problem with the new ordinance was
- 17 all of these people in northeast Hinsdale were
- 18 upset that if their house burned down under the
- 19 new ordinance, they wouldn't be able to build
- 20 their house back, right?
- 21 MR. KLEIN: That's correct. And that's
- 22 the exact same situation that my client had on

- 1 the northern of his two lots.
- 2 MR. PODLISKA: Well, but so the legal
- 3 nonconforming use was to save these people from
- 4 precisely that dilemma, that if their house
- 5 burned down, they wouldn't be able to build a
- 6 new one; right?

7

- MR. KLEIN: Along with other things,
- 8 but yes, that was the primary.
- 9 MR. PODLISKA: And also, not only that
- 10 but when they had teardowns and rebuilds, if you
- 11 didn't allow a rebuild there, the person who had
- 12 the structure on that lot would lose the value
- 13 of his improvement on the lot if you sell it to
- 14 somebody else or build new.
- 15 But the problem I'm having is
- 16 that's not your clients' situation. He's
- 17 perfectly free to build on this lot and he's
- 18 asking us to allow him to have the benefit of
- 19 the exception that was made for other lots but
- 20 for a reason that doesn't apply to him.
- 21 MR. KLEIN: I would suggest it does
- 22 apply to him. I would suggest that each of his
 - 21
- 1 two lots is in that situation. Each of his two
- -2 lots -- yes, he acquired two lots not one. He
- 3 had a house that was only on the northern lot.
- 4 Since then it's been demolished.
- 5 MR. PODLISKA: And if it burned down,
- 6 you can rebuild it.
- 7 MR. KLEIN: One lot, one house. Every
- 8 lot -- and again, the purpose of zoning is to
- 9 protect the uniformity, protect the village.
- 10 The village has deemed that the
- 11 size lot that should be required in this area is
- 12 15,000 square feet, 70-feet wide but no lots on
- 13 this block anyway are 70-feet wide, they are all
- 14 60-feet wide. This is identical to that.
- 15 MR. PODLISKA: But the reason that you
- 16 cited to us, the reason is the legal
- 17 nonconforming use that those structures were
- 18 there and you cannot deprive the owners of those
- 19 properties of the value of that improvement or
- 20 it could be destroyed; they have to be allowed
- 21 to rebuild. That's not a problem that confronts
- 22 your client.

MR. KLEIN: Well, the justification for restricting the use of property and using the nonconforming process in zoning is to gradually eliminate nonconforming uses.

The village has determined that in

6 the case of 60-foot lots, case of 8,000-foot7 lots in this area, there is no mechanism for

8 discontinuing those. So an existing lot, and

 ${f 9}$ there are existing lots on the red sheet I

10 showed you in this R-2 district, as small as

11 8,000 square feet.

1

2

3

5

The village has determined that
there's no reason that it is so important that
the value of those lots be maintained that they
not be required to be amortized and not be
required to be discontinued, not to be required

17 to be combined with another lot. I'd suggest

18 that's a converse of yours and that's the

19 justification for nonconformities for the

20 village power to be able to eliminate

21 nonconformities in that there is something

22 wrong, out of character with the neighborhood,

2:

that justifies restricting property devalue by

2 eliminating that nonconformity.

3 Here the nonconformity it's4 identical to every other lot that's being

5 allowed to be continued resulting in a lot that

6 is twice as big, almost 250 percent of the

7 village requirement for the size lots that are

8 required.

9 MR. PODLISKA: But it's not identical10 because it doesn't have a structure on that

11 second lot.

MR. KLEIN: That has not been thestandard that the village has taken in the past

14 and there have been at least two situations --

15 MR. PODLISKA: The village is trying to

16 make the lots larger. There's a mechanism for

17 doing that that we have all seen within recent

years, which is people buy up two and in recentyears even three lots, to build one structure on

20 it. So there is a movement in that direction

21 that's not compelled by the code but it

22 certainly is allowed.

1 MR. KLEIN: Sure,

2 MR. PODLISKA: My concern here is that

3 what the code is doing with the legal

4 nonconforming use is to save those people who

5 would otherwise risk losing the investment they

6 had in the improvement on their property so they

7 created that exception. But we should not be

8 applying that exception to your clients'

9 circumstance because it's not -- he doesn't need

10 that kind of protection. Those other properties

11 need that protection, therefore, it's allowed,

12 but he's not in need of that kind of protection

13 so I'm concerned as to why -- what is the

14 propriety of us giving him the benefit of that

15 protection when he doesn't fall under the

16 circumstances that those other properties

17 involve.

18 MR. KLEIN: The circumstances of the

19 ability to reuse each of those properties is a

20 matter of right in the code.

21 Here we are requesting a variance

2 because I would suggest that the combination of

23

1 the two lots into this one gigantic lot in an

2 area that has some large lots and very small

3 lots is out of character for that area which is

4 one of the purposes of protections of zoning the

5 village has the ability to impose zoning --

6 restricting property -- what one might do with

7 their property for the purpose of protecting

8 other lots so that development of an area is

9 similar in fashion and that's one of the

10 purposes stated in the ordinance.

11 Here I would suggest that the

12 development of each of these two lots

13 individually is more in character with the

14 neighborhood than developing the lot as one

15 large lot.

So as far as the purpose, as

17 Mr. Berger can describe to you, he's had offers

18 for the lots individually if he can separate

19 them but there's no interest in marketability of

20 the one lot as one very large lot with one

21 house.

This is

This is an area where the new homes

28

- 1 that have been built are very nice, they are
- 2 very large but they are on 60-foot lots and if
- 3 we go through the rest of these pictures, each
- 4 one of these is a 60-foot lot, some of them have
- 5 brand new houses. At least one of them had a
- 6 situation where the owner had one house on two
- 7 lots and the village gave him a preplan review
- 8 that said each lot could be a lot. Didn't
- 9 happen to have a garage on the second lot,
- 10 that's the only difference here.
- 11 On North Grant Street, you know, I
- 12 had a client that had acquired two lots, he had
- 13 put a playhouse on one of them and a sprinkler
- 14 system. The village at that time --
- MR. MOBERLY: I remember that one.
- 16 MR. KLEIN: You remember that?
- 17 MR. MOBERLY: Yes.
- 18 MR. KLEIN: Byczek. The village
- 19 allowed that if he removed the improvements on
- 20 the second lot, which was a swing set and an
- 21 underground sprinkler system, that would restore
- 22 the statuses as two legal nonconforming lots of

 - 1 record. Again, that's a precedence.
- 2 MR. MOBERLY: I think we held that
- 3 though the playground was not a permanent
- 4 structure.
- 5 MR. KLEIN: It had a permit. I was
- 6 trying to find my record on it; so I didn't find
- 7 everything on it.
- 8 MR. MOBERLY: My memory is usually
- 9 pretty good. I can't remember the sprinkler
- 10 part.
- 11 MR. KLEIN: I believe that was prior.
- 12 Anyway, back to the lots. And
- 13 again, respectfully, I would suggest that the
- 14 ability to build a new house on each of the 60-
- 15 foot lots and on any of the other lots that are
- 16 shown in red, legal nonconforming lots of
- 17 record, you have -- again, under the standard,
- 18 no negative effect on surrounding properties,
- 19 the inability to it is a significant detriment
- 20 to the Bergers.
- 21 In fact, from experience and maybe
- 22 you can say had interest on the lots

- 1 individually but no interest in it as one lot
- 2 for one house.
- 3 MR. BERGER: At this point, you know, I
- 4 bought the two properties with the anticipation
- 5 that I would be able to, at some point, build
- 6 two houses on there, for myself, for one of my
- 7 children. I still had that expectation.
- 8 I have had offers on both of those
- 9 lots contingent upon whether they can build a
- 10 house on it or not. All I'm asking for not
- 11 special treatment. I just ask for equal
- 12 treatment as all my neighbors up and down Elm
- 13 Street and on Oak Street as well.
 - MR. KLEIN: Again, if you look at 5547,
- 15 a new house on a 60-foot lot in 2018, 5549, a
- 16 new house on a 60-foot lot 2015. 2601 Elm a new
- 17 house on a 60-foot lot in 2012. And it goes on
- 18 down the block. Not every lot has a new house
- 19 on it but there is obviously no village interest
- 20 in requiring that more than 60-feet be required
- 21 in this area as an appropriate size lot to host
- 22 one house.

14

29

- 1 MR. PODLISKA: Are any of these
- 2 properties the result of the kind of variance
- 3 that you are asking us to give you here?
- 4 MR. KLEIN: I don't believe this kind
- 5 of variance has been asked for in the village as
- 6 far as I know. I'm not aware of it.
- 7 There's a preplan review, and I'd
- 8 have to go back to notes to correlate which lot
- 9 it is, that resulted in single ownership of two
- 10 adjacent lots resulting in two houses. I'm not
- 11 sure which of these lots it is. I think it's
- 12 something in one of the 5600 lots.
- 13 But I would suggest that is --
- 14 that's not as important as consideration that
- 15 the planning that the village has done, the
- 16 planning to allow future use of a 60-foot lot, a
- 17 legal nonconforming lot of record as small as I
- 18 think 50 by 125 by 10,000 square feet or maybe
- 19 it's 60-feet, I'm not sure the exact dimension
- 20 on that. That's evidence that I would suggest
- 21 that the village anticipates and deems it
- 22 reasonable for a new house to go on a 15,000-

30 1 foot lot that's a zoning dimension required. 2 MR. PODLISKA: But the village isn't advocating it, they are allowing it for the reasons that we have discussed. If the village 5 had its preference, it would have larger lots. 6 MR. KLEIN: Well, this is a larger lot. 7 This is a larger lot than the zoning requirement; it's 17,800 rather than 15,000. 8 There isn't a realistic way to any 9 time in the foreseeable future combine these 10 11 lots. It happens once in a while in the village 12 where a lot is vacant, but where a new house has been built in 2018, a new house is built in 13 14 2015, the neighbor is not going to be able to acquire that to build one house on a larger lot, 15 16 This is platting that the village 17 inherited. It's platting that goes back to 1920s. Those were the lot sizes and they were 18 lot sizes that were appropriate under the 19 20 village A zoning as late as 1980 under the prior ordinance. 21 22 It's only with the current 31 ordinance where the lot sizes were increased so 2

significantly in conflict with the existing

development in the area. These were existing 3

houses that were replaced on existing lots and

there was no effort by the village to require 5

6 that the lot size for any of them be increased.

7 MR. PODLISKA: But it's an expression

8 of their intention to go more toward larger lots

9 when the opportunity was available.

10 MR. KLEIN: That's fine but should that

11 take place over 100 or 200 years with the

12 allowance of replacing the homes on

13 nonconforming lots that were -- this map shows

70 percent, 65, 70 percent of the district, yet 14

those could be replaced. There is no reasonable 15

16 likelihood of those lots being combined in any

significant number to result in the district, 17

18 you know, all these lots that are in red,

particularly (inaudible) on the Elm Street 19

frontage be combined into larger properties to 20

provide larger lots especially when lots are 21

already significantly larger just in a length

rather than a width dimension. 1

2 So again, I think we have provided

3 you evidence on each of the standards that are

here. I would ask you to support this. I would

ask that you support the consideration of the

variance of each of these two lots for 60 feet

as is allowed on every other lot on this

frontage and pass it to the village board so

9 that they can, in their consideration --

10 MR. GILTNER: Can I ask a guestion?

11 MR. KLEIN: Sure. Absolutely.

12 MR. GILTNER: You point out the homes

with 60-foot width. How many of these are 70-13

feet wide? Let's just for now, let's look at 14

this --15

16 MR. KLEIN: On the east side of Elm one

and that's the corner lot at 57th and Elm, the 17

18 northeast corner, and that is nonconforming

because it is -- I think it's 12,000 feet, maybe 19

20 14,000 feet. It doesn't conform to the

district. 21

5

22 The two north of it are 10,000-foot

33

lots and 60-feet wide. Again, the lots that are

in white south of 55th Street are both 70 feet

in width and 15,000 feet in square footage and

that's about one-third of the lots here.

MR. GILTNER: So I'm looking at the

6 ones that are -- not the ones looking out on

7 55th Street, not the ones down by 57th, in this

rectangle here with all the lots that look about

9 the same. So I'm looking like in this area,

10 this neighborhood here, are these all 60-foot

11 wide? (Indicating.)

12 MR. KLEIN: Yes.

13 MR. GILTNER: Every single one of them?

14 MR. KLEIN: The only one that isn't is

15 the one on the corner of 57th and Elm, that one

I think is 80 feet. All the way up to the --16

the corner lot at the north corner may also be 17

70 feet. 18

19 MR. GILTNER: Okay.

MR. KLEIN: They both are nonconforming 20

21 because of lot area.

22 MR. GILTNER: Okay.

1	MR. KLEIN: Lots across the street on	1	the lots in the future unless you are going to
2	Elm are nonconforming because of lot area not	2	look at it over 2-300 years. Where as many new
3	because of width.	3	· · · · · · · · · · · · · · · · · · ·
4	Again, by the village consultant		houses have been built, those lots are not going
5	they found throughout the village wherever	4	to change and the configurations of them at this
6	there's R-2 district that 76 percent of the	5	point cannot change.
7	district was nonconforming.	6	MR. MURPHY: I'm just thinking the only
8	MR. GILTNER: Okay. Now you answered	7	other time in my tenure that I have seen that
	, ,	8	issue come up was that house on Oak that Jerry
9 10	the question I asked. Thank you.	9	Girsch used to own. It had the house in the
	MR, MURPHY: Is this issue only arising	10	back that was used as an apartment and a garage
11	because these were under common ownership?	11	I believe. Do you recall which one I'm talking
12	MR. KLEIN: Two things. From my	12	about? I can't remember the address. I'm just
13	understanding, the village's position is that it	13	trying to think how this was different from
14	was common ownership and that there was a use,	14	that. Because I'm pretty sure we decided that
15	i.e., the abandoned garage on the north lot,	15	was not a
16	ultimately demolished, that the village said	16	MR. McGINNIS: We had something
17	perceived an intent that these be treated as one	17	similar, 419 South Oak and the assertion by the
18	lot by my client. That was not a conscious	18	neighbor was that that was one zoning lot. The
19	decision that I would suggest under the	19	primary difference there is that we had two
20	ordinance even now because these are not legal,	20	dwelling units on two lots.
21	each of these two lots, it is my client to	21	MR. MURPHY: That was (inaudible) a
22	define what the zoning lot is to be not the	22	house was the position. Okay. Got it.
	. 35		37
1	35 prior use of it but the village disagrees with	1	37 CHAIRMAN NEIMAN: Any other board
1 2		1 2	
	prior use of it but the village disagrees with		CHAIRMAN NEIMAN: Any other board
2	prior use of it but the village disagrees with me on that, hence the need for the variation.	2	CHAIRMAN NEIMAN: Any other board members have questions for the applicant?
2 3	prior use of it but the village disagrees with me on that, hence the need for the variation. MR. MURPHY: So that garage was being	2 3	CHAIRMAN NEIMAN: Any other board members have questions for the applicant? (No response.)
2 3 4	prior use of it but the village disagrees with me on that, hence the need for the variation. MR. MURPHY: So that garage was being used by the other lot and that's the commonality	2 3 4	CHAIRMAN NEIMAN: Any other board members have questions for the applicant? (No response.) Thank you very much.
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2 3 4 5 6	prior use of it but the village disagrees with me on that, hence the need for the variation. MR. MURPHY: So that garage was being used by the other lot and that's the commonality that caused it to be one lot? MR. McGINNIS: That's right.	2 3 4 5 6	CHAIRMAN NEIMAN: Any other board members have questions for the applicant? (No response.) Thank you very much. Is there anyone in the audience who favors or opposes the variation who would like
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22 reasonable expectation of increasing the size of

22 I live at 5830 South Washington Street in the

on the east side of Elm Street. 1

MR. PODLISKA: The offer that you made 2

3 did you offer to buy both lots?

MR. THAKKAR: I offered to buy both 4

5 lots with the idea that I have two brothers and

6 a sister that are in -- one is moving in town,

7 maybe one of them would want the second lot, we

could build together, or I'm working with a

9 builder and he could find a second person to get

10 the second lot. I don't want to spend twice as

11 much on a lot for just one house. The idea would

12 be to get a second owner for that second lot.

CHAIRMAN NEIMAN: Thank you. 13

14 Is there a motion to close the

15 public hearing?

MR. PODLISKA: So moved. 16

17 MR, GILTNER: Second.

18 CHAIRMAN NEIMAN: Chris, roll call,

19 please.

20 MS. BRUTON: Member Moberly?

21 MR. MOBERLY: Yes to close the meeting.

22 MS. BRUTON: Member Alesia? STATE OF ILLINOIS)

) ss:

COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified Shorthand Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that previous to the commencement of the examination and testimony of the various witnesses herein, they were duly sworn by me to testify the truth in relation to the matters pertaining hereto; that the testimony given by said witnesses was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affix my electronic signature this 21st day of December, A.D. 2021.

> KATHLEEN W. BONO C.S.R. No. 84-1423

Notary Public, DuPage County

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W

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

BEFORE THE HINSDALE ZONING BOARD OF APPEALS

In	the	Matter	of:)
V-()8-21	1, 5515	and)) }
551	17 Sc	outh El	m Street.	ý

REPORT OF DELIBERATIONS had and testimony taken at the hearing of the above-entitled matter before the Hinsdale Zoning Board of Appeals, at 19 East Chicago Avenue, Hinsdale, Illinois, on December 15, 2021, at the hour of 6:30 p.m.

BOARD MEMBERS PRESENT:

- MR. ROBERT NEIMAN, Chairman;
- MS. LESLIE LEE, Member, via speakerphone;
- MR. TOM MURPHY, Member;
- MR. JOSEPH ALESIA, Member; via speakerphone;
- MR. KEITH GILTNER, Member; and
- MR. GARY MOBERLY, Member.

				_
4	ALGO DESCENT.		4	
1	ALSO PRESENT:	1	that doesn't exist here. He doesn't risk losing	
2	MS. CHRISTINE BRUTON, Deputy Village	2	anything from this property. He can build on	
	Clerk;	3	this property. He's not he doesn't need to	
3		4	be protected so that he can rebuild on a lot	
	MR. ROBB McGINNIS, Director of	5	that would otherwise be nonconforming and to say	
4	Community Development.	6	that, well, we are going to have one large lot	
5		7	here and all the others are much smaller, that's	
		8	the case all over this village.	
6	CHAIRMAN NEIMAN: Who wants to begin	9	In the area where I live there's an	
7	deliberations?	10	old estate on Ayres and Washington, it's been	
8	MR. PODLISKA: I guess I'll start, I'm	11	there forever. If they subdivide some parts	
9 10	concerned that we are dealing with what may amount to here is granting of a special	12	of it have already been sold off over the years	
11	privilege and my concern focuses on the fact	13	but it's still way larger than any of the homes	
12	that we have lots of record that are determined	14	around it but it doesn't stand out; it fits into	
13	that way because of the code changes that would	15	the neighborhood.	
14	have required larger lots, once a building on a	16	So It doesn't follow that building	
15 16	property was destroyed. As counsel indicated, the northeast	17	on this two lots would create some structure	
17	section of Hinsdale, legal nonconforming lots	18	that would be atypical to the rest of the	
18	was a concept by which the homes were protected	19		
19	that were already existing when the new code,		community. That's the kind of building that	
20	the new zoning code, went into effect. They	20	could be built on a property whether it's in the	
21	could not enact a code that would cause all of	21	taste of the community or not, there's a lot of	
22	these homeowners to lose the value of the	22	other factors involved than just the size of the	
4	3		5	
1	improvement on their property if something	1	lot on which it's being built, including the	
2	improvement on their property if something happened to it, if it burned down, for instance.	2	lot on which it's being built, including the fact that just because the lot is big, as we had	
3	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so	3	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate	
2 3 4	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so that their property, they wouldn't lose the	2 3 4	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate the green space, they may well build a smaller	
2 3 4 5	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so that their property, they wouldn't lose the value of the improvement they had on the	3	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate	
2 3 4 5 6	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so that their property, they wouldn't lose the value of the improvement they had on the property.	2 3 4	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate the green space, they may well build a smaller	
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2 3 4 5 6 7	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so that their property, they wouldn't lose the value of the improvement they had on the property. As I understand it, that's the	2 3 4 5 6 7	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate the green space, they may well build a smaller structure on that lot because they want to have more open space on those two lots. So I want to hear what everyone	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	improvement on their property if something happened to it, if it burned down, for instance. So there had to be some way to protect them so that their property, they wouldn't lose the value of the improvement they had on the property. As I understand it, that's the basis for this legal nonconforming lot. It allows the homeowner to rebuild if the house burns down. It also allows the homeowner to recoup the value of that improvement when he sells the property to someone else who may want to build a different structure on it. Because if at any point on the sale of the property, you could no longer build there, then the value of the original improvement would be lost to that owner. That's not the circumstance we have with the petitioner here. This petitioner is asking us to give him a variance to allow him to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	lot on which it's being built, including the fact that just because the lot is big, as we had earlier this evening, the people who appreciate the green space, they may well build a smaller structure on that lot because they want to have more open space on those two lots, So I want to hear what everyone else has to say but I'm struggling with this, that we would be giving a special privilege here that we ought not to be doing. CHAIRMAN NEIMAN: John, let me just play devil's advocate with you for a second. So I thought the Bergers made a good point in their explanation of why they were being denied substantial rights where they wrote that the zoning code and the planning of the village will allow a new home to be built on a nearby R-3 lot 50-feet wide with 8,000 square feet, another 65-feet wide with 8,019 square feet or on any of the 18 lots on Elm identical	

- 1 only one new home on the combined lots with
- 2 120 feet in width and 35,619 square feet of area
- 3 denies the Bergers substantial right than
- 4 everybody else in the neighborhood.
- 5 MR. MURPHY: That's my sense as well.
- 6 I'm very sympathetic here. When I looked at
- 7 these pictures, there's 5513, is empty. I don't
- 8 know how long there's been no house there, but
- 9 it looks like quite a while. 5515, 5517 and
- 10 that 5515 and 17 are being treated differently
- 11 merely because they were owned in common and a
- 12 garage was. To me that is denying --
- MR. PODLISKA: They are being treated
- 14 differently because at the time the zoning code
- 15 was enacted there was a structure on those other
- 16 properties and there was no structure here.
- 17 They were not two separate structures on these
- 18 two separate lots. That's the difference.
- 19 MR. MURPHY: There was never a house on
- 20 15; is that right?
- 21 MR. PODLISKA: There were not two
- 22 separate residential properties at the time the
- 1 ordinance was enacted. And on all these other
- properties, it's not the size that matters, it's
- 3 the fact that at the time the ordinance was
- 4 enacted, every one of those had a residential
- 5 structure existing on it that needed to be
- 6 protected from loss of that house and an
- 7 inability to rebuild because of the code.
- 8 CHAIRMAN NEIMAN: Gary?
- 9 MR. MOBERLY: I have a very elaborate
- 10 tee analysis here before we move on. Actually,
- 11 I agree with what everybody said pro and con.
- 12 Your attorney can classify this as
- 13 hearsay, but I did talk to the neighbor at 5519,
- 14 which is pictured here just directly to the
- 15 north of the subject property. I saw them
- 16 yesterday and I wouldn't say they are in favor
- 17 but they are not in opposition to this variance.
- 18 They would be most closely affected because
- 19 their house -- it's the nice new house here.
- 20 I guess -- I hate granting
- 21 variances, I hate increasing density and other
- 22 folks disagree, I'll certainly respect your

- 1 opinion, but I'm just very struck by the chart
- 2 here of all these 60-foot wide house lots on Elm
- 3 and the fact that we would deny this, that sort
- 4 of bothers me. Everybody else has -- actually
- 5 there's nice looking houses. Some of the new
- 6 ones are nice looking houses. I don't seem them
- 7 as being crammed in or looking like they are
- 8 shoehorned onto the lot.
- 9 As I contemplates whether or not to
- 10 accept this or not, I'm thinking of the ones
- 11 this year we have rejected and what the
- 12 differences are and to me the one on County Line
- 13 and 55th. They were really -- hopefully they're
- 14 not watching us on TV -- but they were really
- 15 trying to cram a house in there. I think we had
- 16 some legitimate safety issues with what they
- 17 were trying to do. They were asking for a very
- 18 large variance as a percentage of the overall19 lot size. These lots are so large even as
- 19 lot size. These lots are so large even as
- 20 subdivided they are still very good size lots
- 21 with 17,500 square feet or something. So if we
- 22 did grant you this, you still have conformity
- 1 with the neighbors.
- 2 The con is about density. And also
- 3 it's not about money. We aren't allowed. I'm
- 4 sure you can sell it for a few more bucks as two
- 5 separate lots than one large lot and that's
- 6 really not part of our criteria so that probably
- 7 leans more towards your argument, John. And
- 8 there is another remedy which is you can put up
- 9 one house.
- 10 When I go through all these pros
- 11 and cons, I'm just -- most important thing in my
- 12 mind is the fact that almost every house on Eim
- 13 is 60 by 296, which is what this would be as
- 14 separated.
- 15 And finally, I hope the trustees
- 6 are listening, we are not approving this thing,
- 17 we are kicking it over to them. It's a pretty
- 18 large land use decision, it's a large somewhat
- 19 (Inaudible) we are talking about here so that's
- 20 why they are paid the big bucks and we're not.
- 21 So I have no problem with kicking it over to
- 22 them and having them ultimately make this

1 decision.

2 MR. MURPHY: I'm still struggling with

3 this, Robb.

4 A nonconforming lot of record also

5 includes lots that were vacant on June 18, 1988,

6 right? Or, it became vacant thereafter by

7 reason of demolition or construction of a

3 precode structure; right?

9 MR. McGINNIS: Not otherwise eligible

10 to be reconstructed under 9-104. And the

11 distinction here is that you did have a

12 structure on that adjacent lot.

MR. MURPHY: There was a garage there.

14 MR. McGINNIS: You have one zoning lot

15 and that's key because what I think you need to

16 be cognizant of is there are upwards of a

17 hundred lots in town where I have a principal

18 structure that straddles underlying lots of

19 record.

20 So the concern there if we throw

21 out the definition of zoning lot is that we

22 ultimately risk more houses on more lots just

11

1 because they meet the width, depth or lot area

2 restrictions under 10-105. And that's, I think,

3 why you've got a distinction between

4 nonconforming lot of record and a legal

5 nonconforming lot of record. This otherwise

6 vacant lot doesn't meet that three-prong test.

7 MR. MURPHY: It was not vacant because

8 it had a garage?

9 MR. McGINNIS: Correct. He owned the

10 lot next door and there was a garage on it and

11 he used that as one lot. Those two lots of

12 record were used as one zoning lot.

MR. MOBERLY: There's over a hundred

14 similar situations of this?

MR. McGINNIS: There are lots and lots

16 of principal structures that straddle one or

17 more underlying lots of record.

MR. MURPHY: Just to Gary's point about

19 how many of these there are, I guess I just

20 don't feel like we are making a lot of precedent

21 here granting the variance to have two more lots

22 that look just like the whole rest of the block.

1 CHAIRMAN NEIMAN: I think what we've

2 discussed so far is that there's a legal

3 argument against this variance and an equitable

4 argument for it.

5 MR. GILTNER: I was just going to say,

6 right, I don't disagree with the argument that,

7 John, you are making, but then when I just look

8 at it, I stand back, you know, I'm not a lawyer

9 and there is sort of this like just a feeling,

10 and I know that's not how you should be deciding

10 and I know that's not now you should be deciding

11 things, but there is a sense, I guess, it's an

12 equity sense that there is consistency in that

13 area and this is not going to change it.

14 The fact that there was a garage on

15 it, I didn't think through that, that it was

16 used as one lot. But this seems more like in my

17 head similar to why I was supporting, I think it

18 was Mills Street, where there was also

19 consistency on the block and there was some

20 structure on the second lot but like with this,

21 I felt it made sense for that -- to allow them

22 to separate. I'm sure there's an argument, a

13

I legal argument against it, so yes, would a big

2 house change the character, I don't know, that's

3 kind of a tough call but it does seem like two

4 houses on those two lots, one house on each lot,

would certainly not change the character.

6 MR. MURPHY: I'd feel a lot differently

7 if we had a host of neighbors in here

8 complaining. That's where I come out. I would

9 be in favor of us granting this.

10 MR, MOBERLY; So how is this different

11 than the Hinsdale animal hospital that we just

turned down just to make our lives a little bit

13 tougher.

14 In my mind, what I sort of think

15 because it's such an irregularly-shaped lot, a

16 pie-shaped lot, to have three houses on a pie-

17 shaped lot would not look good or I think two

18 houses on that lot are going to be just fine.

19 MR. MURPHY: I can see that in keeping

20 with the neighborhood. I think this couldn't be

21 more in keeping.

22 CHAIRMAN NEIMAN: Right.

	14		16
1	MR. MURPHY: You can make an argument	ī	I ask this question about every fourth hearing.
2	that it wasn't that much different but it really	2	•
3	was not going to it was going to depart	3	What precedential value, if any, does our vote on this variation have? Now I
4	significantly more than any of what we are		
5	talking about here.	4	understand we are merely making a recommendation
6	MR. GILTNER: I think it went down to	5	to the board and that would it seems to me take
7	55-feet lot width if I recall.	6	away any precedential value because we are not
_		7	making any decision, but remind me of what the
8	MR. McGINNIS: It was within 10 percent	8	village's law firm says about when our decisions
9	of 3-110 of the newly created standards. So you	9	have precedential value and when they don't.
10	have 10-105, which has got all of your bulk regs	10	MR. McGINNIS: So in the case of an
11	for your legal nonconforming lots of record and	11	appeal, there is some importance placed on
12	then you have 3-110 which is for all your newly	12	precedent. With variation requests, they each
13	established lots. And in the case of those lots,	13	fly on their own merit.
14	you are within 10 percent of what was required	14	CHAIRMAN NEIMAN: Okay. So given that
15	under 3-110 for a new lot in the R-4 district.	15	this decision is just a recommendation on the
16	CHAIRMAN NEIMAN: Leslie?	16	variance, it seems to me that given that
17	MS. LEE: I would certainly agree with	17	standard where we have a little more leeway than
18	what Keith says and what many have said.	18	on an appeal to take equitable considerations
19	I'm definitely sympathetic to the	19	into affect and I don't know I don't like
20	situation and I think two homes on these	20	going against what the code says and John, you
21	nonconforming lots would be in keeping with the	21	made an excellent point that I hadn't really
22	neighborhood.	22	considered, but to what many others have stated
	15		17
1	I was just going back and looking	1	it seems that the equities here and the fact
2	at the animal hospital for a second and the big	2	that there are no neighbor objections makes
3	difference too there is you are on Ogden and you	3	this really makes me a little more comfortable.
4	have a corner lot which is often quite a	4	So do I hear a motion?
5	different situation.	5	MR. MURPHY: I move that we approve the
6	You know, I do worry a little bit	6	variance.
. 7	about the precedent that it being said if you	7	CHAIRMAN NEIMAN: Recommend to the
8	grant a variance to the sixth sense, but I do	8	board that they approve the variance.
9	think that two homes here would be in keeping	9	MR. MURPHY: Recommend, yes.
10	with the neighborhood, so I tend to lean more	10	MR. GILTNER: Second.
11	towards that thinking.	11	CHAIRMAN NEIMAN: Roll call, please.
12	CHAIRMAN NEIMAN: Joe?	12	MS. BRUTON: Member Moberly?
13	MR. ALESIA: I agree with what Leslie	13	MR. MOBERLY: Yes.
14	just said, it's two houses on these lots would	14	MS. BRUTON: Member Alesia?
15	be in conformity with the neighborhood and where	15	MR.ALESIA: Yes.
16	we started, Gary, just looking at the map, it	16	MS. BRUTON: Member Giltner?
17	just jumps out at you how there's so many with	17	MR. GILTNER: Yes.
18	the same size lots or similar to what's being	18	MS. BRUTON: Member Murphy?
19	asked for here,	19	MR. MURPHY: Yes.
20	CHAIRMAN NEIMAN: Before I ask for a	20	MS. BRUTON: Member Lee?
21	motion, Robb, I have a question.	21	MS. LEE: Yes.
		1	7101 2221 1001

STATE OF ILLINOIS)

22

) ss:

COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified Shorthand Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that I reported the deliberations in relation to the matters pertaining hereto; that the comments given by said board was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken of the deliberations aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affix my electronic signature this 2,1st,day of December, A.D. 2021.

RATHLEEN W. BONO

C.S.R. No. 84-1423

Notary Public, DuPage County

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AGENDA ITEM # 7

Community Development

AGENDA SECTION: First Reading – ZPS

Consideration of an Ordinance Amending the Village Code relative to Small

Wireless Facilities - Request by the Village of Hinsdale - Case A-04-2022

and Review of Amended Written Design Standards for Small Wireless

Facilities

MEETING DATE: February 15, 2022

FROM: Bethany Salmon, Village Planner

Recommended Motion

Approve an Ordinance Amending Various Sections of the Village Code of the Village of Hinsdale Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities, Utility Noise and Construction Of Utility Facilities In The Right Of Way

Background

SUBJECT:

On September 4, 2018, the Village Board approved Ordinance O2018-38, which created regulations and permitting processes for small wireless facilities consistent with the requirements of the Small Wireless Facilities Deployment Act signed into law on April 12, 2018, as Public Act 100-0585 (the "State Act"). The Act provides the regulations and process for permitting and deploying small wireless facilities within rights-of-way and on private property throughout Illinois (excluding Chicago).

Per the State Act, the Village can impose design requirements to ensure compliance with certain construction, safety and aesthetic and design standards. On March 19, 2019, the Village Board approved a Resolution Adopting Written Design Standards for Small Wireless Facilities (Resolution R2019-04). The Design Standards were created to assist applicants with understanding the Village's objectives, including the goal of preserving the visual character of neighborhoods in which facilities are installed. On November 5, 2019, the Village Board reviewed updates to the Design Standards that were made by the Village Manager in an effort to assist applicants with understanding the Village's objectives to preserve the character of the neighborhoods in which facilities are installed and prevent visual blight. A resolution to update the Design Standards was not required at that time as the Village Manager has the authority to make certain changes per the original Resolution.

Although the federal government and State law give municipalities only minimal control over the placement of small wireless facilities, documents such as the Village's Small Cell Ordinance, and its adopted Design Standards, allow the Village to exercise what control it can over such facilities. These documents are particularly important for the Village, and helpful for applicants, because all municipalities are spatially unique and have different regulations. Telecommunication companies and its third-party subcontractors install equipment nationwide and would benefit to understand guidelines prior to designing and applying for a permit in each municipality.

Based on state legislative changes made last year, additional staff research and input from the community, and to be consistent with neighboring communities, several changes are proposed to be made to the Village's Small Cell Ordinance and Small Wireless Facility Design, Stealth and Concealment Standards to create consistency, reflect current State law, protect aesthetics and provide additional guidance to the applicants.

REQUEST FOR BOARD ACTION



A bullet point summary of the changes made by the proposed Small Cell Ordinance and proposed Updated Design Standards is attached.

While the Board is required to approve the Ordinance making changes to the Village Code, the Village Manager has authority to approve changes to the Design Standards based on a prior delegation of authority from the Board, so unless Board has particular objections or concerns related to the proposed Design Standards after reviewing, the updated Standards will be posted to the Village website.

Discussion & Recommendation

N/A

Village Board and/or Committee Action

N/A

Documents Attached

- Bullet Point Summary of changes made by the proposed Small Cell Ordinance and proposed Updated Design Standards
- 2. Updated General Guidelines and Small Wireless Facility Design, Stealth and Concealment Standards (Redlined Draft)
- 3. Draft Ordinance Amending the Village Code of Hinsdale Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities



BULLET POINT SUMMARY OF AMENDMENTS MADE BY PROPOSED ORDINANCE TO THE SMALL CELL CHAPTER OF THE VILLAGE CODE

- Zoning District Prohibition: Specifies the zoning districts in which small cell installations are
 prohibited on private property (they are required by law to be allowed within the right-of-way in
 all zoning districts however);
- Structural Analysis: Provides additional detail on what a structural analysis from a telecommunication provider seeking to locate a small cell on a Village utility pole should include;
- Smallest Visual Profile: Requires providers to provide equipment with the smallest visual profile
 to the extent commercially available, technologically compatible with the local network system,
 and already used in its national or regional wireless network system;
- Additional Application Requirements: Adds additional information that must be included with a small cell application, including:
 - Information on whether a pre-application review was conducted by or with Village staff;
 - Certification from a radio engineer that the small wireless facility will operate within all applicable FCC standards, and additional technical data that will allow an evaluation of compliance with FCC radio frequency emission standards, as well as a monitoring plan regarding tracking of radio frequency emission levels;
 - Proof of all applicable licenses or other approvals required by the FCC;
 - A written report, certified by an engineer, that analyzes acoustic levels for the small wireless facility or evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not exceed the applicable limits;
 - A written description and/or map identifying the geographic service area for the small wireless facility;
 - For work in the public right-of-way, evidence of posting of the security fund as required in the Village's Code chapter on utility work in the right-of-way;
 - Where installation is proposed in a right-of-way that consists of an "easement for compatible
 use" as defined in the State Small Wireless Facilities Deployment Act, a certified copy of the
 original easement documents and other supporting documentation demonstrating that the
 applicant has the right to install the equipment in or on the easement for the length of the
 permit;
 - A Master Plan which identifies the location of the proposed small wireless facility in relation to all existing and potential locations in the Village that are reasonably anticipated for construction within two (2) years of submittal of the application.
 - A sample of the proposed notice to be mailed to residents within 250 foot radius of the location of the proposed small cell facility, and a list of intended recipients.
- Notice Requirement: Adds a requirement that within three (3) business days of submission of an
 application containing all information required by the Village, an applicant, at its sole cost and
 expense, must provide written notice to owners and occupants of property within 250 feet of the
 proposed location. The applicant must provide proof of mailing to the Village within two days after
 mailing of the notices;

REQUEST FOR BOARD ACTION



- Alternate Locations: Consistent with a change in State law, if an applicant is seeking to collocate a small wireless facility on a new utility pole as part of its application, the Village may propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within 200 feet of the proposed collocation, instead of the 100 feet limit under the law previously;
- Collocation Rate Cap: Requires that where an existing utility pole is proposed for collocation, the
 entity owning the utility pole shall provide access for that purpose, and the fee charged to the
 applicant shall be the lowest rate charged by the entity for other wireless providers and shall not
 exceed the entity's actual costs (this reflects a new provision in State law);
- Radio Frequency Compliance: Requires wireless providers to comply with the FCC's radio frequency
 emissions standards at all times, to perform on-going monitoring of small wireless facilities to ensure
 all equipment continues to operate within allowable FCC radio frequency emission ranges, and to
 submit quarterly reports to the Village certifying that the wireless provider's small wireless facilities
 within the Village operated in compliance with all FCC radio frequency emission limits during the
 quarterly reporting period;
- Annual Certification: Requires wireless providers to submit an annual affidavit to the Village listing, by location, all small wireless facilities it owns within the Village, and certifying that all installations remain in use and covered by insurance, and listing any installations which are no longer in use. Any small wireless facility that is no longer in use is required to be removed by the wireless provider within 90 calendar days of delivery of the affidavit;
- Historic Landmarks: Prohibits placements of small wireless facilities and wireless support structures in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.
- Historic Preservation Commission Review: Small wireless facilities within historic districts may, at the
 discretion of the village manager, be forwarded to the Historic Preservation Commission for advisory
 review as to design, location and impact on the District's landmark status, subject to applicable
 mandatory permit review timelines;
- Utility Noise: Adds generally applicable noise limitations for all utility equipment in rights of way and in residentially zoned districts; and
- Other Changes: Makes other clarifying changes throughout the Small Cell Chapter.



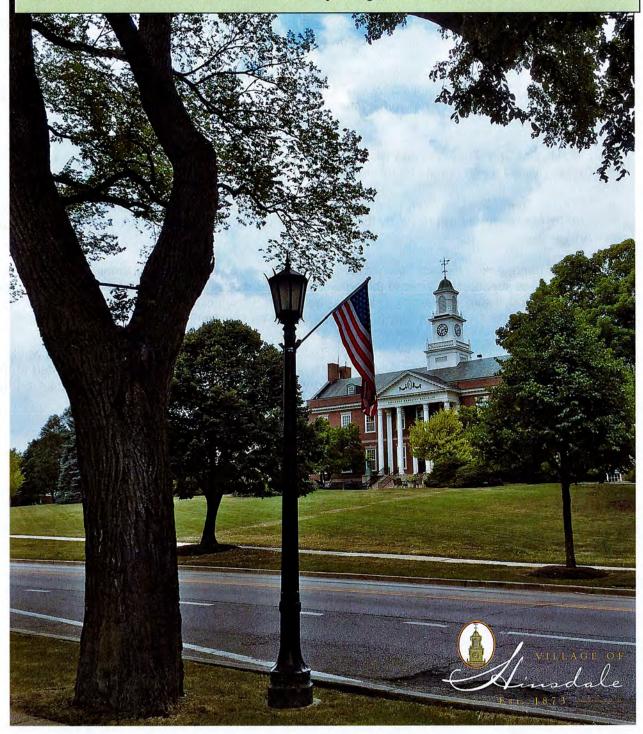
BULLET POINT SUMMARY OF AMENDMENTS MADE BY PROPOSED SMALL CELL DESIGN STANDARD CHANGES

- Preference for Existing Poles: Makes clear that the Village's preference is for small wireless facilities
 to be mounted on an existing wireless support structure or utility pole, as opposed to a new pole;
- No New Wire Paths: Requires that any above-ground wire connections from wooden, electric utility
 poles to a small wireless facility must follow an existing wire path; new wire paths are prohibited;
- Smallest Visual Profile: Repeats the new Village Code requirement that providers must provide
 equipment with the smallest visual profile to the extent commercially available, technologically
 compatible with the local network system, and already used in its national or regional wireless
 network system;
- Metal Poles Only: Requires new wireless support structures to be metal unless otherwise approved by the Village as appropriate for the immediate area;
- Parkway Trees: Specifies that no proposed installation shall result in the removal of any parkway tree unless otherwise approved by the Director of Public Services, in consultation with the Village Arborist;
- Historic Landmarks: Repeats new Village Code prohibition on placements of small wireless facilities
 and wireless support structures in the right-of-way in front of any historic landmark or in front of any
 contributing structure in areas designated as historic districts, including but not limited to the Village's
 National Register Downtown Historic District and the Robbins Park Historic District;
- Historic Preservation Commission Review: Repeats new Village Code provision that small wireless
 facilities within historic districts may, at the discretion of the village manager, be forwarded to the
 Historic Preservation Commission for advisory review as to design, location and impact on the
 District's landmark status, subject to applicable mandatory permit review timelines; and
- Other Changes: Makes other clarifying changes throughout the Small Cell Chapter.



Village of Hinsdale

General Guidelines and Small Wireless Facility Design, Stealth and Concealment Standards



General Guidelines and Small Wireless Facility Design, Aesthetic, Stealth and Concealment Standards

The public right-of-way of the Village of Hinsdale is a uniquely valuable public resource, closely linked with the Village's small town character, natural beauty and historic charm. Unregulated or disorderly deployment of small wireless facilities within the Village represents an ever-increasing and true threat to those attributes, and to the health, welfare and safety of the Village. Unregulated installation of small wireless facilities in the right-of-way may be harmful for a variety of reasons, including potential adverse consequences from placements along sidewalks and streets that could have negative impacts on both pedestrian and vehicle safety from visual cluttering and physical impediments stemming from such placements, negative impacts on the Village's goal of fostering a pedestrian-oriented environment and the Village's design and character, including aesthetic and accessibility concerns from intrusive installations of equipment mounted on poles or at ground level, negative impacts on property values resulting from poor placements and noise impacts from facilities that contain outdoor generators or other equipment.

Except where otherwise limited by State or federal law, the following general guidelines and design, aesthetic, stealth and concealment standards apply to the placement of small wireless facilities within the Village, and attempt to ensure that all small wireless facilities are installed using the least intrusive means possible. Small wireless facilities are, in addition, generally regulated by Title 7 (Public Ways and Property), Article G (Construction of Utility Facilities in Rights of Way) and Title 13 (Telecommunications), Chapter 8, (Small Wireless Facilities).

General Standards. Every small wireless facility collocation shall comply with the following standards.

A. Small Wireless Facilities

- Antennas and their related mounting equipment, including brackets, shall be mounted no less than twelve (12) feet above ground level, as measured to lowest most point of the installation.
- Antennas shall, to the extent technically feasible, be designed and installed to appear hidden within the utility pole or to appear like an original part of the utility pole or wireless support structure.
- Unless otherwise approved by the Village Engineer and/or Village
 Planner Director of Public Services, each antenna not hidden within a
 utility pole shall be located entirely within a shroud enclosure not
 more than six (6) cubic feet in volume that is capable of accepting

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paint to match the approved color of the small wireless facility. In the case of an approved antenna that has exposed elements, the antenna and all of its exposed elements shall be able to fit within an imaginary enclosure of no more than six (6) cubic feet.

- 4. Top-mounted antennas and their enclosures shall be mounted directly above the utility pole or wireless support structure and shall not extend beyond the diameter of the utility pole or wireless support structure at the level of the antenna attachment, unless otherwise approved by the Village Engineer and/or Village Planner Director of Public Services. There must be a smooth transition between the utility pole and antenna and enclosure. See Section H, Exhibit 1. Height limitations for small wireless facilities and wireless support structures may be found at Section 13-8-8 of the Village Code.
- 5. Side-mounted small wireless facility antennas within a shroud enclosure and side-mounted small wireless facility equipment enclosures shall be, if possible, flush mounted to the utility pole or wireless support structure at the level of the attachment. If not flush mounted, metal flaps or "wings" shall extend from the enclosure to the utility pole or wireless support structure to conceal any gap between the small wireless facility and the utility pole or wireless support structure. The design of the flaps shall be integrated with the design of the small wireless facility, and shall be the same color. See Section H, Exhibits 3A, 3D & 3E.
- Small wireless facilities located on street light poles or traffic control structures shall not block light emanating from the street light fixture or otherwise interfere with the purpose of the street light fixture or traffic control structure.
- 7. Small wireless facilities shall be attached to the utility pole or wireless support structure using rigid steel clamping mounts or stainless steel banding to the exterior of any metal pole. All mounts and banding shall be of the same color as the utility pole or wireless support structure, except as otherwise approved by the Village Engineer and/or Village Planner Director of Public Services. Care should be taken to integrate the mounting elements into the small wireless facility design. Through-bolting or use of lag bolts on Village-owned utility poles is prohibited.

- 8. For attachments to existing utility poles, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole, or if concealment is not technically feasible, flush mounted to an existing utility pole in an enclosed wire chase on which the facilities are collocated, which is painted or otherwise colored to match the existing pole. For new utility poles or wireless support structures, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole or wireless support structure, except as otherwise approved by the Village Engineer and/or Village Planner Director of Public Services. See Section H, Exhibits 3A thru 3E.
- All small wireless facilities shall be installed in accordance with all applicable Village codes. No wiring or cabling shall interfere with any existing wiring or cabling installed by the Village, a utility or a wireless services provider.
- 10. No guy or other support wires will be used in connection with a small wireless facility unless the small wireless facility is to be attached to an existing utility pole or wireless support structure that incorporates guy wires prior to the date the applicant has applied for a permit.
- 11. The small wireless facility, including the antenna, and all related equipment when attached to an existing or new utility pole or wireless support structure, must be designed to withstand a wind force and ice loads in accordance with the applicable standards established in Article 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any small wireless facility attached to a Village-owned utility pole or, in the discretion of the Village, to a non Village-owned utility pole or wireless support structure, the operator of the small wireless facility must provide the Village with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.

- 12. The Village will not authorize any attachments of small wireless facilities to a Village-owned utility pole that negatively impacts the structural integrity of the pole. The Village may condition approval of the collocation on replacement or modification of the Village-owned utility pole if necessary to meet Village standards.
- 13. Small wireless facilities shall be located in a manner that meets the Americans with Disabilities Act of 1990 and does not obstruct, impede or hinder the usual pedestrian or vehicular path of travel.
- 14. Small wireless facilities collocated on Village-owned utility poles may not use the same power or communication source providing power and/or communication for the existing infrastructure, except as otherwise approved by the Village Engineer and/or Village Planner Director of Public Services. The wireless provider shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
- 15. A four (4) inch by six (6) inch plate with the wireless provider's name, location identifying information, and emergency telephone number shall be permanently fixed to the small wireless facility equipment enclosure or shroud.
- Small wireless facility equipment shall not be mounted on any Villageowned ornamental street lights in the B-2 Central Business District, or in any Historic District.
- 17. Small wireless facilities shall not be mounted within two hundred (200) feet of any residence.
- 18. The order of preference for the location for small wireless facilities from most preferred to least preferred is:
 - a. Collocation with existing small wireless facilities;

- b. Mounted on an existing wireless support structure or utility pole;
- c. Roof-mounted;
- ed. Building-mounted;
- d. Mounted on an existing wireless support structure or utility pole;
- e. Mounted on a new wireless support structure or utility pole that will replace an existing wireless support structure or utility pole;

- f. Mounted on a new wireless support structure.
- 19. Small wireless facility equipment not mounted on a utility pole or wireless support structure other than an antenna and any electric meter or other equipment that must be placed above ground to function, shall be installed underground. Undergrounded equipment shall be installed flush to the ground, within three (3) feet of the associated utility pole or wireless support structure. Accessory equipment such as radios and computers that require an environmentally-controlled underground vault to function are not exempt from this subsection and shall be undergrounded. For equipment that must be placed above ground to function, landscaping shall be required to help mitigate the effects of the installation of any ground-mounted equipment. All ground-mounted equipment must be fully screened at all times.
- 20. Small wireless facilities other than those placed on wooden, electric utility poles, may not be powered by above-ground wire connections from other utility poles. Any above-ground wire connections from wooden, electric utility poles to a small wireless facility must follow an existing wire path; new wire paths are prohibited.
- 21. Any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by a wireless provider or their agents shall be replaced. If any trees are damaged or displaced, the provider shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a license arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree and preapproved by the Village's arborist. All replacement landscaping shall be maintained by the wireless provider.
- 22. The Village, in its sole discretion, and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the Village or any other public agency, which includes without limitation any sewers, storm sewers or drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work

deemed necessary, useful or desirable by the Village (collectively, "Village work"). The Village reserves the rights to do any and all Village work without any admission on its part that the Village would not have such rights without this express reservation. If the Village Engineer and/or the Village Planner Director of Public Services determines that any Village work will require a small wireless facility located in the public right-of-way to be rearranged and/or relocated, the wireless provider shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation, limited only by Village requirements as set forth in State or federal law. If the wireless provider fails or refuses to either permanently or temporarily rearrange and/or relocate the small wireless facility within a reasonable time after the Village's notice, the Village may (but will not be obligated to) cause the rearrangement or relocation to be performed at the wireless provider's sole cost and expense. The Village may exercise its rights to rearrange or relocate the wireless provider's small wireless facility without prior notice to the wireless provider when the Village Engineer and/or Village Planner Director of Public Services determines that the Village work is immediately necessary to protect public health or safety. The wireless provider shall reimburse the Village for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and receipt of reasonable documentation to support such costs.

- 23. Small wireless facilities may not be collocated on the following structures, whether located in the public right-of-way or not:
 - a. any utility pole scheduled for removal or relocation within twelve (12) months from the time the Village acts on the application;
 - b. new, non-replacement wood poles.
- 24. The wireless provider is required to install wireless facilities with antenna and other equipment that has the smallest visual profile to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system.
- 25. The wireless provider is required to replace such equipment when replacement work is being done with equipment that has the smallest

visual profile to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system.

26. Applicants should, in particular, take note of the requirements for utility installations in the right-of-way in Section 7-1G-15 (Location of Facilities) of Chapter 7-1G (Construction of Utility Facilities in Rights of Way) of the Village Code.

B. Replacement of Existing Street Light Poles

The following standards apply when replacing an existing street light pole (including ornamental lights) with a combination small wireless facility and street light pole. Such replacements should only be located where an existing street light pole can be removed and replaced, or at a new location where it has been identified that a street light is necessary. All such replacements shall meet the following standards:

 All replacement street light poles shall be a similar design, material, and color as the replaced existing street light pole and other poles within the immediate area, unless an alternative design is approved by the Village Engineer and/or Village Planner Director of Public Services. See Below. Note the difference between a typical street light and ornamental light.

Typical Street Light



Typical Ornamental Light



- All replacement street light poles and foundations for each shall conform to the Village's standards and specifications for street light design and construction.
- Replacement street light poles shall be an equal distance from other street light poles based upon the average distance between existing street light poles within the designated area.
- 4. Street light poles shall be designed and engineered to support a luminaire and/or mast arm of length equal to that of the existing pole to be replaced or of a length approved by the Village Engineer and/or Village Planner Director of Public Services based upon the location of the replacement street light pole.
- All luminaires and/or mast arms shall match the arc and style of the original luminaire and mast arm, unless otherwise approved by the Village Engineer and/or Village Planner Director of Public Services.
- 6. The replacement luminaire and mast arm shall be at the same height above the ground as the existing luminaire and mast arm.
- 7. All replacement street light poles shall have new light emitting diode (LED) light fixtures of the same manufacturer, model and light output as the removed fixture and nearby light fixtures, or as otherwise approved by the Village Engineer and/or Village Planner Director of Public Services.
- Replacement street light poles, including but not limited to the pole itself, head, fixtures, mast arm (If applicable) and electrical components, shall have a five (5) year manufacturer's replacement warranty.
- Replacement street light poles shall meet American Association of State Highway and Transportation Officials structural guidelines for roadway applications and the American National Standards Institute requirements for vibrations.
- Street light pole height shall be measured from the ground to the top of the street light pole.
- All replacement street light pole heights shall be consistent with those of existing street lights.

- 12. The small wireless facility components shall be sized appropriately to the scale of the street light pole. However, to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system, when performing replacement work, the wireless provider is required to replace any wireless facilities with antenna and other equipment that have the smallest visual profile.
- 13. A decorative transition shall be installed over the equipment enclosure upper bolts, or a decorative base cover shall be installed to match the equipment enclosure size. All hardware connections shall be hidden from view. Each street light pole component shall be architecturally compatible to create a cohesive aesthetic.
- 14. Replacement street light poles shall continue to be owned by the Village, unless otherwise mutually agreed to by the parties.
- 15. Existing ornamental light poles must be replaced with matching poles with respect to design and size. (See next pagephotos below).



- C. Installation of New Wireless Support Structures, Where Allowed.
 - 1. In the interest of administrative efficiency, the proposed location and design of new wireless support structures shall be reviewed with the

Village Engineer and Village Planner Director of Public Services prior to application. Such review does not constitute approval, but is instead designed to identify existing utility conflicts and other issues that might be readily identified and/or resolved by communication between the applicant and Village staff.

- 2. A new wireless support structure shall be designed to minimize the visual and aesthetic impact of the new vertical element and associated small wireless facilities upon the surrounding area and shall blend in with the surrounding streetscape with minimal visual impact. The Village may require a new wireless support structure to be constructed of a specific material that will enhance the stealth and concealment of the structure.
- 3. New wireless support structures shall be metal unless otherwise approved by the Director of Public Services as appropriate for the immediate area. New wireless support structures shall match the design, size, material and color of existing utility poles (other than prohibited wooden poles), including street light poles and ornamental lights, within the immediate area, except as otherwise approved by the Village Engineer and/or Village Planner Director of Public Services.
- Within residentially zoned areas, new wireless support structure installations shall be located at a corner intersection on an existing utility pole. Where a corner intersection collocation is not possible, new wireless support structures shall be located at a corner intersection with an existing utility pole. If location of a new wireless support structure at a corner intersection is not possible, new wireless support structures shall be located where the shared property line between two residential parcels intersect the right-of-way whenever possible, unless an unsafe condition, cluttered appearance, or other violation of these standards will result.
- New wireless support structures shall be equal distance from other utility poles based upon the average distance between existing utility poles within the designated area. If a new wireless support structure cannot be located the average distance from other utility poles, a new wireless support structure may be approved if such wireless support structure is designed as a stealth pole and the design and location is approved by the Village Engineer and/or Village Planner Director of Public Services.

- 6. The centerline of a new wireless support structure shall be in alignment with existing utility poles where present, or with street or parkway trees along the same side of the right-of-way. If no such centerline currently exists, the wireless provider shall coordinate with the Village to identify a mutually agreed upon location
- New wireless support structures shall be located a minimum of twelve
 (12) feet from driveway aprons unless otherwise approved by the Village Engineer and/or Village Planner Director of Public Services.
- 8. New wireless support structures shall be sited outside the critical root zone of existing trees having a six (6) inch diameter at breast height located either in the right of way or adjacent to the right of way in the immediate vicinity, unless placement within a critical root zone is otherwise approved by the Director of Public Services, in consultation with the Village Arborist. No proposed installation shall result in the removal of any parkway tree unless otherwise approved by the Director of Public Services, in consultation with the Village Arborist. If an applicant is seeking to install a small wireless facility or new utility pole as part of its application, the Village may, when concerned about the impact of the installation on existing trees, or for other reasons, propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within two hundred (200) feet of the proposed collocation as specified in Section 13-8-5.K. of the Village Code.
- The outside diameter of any new wireless support structure shall not exceed the diameter of existing utility poles located within three hundred (300) feet of the location of the new wireless support structure.
- New wireless support structures shall not exceed the heights as authorized by Section 13-8-8 of the Village Code.
- 11. New wireless support structures shall be round in shape with a smooth pole shaft, the exception being when being installed adjacent to, or nearby ornamental lights. In this case, the support structure shaft shall be similar in shape to the existing ornamental lights and of a design approved by the Village Engineer and/or Village Planner Director of Public Services.
- New wireless support structures incorporating pole-mounted small wireless facilities shall be uniformly tapered in diameter from the base

to the top, with a maximum diameter of twelve (12) inches at the base and a maximum diameter of eight (8) inches at the top, unless an alternative design is approved by the Village Engineer and/or Village Planner Director of Public Services. Incorporation of equipment within an equipment enclosure in the base or other portion of the pole is preferred.

- 13. New wireless support structures incorporating small wireless facilities in an equipment enclosure within a base may utilize poles tapered in diameter or poles having a consistent outside diameter, unless an alternative design is approved by the Village Engineer and/or Village Planner Director of Public Services.
- 14. All new wireless support structures must be supported with a reinforced concrete foundation designed, stamped, sealed and signed by a professional engineer licensed and registered in the State of Illinois, and subject to the Village Engineer's and/or Village Planner's approval of the Director of Public Services. Optionally, screw in foundations are acceptable with stamped and sealed drawings from a professional engineer licensed and registered in the State of Illinois, and subject to the Village Engineer's and/or Village Planner's approval of the Director of Public Services.
- All anchor bolts must be concealed from public view, with an appropriate pole boot or cover powder-coated to match the wireless support structure color.
- 16. If multiple requests are received to install two (2) or more wireless support structures in approximately the same location, in a manner that would violate these requirements or other Village requirements, the Village shall resolve such conflict through whatever reasonable and nondiscriminatory manner it deems appropriate.

D. Stealth and Concealment Requirements.

Wireless providers shall comply with the design and construction standards that are generally applicable to utility installations in the public right-of-way, as set forth Title 13, Telecommunications of the Village Code, in Chapter 7-1G of the Village Code, Construction of Utility Facilities in Rights-of-Way, as well as these standards, any other written design standards for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are otherwise identified by the Village in an ordinance, written policy adopted by the Village Board of Trustees, in the Village's comprehensive

plan, or in another written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district and any requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act, or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws. In addition:

- The use of stealth technology in the location and construction of small wireless facilities is required whenever and wherever possible. Stealth technology means using the least visually and physically intrusive design and equipment that is not technologically or commercially impractible under the facts and circumstances, to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such small wireless facilities.
- 2. Small wireless facilities, including but not limited to antennas, equipment enclosures, mounting brackets and hardware, mounting posts, cables, and shrouds, shall be of a color that is identical to the utility pole or of a neutral color compatible with the color of the utility pole and any surrounding elements so as to camouflage or conceal appearance. create consistency among right-of-way infrastructure, and to make such small wireless facilities as unobtrusive as possible. The Village Engineer and/or Village Planner Director of Public Services may approve compatible color schemes for antennas and small wireless facilities. A clear, color digital photo simulation of the utility pole or wireless support structure location providing "before and after" views demonstrating the true visual impact of the proposed small wireless facilities on the surrounding environment shall be included in the application.
- 3. Mechanical equipment and devices shall be concealed underground, mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures or other devices mounted directly to the pole a minimum of eight (8) feet above ground level and screened by means of Village approved concealment methods. See subsection A.19. above for further undergrounding requirements.

- Small wireless facilities must be located and oriented in such a way as to minimize view blockage.
- The wireless provider shall use the smallest suitable wireless facilities then in industry use, regardless of location, for the particular application.
- Landscaping or fencing shall be required to help mitigate the effects
 of the installation of any ground-mounted equipment. All groundmounted equipment must be fully screened at all times.
- Small wireless facilities shall not be artificially lighted or marked, except as required by law.
- Small wireless facilities, other than top-mounted antennas, shall be mounted on the side of the utility pole or wireless support structure opposite the direction of vehicular traffic along the same side of the right-of-way.
- 9. Alternative measures for concealment may be proposed by the wireless provider and approved by the Village Engineer and/or Village Planner Director of Public Services, if the Village Engineer and/or Village Planner Director of Public Services determines that the optional measures will be at least as effective in concealing the small wireless facilities as the measures required above.

E. Historic Districts and Landmarks

For areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District, or on buildings or structures designated as historic landmarks pursuant to Title 14 Historic Preservation of the Village Code, in addition to the stealth, concealment and design requirements referenced above, following additional restrictions/conditions apply to the installation of small wireless facility:

- Small wireless facilities shall not be mounted on any Village-owned ornamental street lights in any district;
- 2. Small wireless facilities shall not be mounted on any historic landmark or on contributing structures in any historic district;

- Small wireless facilities and wireless support structures may not be located in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.
- 34. Small wireless facilities within the right-of-way or on private property in any designated historic district shall be collocated on existing utility poles unless an applicant is able to demonstrate that such collocation is not technically feasible. Where such collocation utilize stealth technology and be designed in such a manner so as to preserve the character of the district, ensure consistency with the surrounding elements, blend architecturally with any buildings or structures designated as historic landmarks or located within a designated historic district, and shall be designed to blend with the surrounding historical landmarks and/or district in design and color.
- Small wireless facilities within historic districts may, at the discretion of the Village Manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to any permit review timelines as specified in Section 13-8-5.E. of the Village Code.

F. Historic District or Historic Landmark Limitations

- The above design or concealment measures with respect to a historic district or historic landmark, including restrictions on a specific category of utility poles, may not have the effect of prohibiting any provider's technology. Such design and concealment measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.
- This subsection shall not be construed to limit the Village's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws.

G. Severability

Each section, paragraph, clause and provision of these guidelines and standards is separable and if any portion is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of these guidelines and standards, nor any part thereof, other than that part affected by such decision.

<u>UPDATED REDLINED DRAFT – 01-21-22</u>

H. Exhibits

Exhibit 1. Antennas

Permitted Example





<u>UPDATED REDLINED DRAFT – 01-21-22</u>

Exhibit 2. Typical ornamental light pole

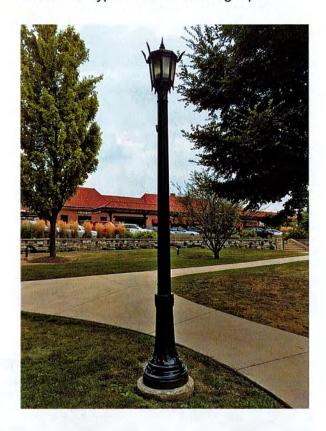
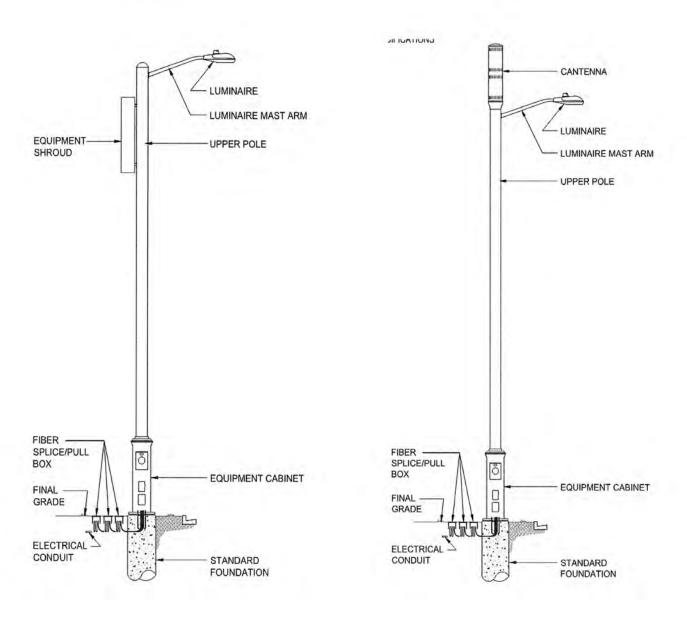


Exhibit 3. Examples of Acceptable Methods of Concealment

A. Combination Pole with Equipment Shroud

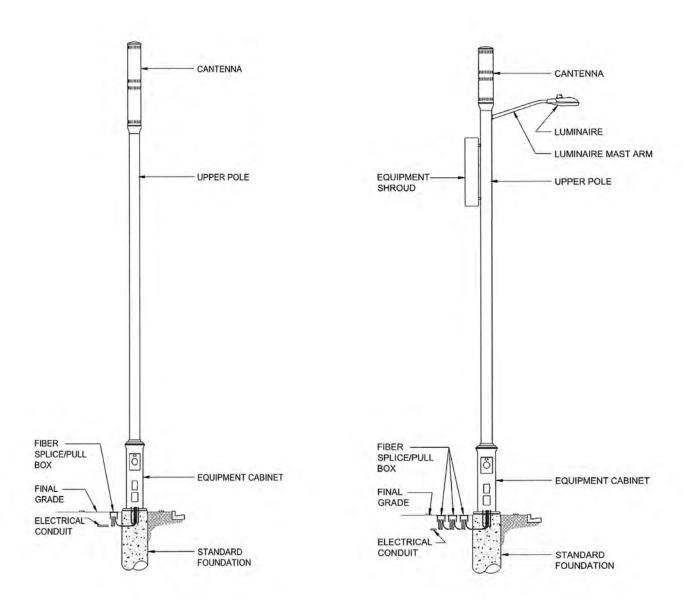
B. Combination Pole with Cantenna



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C. Freestanding Small Cell

D. Combination Pole with Cantenna



<u>UPDATED REDLINED DRAFT – 01-21-22</u>

E. Examples of Landscape buffer for grade level equipment (where allowed)







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DRAFT - 02-08-22

ADDITIONS TO EXISTING CODE TEXT SHOWN USING <u>UNDERLINING</u>, DELETIONS TO EXISTING CODE TEXT SHOWN USING <u>STRIKETHROUGH</u>

ORDINA	NCE NO.	
OI (DIII)		

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE CODE OF THE VILLAGE OF HINSDALE RELATIVE TO THE PERMITTING, REGULATION AND DEPLOYMENT OF SMALL WIRELESS FACILITIES, UTILITY NOISE AND CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT OF WAY

WHEREAS, Public Act 100-585, known as the Small Wireless Facilities Deployment Act (50 ILCS 840/1 et seq.), acts to impose certain additional requirements on municipalities, including the Village of Hinsdale (the "Village"), regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless facilities both within public rights-of-way and in other locations within the jurisdiction of the Village; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have previously made certain amendments to the Village Code of Hinsdale, as amended, by adopting, in Ordinance No. O2018-38 (the "Small Wireless Facilities Ordinance"), a new Chapter 13-8 (Small Wireless Facilities) relative to the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of small wireless facilities both within the public rights-of-way and in certain other locations within the jurisdiction of the Village; and

WHEREAS, since the enactment of the Small Wireless Facilities Ordinance, there has been extensive public discussion about small wireless facilities and how best to design, permit, locate, construct, deploy, regulate, operate, maintain, repair and remove small wireless facilities within the Village; and

WHEREAS, the Small Wireless Facilities Deployment Act was originally scheduled to sunset on June 1, 2021. Public Act 102-0009, the relevant portions of which became effective on June 3, 2021, extended that sunset date to December 31, 2024, and made other clarifying and substantive changes to the Act. The Act was subsequently amended and reenacted in Public Act 102-0021; and

WHEREAS, as a result of such public discussions, and the clarifying and substantive amendments made in Public Act 102-0009 and Public Act 102-0021, various amendments to the Small Cell Ordinance, as well as the Village's chapter on construction of utility facilities in the right-of-way (collectively, the "Code Amendments"), have been proposed and have been discussed at Regular Meetings of the President and Board of Trustees of the Village of Hinsdale held on _______, 2022 and _______, 2022; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale make

the following findings in regard to the Code Amendments:

- A. The Village of Hinsdale is a municipal corporation duly organized and existing under the laws of the State of Illinois; and
- B. The public rights-of-way within Village limits are used to provide essential public services to Village residents and businesses. The public rights-of-way within the Village are a limited public resource held by the Village for the benefit of its citizens, and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and
- C. Growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell antenna facilities, distributed antenna systems, and other small wireless telecommunication facilities on utility and street light poles and other structures both within the public rights-of-way and in other locations; and
- D. The Village is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and
- E. The Village is further authorized to adopt the proposed Code Amendments contained herein pursuant to its authority to regulate the public right-of-way under Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 et seq.); and
- F. The Village is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell antenna facilities, distributed antenna systems, and other small personal wireless telecommunication facility installations both within the public rights-of-way and in other locations within the jurisdiction of the Village; and
- G. On April 12, 2018, Illinois Public Act 100-585, known as the Small Wireless Facilities Deployment Act (the "Act"), was enacted with an effective date of June 1, 2018, and imposed certain additional requirements on municipalities, including the Village, regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless facilities both within public rights-of-way and in other locations within the jurisdiction of the Village; and
- H. The Act, which was originally scheduled to sunset on June 1, 2021, has now been amended by Public Act 102-0009, the relevant portions of which became effective on June 3, 2021. Public Act 102-0009 extended the sunset date of the Act to December 31, 2024, and made other clarifying and substantive changes to the Act. The Act was subsequently amended and

reenacted in Public Act 102-0021; and

I. In conformance with the requirements of the Act, and in response to certain amendments to the Act made in Public Act 102-0009 and Public Act 102-0021, and in anticipation of a continued increased demand for placement of small wireless facilities of the type regulated by the Act both within the public rights-of-way and in other locations within the jurisdiction of the Village, the Village President and Board of Trustees specifically find that it is in the best interests of the public health, safety and general welfare of the Village to adopt the Code Amendments below in order to enhance and supplement the previously adopted generally applicable standards enacted consistent with the Act for the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of such small wireless facilities both within the public rights-of-way and in certain other locations within the jurisdiction of the Village so as to, among other things: (i) prevent interference with the facilities and operations of the Village utilities and of other utilities lawfully located in public rights-of-way or in other locations within the Village; (ii) preserve the character of the neighborhoods in which such small wireless facilities are installed; (iii) minimize any adverse visual impact of small wireless facilities and prevent visual blight in the neighborhoods in which such facilities are installed; (iv) ensure the continued safe use and enjoyment of private properties adjacent to small wireless facilities; (v) provide appropriate aesthetic protections to designated areas and historic landmarks or districts within the Village; and (vi) ensure that the placement of small wireless facilities does not negatively impact public safety and the Village's public safety technology; and

WHEREAS, in order to incorporate the clarifying and substantive changes made to the Act by Public Act 102-0009 and Public Act 102-0021, and to make other changes, and pursuant to the authority granted to the Village by the applicable provisions of the Illinois Municipal Code (65 ILCS 5/ et seq.), including Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 et seq.), Article VII, Section 7 of the Illinois Constitution of 1970, and Public Act 100-585 (the Small Wireless Facilities Deployment Act), the President and Board of Trustees of the Village of Hinsdale find that the below Code Amendments are in the best interests of the Village, its residents, property owners, business owners and the public, and they approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HINSDALE, COOD AND DUPAGE COUNTIES, ILLINOIS:

SECTION 1: The recitals above shall be and are incorporated in this Section 1 as if fully restated herein.

SECTION 2: Section 13-8-4 of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale the Village Code of Hinsdale is amended to read in its entirety as follows:

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13-8-4: ZONING:

- <u>A.</u> Permitted Uses: Small wireless facilities shall be classified as permitted uses and shall not be subject to zoning review, if collocated in rights-of-way in any zoning district, or outside rights-of-way in the following zoning districts:
- O-3 General Office Zoning District.
- B. Prohibited Locations: Small wireless facilities shall be prohibited uses outside of the rights-of-way in the following zoning districts, except as otherwise required by applicable law:
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District
- R-4 Single-Family Residential District
- R-5 Multiple Family Residential District
- R-6 Multiple Family Residential District
- OS Open Space District (only collocations on existing utility poles or structures permitted; no new poles)
- C. Other Districts: In all other zoning districts, the Village's normal zoning approvals, processes and restrictions shall apply, if zoning approval, processes or restrictions are required by the Village's zoning ordinance.
- SECTION 3: Section 13-8-5 (Permits; Application Process) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:
- **13-8-5: PERMITS; APPLICATION PROCESS:** Unless otherwise specifically exempted in this chapter, a permit to collocate a small wireless facility within the Village is required in all cases. Permits are subject to the following:
- A. Permit Applications: Permit applications for the collocation of small wireless facilities shall be made on a form provided by the Village for such purpose. In addition to any generally applicable information required of other communications service providers

or for other installations in the public right-of-way, applicants must, when requesting to collocate small wireless facilities on a utility pole or wireless support structure, provide the following information:

- 1. Site specific structural integrity and, for a Village utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, that includes addressing the acceptability of the site for factors such as pole loading from existing utility equipment and conductors as well as the small wireless facility, and that specifically includes evaluations pursuant to American National Standards Institute (ANSI) standards relating to heavy loads and wind;
- 2. The location where each proposed small wireless facility or utility pole would be installed and digital photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. The photographs shall include a digital photo simulation of the proposed location providing "before and after" views demonstrating the true visual impact of the proposed small wireless facilities on the surrounding environment;
- 3. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- 4. The equipment type and model numbers for the antennas and all other equipment associated with the small wireless facility;
- 5. To the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system, the wireless provider is required to install small wireless facilities with antenna and other equipment that have the smallest visual profile;
- 6. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
- 67. Certification that, to the best of the applicant's knowledge, the collocation complies with the written design standards established by the Village, and with the various other requirements set forth in this chapter and code;
- 78. Copies of all licenses, permits and approvals required by or from the Village (i.e. zoning approval, where required), other agencies and units of government with jurisdiction over the design, construction, location and operation of said small wireless

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facility. The applicant shall maintain such licenses, permits and approvals in full force and effect and provide evidence of renewal or extension thereof when granted; and

- 89. In the event the small wireless facility is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Village, legally competent evidence of the consent of the owner of such pole or wireless support structure to the proposed collocation.
- 10. Information on whether a pre-application review was conducted by or with Village staff. It is recommended that applicants arrange a review of the proposed location and design of small wireless facilities and new wireless support structures with the Village's director of public services or his or her designee and other applicable staff prior to application. Such review does not constitute approval, but is instead designed to promote administrative efficiency by identifying existing utility conflicts, consideration of possible alternative locations, and other issues that might be readily identified and/or resolved by communication between the applicant and Village staff.
- 11. Certification from a radio engineer that the small wireless facility will operate within all applicable FCC standards, including, but not limited to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan for the applicant's facility capable of tracking and recording the daily amounts or levels of radio frequency emissions produced by the equipment, in order to verify on an ongoing basis that the small wireless facility will not exceed applicable FCC radio frequency emissions. In addition, a baseline test of the radio frequency emissions of a small wireless facility shall be performed by the wireless provider, at its sole cost and expense, at the time of initial activation, and the results provided to the Village's director of public services or his or her designee. In addition, when a radio transceiver or antennas are replaced or added to an existing small wireless facility, the wireless provider shall provide certification from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards, including, but not limited to, radio frequency emissions.
- 12. Proof of all applicable licenses or other approvals required by the FCC, including but not limited to information showing the small wireless facility has received any required review (e.g., environmental assessment and review) by the FCC pursuant to the National Environmental Policy Act ("NEPA"), or is exempt from such requirements. If the applicant claims the small wireless facility is exempt, it must state the basis for the exemption and provide proof, including supporting documents that establish that the facility meets such exemption.
- 13. A written report that analyzes acoustic levels for the small wireless facility and all associated equipment including, but not limited to, temporary or permanent backup

generators, in order to demonstrate compliance with applicable Village noise regulations, including, but not limited to, Section 9-12-2 of the Village Code. The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment, and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment, including equipment underground, will not, both individually and cumulatively, exceed the applicable limits.

- 14. A written description and/or map identifying the geographic service area for the small wireless facility.
- 15. For work in the public right-of-way, evidence of posting of the security fund as required in Section 7-1G-10 of this code.
- 16. Where installation is proposed in a right-of-way, as defined in this chapter, that consists of an "easement for compatible use", a certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain and remove a small wireless facility and associated equipment in or on the easement for the length of the permit. If the applicant is claiming access to the easement as an assignee or successor in interest, the applicant shall, in addition, provide documents demonstrating that its assigned or successor rights in the easement are sufficient to allow it to install, mount, maintain and remove the small wireless facility and associated equipment for the length of the permit.
- 17. Applicants are required to include with any application a master plan which identifies the location of the proposed small wireless facility in relation to all existing and potential locations in the Village that are reasonably anticipated for construction within two (2) years of submittal of the application.
- 18. A sample of the proposed notice to be mailed pursuant to subsection B, below, and a list of intended recipients (including content and mailing envelope).
- B. Notice: Within three (3) business days of submission of an application containing all information required by this chapter and any associated regulations, an applicant, at its sole cost and expense, shall provide written notice, by first class United States mail, to the owners and occupants of all real property at the addresses on file with the United States Postal office, and the residential manager for any multi-family dwelling unit that includes ten (10) or more units at the manager's business mailing address, any part of which is located within a two hundred and fifty (250) foot radius of the location of the applicant's proposed small wireless facility. Such notice shall be in a form provided by the Village, as may be revised from time to time, and shall be clearly marked as a notification of proposed small wireless facility installation, identify the applicant and

wireless provider(s) who will utilize the facility, and include a plain language description of the proposed facility, photo simulations or illustrations depicting the proposed wireless facility, and the address where comments may be sent to the wireless provider within fifteen (15) calendar days of the date of the notice. The applicant shall supplement its application with proof of mailing of required notices no less than two (2) calendar days after mailing of the notices, and with copies of all email, letter and other written communications received in response to the mailing.

- C. Means of Submission; <u>Multiple Applications for Same Location</u>: Permit applications, along with all supporting information, for the collocation of small wireless facilities shall be submitted by personal delivery or by other means approved by the Village. <u>Multiple applications for collocation on the same utility pole or wireless support structure shall be processed based on a first fully complete application, first-served basis.</u>
- C. Multiple Applications for Same Location: Multiple applications for collocation on the same utility pole or wireless support structure shall be processed based on a first fully complete application, first-served basis.
- D. Permit Application Fees: All applications for collocation of small wireless facilities shall be accompanied by a nonrefundable application fee in the following amounts:

Request to collocate a small wireless facility that includes the installation of a new utility pole	\$1,000.00
Request to collocate a single small wireless facility on an existing utility pole or wireless support structure	\$650.00
Request to collocate multiple small wireless facilities on existing utility poles or wireless support structures addressed in a single application	\$350.00 per small wireless facility

E. Permit Review Timelines:

1. Completeness of Application: Requests for the collocation of small wireless facilities shall be reviewed for conformance with the requirements of the Act, this chapter, and other applicable provisions of this code. Within thirty (30) days after receiving an application, the Village must determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically

identify the missing information. Processing deadlines are tolled from the time the Village sends a notice of incompleteness to the time the applicant provides the missing information.

An application shall be deemed complete if the Village fails to provide notification to the applicant within thirty (30) days of the date when all documents, information, and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

- 2. Existing Utility Pole or Wireless Support Structure: Requests for the collocation of small wireless facilities on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and either approved or denied within ninety (90) days of submission of a completed application. A permit application shall be deemed approved if the Village fails to approve or deny the application within ninety (90) days, subject to the following: if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than seventy-five (75) days after the submission of a completed application. The permit shall be deemed approved on the later of the ninetieth (90th) day after submission of the completed application, or the tenth (10th) day after receipt of the deemed approved notice by the Village. Receipt of a deemed approved notice by the Village shall not preclude the Village from denying the permit within the allowed time limit.
- 3. New Utility Pole: Requests for the collocation of small wireless facilities that include the installation of a new utility pole shall be processed on a nondiscriminatory basis and either approved or denied within one hundred and twenty (120) days of submission of a completed application. A permit application shall be deemed approved if the Village fails to approve or deny the application within one hundred twenty (120) days, subject to the following: if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five (105) days after the submission of a completed application. The permit shall be deemed approved on the later of the one hundred twentieth (120th) day after submission of the completed application, or the tenth (10th) day after receipt of the deemed approved notice by the Village. Receipt of a deemed approved notice by the Village shall not preclude the Village from denying the permit within the allowed time limit.
- F. Tolling: The time limitations for approval or denial of applications shall be tolled by notice to an applicant that its application is incomplete as set forth above, upon

mutual agreement of the parties, or by a local, State or federal disaster declaration or similar emergency that causes a delay.

- G. Pole Replacement: Permit approval shall be conditioned on the replacement of a utility pole or wireless support structure at the applicant's sole cost where such replacement is deemed necessary for compliance with the requirements of this chapter or code relative to the siting of small wireless facilities, or other applicable codes and regulations that concern public safety.
- H. Denial: The Village shall deny an application that does not meet the requirements of this chapter. The reasons for any denial of a permit shall be provided in a written notice of denial sent to the applicant, and shall include the specific code provisions or application conditions on which the denial is based.
- I. Resubmittal After Denial: In the case of a permit denial, an applicant may cure the deficiencies identified in the notice of denial and resubmit a revised application once within thirty (30) days after the notice of denial is sent without payment of an additional application fee. The Village shall have thirty (30) days to approve or deny the resubmitted application or it is deemed approved, if the applicant has notified the Village of its intention to proceed with the permitted activity on a deemed approved basis, which notification may be submitted with the resubmitted application. Review of a resubmitted application is limited to the deficiencies cited in the original notice of denial. This subsection does not apply if a revised application is not resubmitted within thirty (30) days, or curing any deficiencies in the original application requires review of a new location, new or different structure for collocation, new antennas, or other wireless equipment associated with the small wireless facility. In such cases, a new application and application fee are required.
- J. Consolidated Applications: Consolidated applications for small wireless facilities for the collocation of up to twenty-five (25) small wireless facilities shall be allowed if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. Each consolidated application shall provide all the information required by this chapter for each small wireless facility at each location. If such an application includes incomplete information for one or more small wireless facility collocations, or includes requests for small wireless facilities that do not qualify for consolidated treatment, or that are otherwise denied, the Village may remove such collocation requests from the application and treat them as separate requests. Separate permits may be issued for each collocation approved in a consolidated application.
- K. Alternate Locations: If an applicant is seeking to install a <u>small wireless facility</u> <u>associated with a</u> new utility pole as part of its application, the Village may propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within <u>two hundred (200)</u> one <u>hundred (100)</u> feet of the proposed collocation.

Where an existing utility pole is proposed for collocation, the entity owning the utility pole shall provide access for that purpose, and the fee charged to the applicant shall be the lowest rate charged by the entity for other wireless providers and shall not exceed the entity's actual costs, as required by Section 11-80-24 of the Act. The applicant shall accept the proposed alternate location so long as it has the right to use the location on reasonable terms and conditions, unless the alternate location imposes technical limits or additional material costs as determined by the applicant. If the applicant refuses an alternate location based on the foregoing, the applicant shall provide legally competent evidence in the form of a written certification, under oath, describing the property rights, technical limits or material cost reasons that prevent the alternate location from being utilized.

- L. Exemptions: No application, permit approval or fee shall be required from a communications service provider authorized to occupy the right-of-way when the work in question is for:
- 1. Routine maintenance not requiring replacement of wireless facilities if the wireless provider notifies the Village in writing at least forty-eight (48) hours prior to the planned maintenance;
- 2. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village in writing at least ten (10) days prior to the planned replacement and includes equipment specifications, including (i) equipment type and model numbers, for the replacement of equipment consistent with the equipment specifications information required on a permit application for original installation; and (ii) information sufficient to establish that the replacement is substantially similar. To the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system, the wireless provider is required to, when replacing such small wireless facilities, install wireless facilities with antenna and other equipment that have the smallest visual profile. The wireless provider shall provide all information necessary and requested by the Village to establish that the replacement is substantially similar. Wireless facilities that vary significantly in design, or increase power output, frequency, bandwidth or performance, or change the location of the small wireless facility upon the utility pole or wireless support structure, or increase signal strength, or make other modifications in other key components, are not substantially similar, and are subject to standard application processes, permitting requirements, and fees. The Village has the sole right and responsibility to determine if a proposed small wireless facility is substantially similar to the existing small wireless facility. In addition, when a radio transceiver or antennas are replaced or added to an existing small wireless facility, and regardless of whether an application or permit are required, the wireless provider shall provide certification to the Village from a radio

engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards, including, but not limited to, radio frequency emissions; or

3. The installation, placement, maintenance, operation or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

The foregoing shall not exempt communications service providers from Village permitting requirements where traffic patterns are affected or lane closures are required.

<u>SECTION 4</u>: The reference to "Village Engineer" in the first sentence of subsection C. in Section 13-8-8 (Height Limitations) of Chapter 13-8 (Small Wireless Facilities) shall be replaced with "Village's director of public services."

<u>SECTION 5</u>: Section 13-8-9 (General Requirements) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-9: GENERAL REQUIREMENTS:

- Public Safety Technology: A wireless provider's operation of a small wireless facility may not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider must install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment. Unacceptable interference is determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licenses by a public safety agency. If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the small wireless facility and later powering up the small wireless facility for intermittent testing, if necessary. The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC, including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675. The burden to establish the good faith effort shall be on the wireless provider, which shall timely deliver to the Village all information necessary to demonstrate its efforts to resolve the interference consistent with the Code of Federal Regulations sections cited above. Failure to remedy the interference as required herein shall constitute a public nuisance and the small wireless facility may be abated through the procedures for abatement of such nuisances set forth in this code.
- B. A wireless provider shall not construct or maintain any small wireless facility that:

- Obstructs, impedes or hinders the usual travel or public safety on a rightof-way;
 - Obstructs the legal use of right-of-way by utility users;
 - Violates nondiscriminatory applicable codes;
- 4. Violates or conflicts with title 13 (Telecommunications) or chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code, or other applicable regulations set forth in or adopted by this code, except to the extent such chapters, sections or regulations may be modified by the provisions of this chapter; or
- 5. Violates the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 *et seq.*)
- C. Contractual Requirements: Wireless providers shall comply with all requirements imposed by a contract between the Village and any private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- D. Ground-Mounted Equipment: Wireless providers shall comply with the ground mounted equipment spacing requirements, within rights-of-way, if any, as set forth in chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code.

E. Undergrounding:

- The wireless provider shall comply with Village code provisions or regulations concerning undergrounding requirements, if any, that prohibit the installation of new or the modification of existing utility poles or equipment in the right-of-way.
- 2. A Wireless Provider may receive a variance from the Village's director of public servicesvillage engineer or his or her designee pursuant to the procedures set forth in section 7-1G-21 (Variances) of chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code, to allow a small wireless facility to be located above ground in an area where Village ordinances or regulations prohibit or restrict above ground facilities if, in addition to demonstrating the conditions of section 7-1G-21 have been established, the wireless provider can establish that:
- (a) Underground equipment is not technically feasible and there is no reasonable alternative or location that is more aesthetically favorable to adjacent property owners and to effective use and management of the right-of-way; and
- (b) An above ground small wireless facility at the proposed location is necessary at the proposed location to provide coverage in a specified area; and

- (c) An above ground small wireless facility at the proposed location will not disrupt traffic or pedestrian circulation or constitute a safety hazard; and
- (d) An above ground small wireless facility at the proposed location will not interfere with public safety uses or frequencies; and
- (e) Space exists within the public right-of-way to accommodate the above ground small wireless facility at the proposed location; and
- (f) An above ground small wireless facility at the proposed location will not create a safety hazard; and
- (g) The above ground small wireless facility is located and designed in such a way so as to minimize its visual impact on adjacent properties; and
- (h) In any historical area, that the above ground small wireless facility will not detrimentally affect the historical nature of the area.
- 3. Screening for Ground Mounted Facilities. Where a ground-mounted facility is allowed, such equipment shall be screened around the perimeter in accordance with a landscape plan sealed by a professional landscape engineer. Plant materials shall include a mixture of deciduous and coniferous planting materials. The owner or wireless provider shall be responsible for maintenance of all landscaping as provided in the approved landscape plan.
- 4. Future Undergrounding: The Village may, from time to time, make a decision to eliminate above-ground utility poles of a particular type generally, such as electric utility poles, in all or a significant portion of the Village. In the event that such a utility pole has a collocated small wireless facility in place at the time of such a decision, the Village shall either:
- a. Continue to maintain the utility pole, or install and maintain a reasonable utility pole or wireless support structure for the collocation of the small wireless facility; or
- b. Offer to sell the utility pole to the wireless provider at a reasonable cost, or allow the wireless provider to install its own utility pole so it can maintain service from that location.
- F. Collocation Limits: Wireless providers shall not collocate small wireless facilities within the communication worker safety zone of the pole or the electric supply zone of the pole on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subsection, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

- G. Code Compliance: Wireless providers shall comply with applicable codes and local code provisions or regulations that concern public safety.
- Radio Frequency Compliance: Wireless providers shall comply with the FCC's radio frequency emissions standards at all times. Wireless providers are required to perform on-going monitoring of small wireless facilities to ensure all equipment continues to operate within allowable FCC radio frequency emission ranges and shall, on a quarterly basis, provide to the Village a certification with supporting information confirming whether all of the wireless provider's small wireless facilities within the Village operated in compliance with all FCC radio frequency emission limits during the quarterly reporting period. The certified report for each quarter shall be delivered to the village manager no later than April 30 (for quarter ending March 31), July 31 (for quarter ending June 30), October 31 (for quarter ending September 30), and January 31 (for quarter ending December 31). A wireless provider shall, upon request of the Village at any time, perform radio frequency testing of all or specific small wireless facilities, provide such testing results to the Village, and shall promptly respond to all Village requests for information and/or cooperation with respect to any of the foregoing. Village staff may, at the Village's option, accompany the wireless provider or its agents in the performance of such testing. Any small wireless facility found not to comply with FCC radio frequency emission standards shall be immediately reported by the wireless provider to the FCC, with a copy of such report sent at the same time to the village manager, and shall be powered-down. adjusted, repaired, and/or replaced, or shut off and/or removed by the wireless provider within three (3) calendar days of the provider becoming aware of the violation. Small wireless facilities that exceed the FCC's radio frequency emissions standards are declared a public nuisance, and may be summarily abated by the Village. Failure by a wireless provider to cure a violation of the FCC radio frequency emission standards within three (3) calendar days shall result in a revocation of the applicable small wireless facility permit, and/or a citation for maintaining a public nuisance with a fine in the amount of seven hundred and fifty dollars (\$750), with each day of continued operation without cure being a separate violation. In the event the Village determines that a small wireless facility is not in compliance with any legal requirements or conditions related to radio frequency, the wireless provider shall, in addition to the foregoing, be responsible for all costs and

expenses incurred by the Village in connection with the investigation, enforcement and/or remediation of such noncompliance.

I. Annual Certification: In January of each year, a wireless provider shall submit an affidavit to the Village which shall list, by location, all small wireless facilities it owns within the Village, and shall certify: (1) each such installation remains in use; (2) such in-use facility remains covered by required insurance; and (3) each such installation which is no longer in use. Any small wireless facility that is no longer in use shall be removed by the wireless provider within ninety (90) calendar days of delivery of the affidavit.

<u>SECTION 6</u>: Section 13-8-10 (Stealth, Concealment and Design Standards) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-10: STEALTH, CONCEALMENT AND DESIGN STANDARDS:

Every small wireless facility installation shall comply with the following standards:

- A. General Stealth, Concealment And Design Standards: Installations shall comply with any stealth, concealment, design and aesthetic standards applicable to utility installations in the public right-of-way, as set forth in this title and title 7, chapter 1, article G, "Construction Of Utility Facilities In Rights-Of-Way", of this Code, as well as any written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, design and aesthetic requirements that are otherwise identified by the Village in an ordinance, written policy adopted by the Village Board of Trustees, in the Village's comprehensive plan, or in a written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a Historic District.
- B. Historic Districts And Landmarks: For areas designated as Historic Districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District, or on buildings or structures designated as historic landmarks pursuant to title 14, "Historic Preservation", of this Code, in addition to the stealth, concealment and design requirements referenced above, the following additional restrictions/conditions apply to the installation of small wireless facilities:
- 1. Small wireless facilities shall not be mounted on any Village-owned ornamental street lights in any Historic District;
- 2. Small wireless facilities shall not be mounted on any historic landmark or on contributing structures in any Historic District;
- 3. Small wireless facilities and wireless support structures may not be located in the right-of-way in front of any historic landmark or in front of any contributing structure in

areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.

- 34. Small wireless facilities within the right-of-way or on private property in any designated Historic District shall utilize stealth technology and be designed in such a manner so as to preserve the character of district, ensure consistency with the surrounding elements, blend architecturally with any buildings or structures designated as historic landmarks or located within a designated Historic District, and shall be designed to blend with the surrounding historical landmarks and/or district in design and color.
- 5. Small wireless facilities within historic districts may, at the discretion of the village manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to any permit review timelines as specified in Section 13-8-5.E. of the Village Code.

C. Historic District Or Landmark Limitations:

- Any stealth, concealment and design standards in a Historic District or on a historic landmark, including restrictions on a specific category of utility poles, may not have the effect of prohibiting any provider's technology. Such stealth, concealment and design measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.
- 2. This section shall not be construed to limit the Village's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 USC section 300101 et seq., and the regulations adopted to implement those laws. (Ord. O2018-38, 9-4-2018)

<u>SECTION 7</u>: Section 13-8-15 (Abandonment) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-15: ABANDONMENT:

A. A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of the facility shall remove the small wireless facility and any associated wireless support structure or utility pole within ninety (90) days after receipt of written notice from the Village notifying it of the abandonment. The requirement that a wireless support structure or utility pole associated with an abandoned small wireless facility be removed does not apply if the owner of the facility does not own or otherwise have the right to remove the structure or pole, and does not apply to Village-owned utility poles unless requested by the Village. The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at its last known address. If the small wireless facility and associated wireless support

structure or utility pole, if any, is not removed within ninety (90) days after receipt of such notice, such wireless facility and associated structure or pole shall be deemed to be a nuisance and the Village may remove or cause the removal of such facility, structure or pole and recover or place a lien for its costs, pursuant to the terms of its pole attachment or other agreement for Village utility poles or through the procedures for abatement of nuisances set forth in this code.

B. In the event the Village suspects that the wireless provider is no longer using the small wireless facilities to provide wireless service, it may send the wireless provider written notice that requires the wireless provider to remove the small wireless facility and associated wireless support structure or utility pole or provide proof that the small wireless facility is operational and still being used within thirty (30) days, and informs the wireless provider that failure to provide proof or to remove the small wireless facility, and any associated wireless support structure or utility pole will result in the Village removing the small wireless facility, structure or pole at the wireless provider's cost.

<u>SECTION 8</u>: Section 13-8-20 (Revocation of Permit) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-20: REVOCATION OF PERMIT:

- A. A permit to collocate a small wireless facility may be revoked for one or more of the following reasons:
- 1. The wireless provider obtained approval by means of fraud or made a misrepresentation of a material fact with respect to the permit application, or any required documentation or submittal.
- 2. The wireless provider failed to construct the small wireless facility in accordance with the approved plans.
- The wireless provider failed to comply within any material condition of a permit issued.
- 4. The wireless provider substantially expanded or altered the use or the structure of the small wireless facility beyond what was requested in the permit application or approved, without the approval of the Village.
- The wireless provider failed to notify the Village of the replacement of small wireless facilities as required by this chapter.
- 6. A substantial change of law has occurred affecting the wireless provider's authority to occupy or use the property upon which the small wireless facility is located.

- 7. The small wireless facility interferes with vehicular or pedestrian use of the public right of way.
- 8. The wireless provider has failed to make a safe and timely restoration of the right-of-way or the property upon which the small wireless facility is located.
- 9. The wireless provider has failed to properly maintain the small wireless facility as required by this chapter.
- 10. The wireless provider has failed to abate interference with public safety communications in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.
- 11. The small wireless facility has been abandoned and the wireless provider has failed to remove the small wireless facility as provided in this chapter.
- 12. The small wireless facility is found to have been in violation of FCC radio frequency emission standards and the wireless provider, after becoming aware of such violation, fails to shut-down or otherwise cure the violation within three (3) calendar days.
- B. Written notification of the permit revocation shall be sent by certified mail or shall be personally delivered to the wireless provider setting forth the basis for the revocation. The wireless provider shall, within fourteen days of the notice of revocation, file a written response with the <u>Village's director of public servicesvillage engineer</u> or his or her designee setting forth the reasons why the permit should not be revoked along with such evidence in opposition to the revocation as the wireless provider determines necessary. Failure to file a response with the <u>Village's director of public servicesvillage engineer</u> or his or her designee shall be deemed an admission of the facts set forth in the notification of written notification and shall result in automatic revocation of the permit. The <u>Village's director of public servicesvillage engineer</u> or his or her designee shall render findings and a decision within twenty-one days of the date of receipt of the wireless provider's response, if any.
- C. If the <u>Village's director of public services village engineer</u> or his or her designee revokes the permit, the wireless provider may file a written notice of appeal with the Village Clerk within twenty—one (21) days of notification of the permit revocation. Such notice shall contain a response to the decision of the <u>Village's director of public services village engineer</u> or his or her designee. The Village Board shall hear the revocation appeal and render a decision on such appeal.

SECTION 9: Subsection D. of Section 7-1G-4 (Permit Required; Applications and Fees) of Chapter 7-1G (Construction of Utility Facilities in Rights of Way) of the Village Code of Hinsdale is amended to read in its entirety as follows:

- D. Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection C of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:
- 1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- 2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- 3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- 4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, and other local or State entities with jurisdiction, have been satisfied; or
- 5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed; or
- 6. In the case of small wireless facilities and associated utility poles or wireless support structures in the right-of-way, demonstrated conformance with the Village's adopted General Guidelines and Small Wireless Facility Design, Aesthetic, Stealth and Concealment Standards, where applicable, as such standards may be amended from time to time.

SECTION 10: A new subsection G. of Section 9-12-2 (Limitations on Noise) of the Village Code of Hinsdale is added, to read in its entirety as follows:

F. Utility equipment in rights of way: Utility equipment located in the public right-of-way and in residentially zoned districts shall be operated in such a manner so as to minimize any possible disruption to residents and occupants of nearby buildings caused by noise. Backup generators, if needed, shall only be operated during periods of power outages, and for no more than one weekly testing period not to exceed fifteen (15) minutes, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 7:00 a.m. Except during periods of construction, power outages, or during authorized backup testing conforming to the time limitations in this subsection, at no time shall any utility facility, or group of ground or pole-mounted utility facilities, in a residentially zoned area be permitted to exceed 40 dBA at a ground level distance of twenty feet (20') as measured from the pole base or ground-mounted equipment, as

applicable, or exceed any other applicable noise levels imposed by codes adopted by the Village.

SECTION 11: All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

<u>SECTION 12</u>: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

<u>SECTION 13</u>: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 14: This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

ADOPTED this da	y of	, 2022, pursuant to a
roll call vote as follows:		
AYES:		
NAYS:		
ABSENT:		
APPROVED by me this attested to by the Village Clerk th		, 2022, and
	Thomas K. Cauley, Jr.,	Village President
ATTEST:		
Christine M. Bruton, Village Clerk		

463981_5 22

STATE OF ILLINOIS) COUNTY OF DUPAGE) SS COUNTY OF DUPAGE)
CLERK'S CERTIFICATE
I, Christine M. Bruton, Clerk of the Village of Hinsdale, in the Counties of DuPage and Cook, State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:
ORDINANCE NO.
AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE CODE OF THE VILLAGE OF HINSDALE RELATIVE TO THE PERMITTING, REGULATION AND DEPLOYMENT OF SMALL WIRELESS FACILITIES, UTILITY NOISE AND CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT OF WAY
which Ordinance was passed by the Board of Trustees of the Village of Hinsdale at a Regular Village Board Meeting on the day of, 2022, at which meeting a quorum was present, and approved by the President of the Village of Hinsdale on the day of, 2022.
I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Hinsdale was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Hinsdale, and that the result of said vote was as follows, to-wit:
AYES:
NAYS:
ABSENT:
I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Hinsdale, this day of, 2022.

Village Clerk

[SEAL]



AGENDA ITEM # 80

REQUEST FOR BOARD ACTION Finance

AGENDA SECTION:

Consent - ACA

SUBJECT:

Accounts Payable-Warrant #1754

MEETING DATE:

February 15, 2022

FROM:

Andrea Lamberg, Finance Director

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Recommended Motion

Approve payment of the accounts payable for the period of January 27, 2022 through February 9, 2022 in the aggregate amount of \$966.524.67 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.

Background

At each Village Board meeting the Village Treasurer submits a warrant register that lists bills to be paid and to ratify any wire transfers that have been made since the last Village Board meeting. Supporting materials for all bills to be paid are reviewed by Village Treasurer and one Village Trustee prior to the Village Board meeting.

Discussion & Recommendation

After completion of the review by the Village Treasurer and Village Trustee approval of Warrant #1754 is recommended.

Budget Impact

N/A

Village Board and/or Committee Action

Village Board agenda policy provides that the Approval of the Accounts Payable should be listed on the Consent Agenda

Documents Attached

VILLAGE OF HINSDALE

ACCOUNTS PAYABLE WARRANT REGISTER #1754

FOR PERIOD January 27, 2022 through February 9, 2022

The attached Warrant Summary by Fund and Warrant Register listing TOTAL DISBURSEMENTS FOR ALL FUNDS of \$966,524.67 reviewed and approved by the below named officials.

APPROVED BYVILLAG	MULA SE TREASU	Lauling RERFINANCE DIRE	date _2/	9/2012
APPROVED BY	VILLA	GE MANAGER	DATE	·
APPROVED BY	VILL	AGE TRUSTEE	DATE	

Village of Hinsdale #1754 Summary By Fund

Recap By Fund	Fund	Regular Checks	ACH/Wire Transfers	Total
General Fund	100	200,176.87	180,039.67	380,216.54
Capital Project Fund	400	9,356.25	-	9,356.25
Water & Sewer Operations	600	324,872.15	-	324,872.15
Escrow Funds	720	39,400.00	-	39,400.00
Payroll Revolving Fund	740	5,790.63	206,889.10	212,679.73
Total		579,595.90	386,928.77	966,524.67

Village of Hinsdale Schedule of Bank Wire Transfers and ACH Payments 1754

Pavee Date	. Description	. Vendor Involce	Invoice II
Electronic Federal Tax Payment Systems 2/4/2022	Village Payroll #3 - Calendar 2022	FWH/FICA/Medicare	\$ 99,317.94
Illinois Department of Revenue 2/4/2022	Village Payroll #3 - Calendar 2022	State Tax Withholding	\$ 20,503.90
ICMA - 457 Plans 2/4/2022	Village Payroll #3 - Calendar 2022	Employee Withholding	\$ 20,279.14
HSA PLAN CONTRIBUTION 2/4/2022	Village Payroll #3 - Calendar 2022	Employer/Employee Withholding	\$ 1,559.17
Intergovernmental Personnel Benefit Coop	erative	Employee Insurance	\$ 180,039.67
Illinois Municipal Retirement Fund	Total Bank W	Employer/Employee ire Transfers and ACH Payments	\$ 65,228.95 \$ 386,928.77



Invoice	Description	Invoice/Amount
AT & T		
63032338639258	VEECK PARK-WP 12/14/21-1/13/22	453.34
	Check Date 1/31/2022 Total For Check # 111793	453.34
HOME DEPOT CRE	EDIT SERVICE	
JAN22	JAN22 MISC HARDWARE	75.31
JAN22	JAN22 MISC HARDWARE	225.02
JAN22	JAN22 MISC HARDWARE	5.56
JAN22	JAN22 MISC HARDWARE	69.93
JAN22	JAN22 MISC HARDWARE	3.10
JAN22	JAN22 MISC HARDWARE	219.00
JAN22	JAN22 MISC HARDWARE	219.00
JAN22	JAN22 MISC HARDWARE	12.04
JAN22	JAN22 MISC HARDWARE	58.91
	Check Date 1/31/2022 Total For Check # 111794	887.87
TOSHIBA FINANCI	AL SERVICE	
463163436	ADMIN COPIER LEASE JAN22-SC1HJ17548	275.00
	Check Date 1/31/2022 Total For Check # 111795	275.00
AFLAC-FLEXONE		
15870	Payroll Run 1 - Warrant PR2203	764.57
	Check Date 2/4/2022 Total For Check # 111796	764.57
ILLINOIS FRATER	NAL ORDER	
15868	Payroll Run 1 - Warrant PR2203	864.00
	Check Date 2/4/2022 Total For Check # 111797	864.00
NATIONWIDE RET	IREMENT SOL	
15869	Payroll Run 1 - Warrant PR2203	200.00
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Check Date 2/4/2022 Total For Check # 111798	200.00
NATIONWIDE TRU		
15871	Payroll Run 1 - Warrant PR2203	3,507.29
1007 1	Check Date 2/4/2022 Total For Check # 111799	3,507.29
NCPERS GRP LIFE		
15867	Payroll Run 1 - Warrant PR2203	224.00
	Check Date 2/4/2022 Total For Check # 111800	224.00
STATE DISBURSE	MENT UNIT	
15872	Payroll Run 1 - Warrant PR2203	230.77
	Check Date 2/4/2022	230.77



Invoice	Description	Invoice/Amount		
ADVANCED TURF S	SOLUTIONS,			
SO978563	SEED-ATHLETIC MIX	6,600.00		
	Check Date 2/9/2022 Total For Check # 111802	6,600.00		
AEP ENERGY				
3013129837-JAN22	2 E STOUGH/STREET LIGHT-12/21/21-1/25/22	7,718.66		
3013129848-JAN22	53 VILLAGE PL-12/15/21-1/19/22	878.31		
3014421204-JAN22	19 E CHGO-TRANSFORMER 12/16/21-1/20/22	1,945.64		
3014421192-JAN22	908 ELM ST-12/16/21-1/20/22	233.18		
	Check Date 2/9/2022 Total For Check # 111803	10,775.79		
AIR ONE EQUIPME	NT			
176536	FIRE SUPPRESSION HOODS	526.00		
177524	SCBA COMPRESSOR OIL	96.59		
176891	HAZMAT METER CALIBRATION	80.00		
176811	UNIFORM ALLOWANCE	185.00		
	Check Date 2/9/2022 Total For Check # 111804	887.59		
AMITA HEALTH	·			
106	JAN22 DRUG SCREENING/PHYSICAL	150.00		
106	JAN22 DRUG SCREENING/PHYSICAL	150.00		
	Check Date 2/9/2022 Total For Check # 111805	300.00		
ANDREA LAMBERO	G, VILLAGE TREASURER			
FY2021	PD PETTY CASH DEC21	353.66		
FY2021	PD PETTY CASH DEC21	8.00		
FY2021	PD PETTY CASH DEC21	98.34		
	Check Date 2/9/2022 Total For Check # 111806	460.00		
ANDRES MEDICAL	BILLING LT			
253984	JANUARY COLLECTIONS	1,937.14		
	Check Date 2/9/2022 Total For Check # 111807	1,937.14		
BEVERLY SNOW &	ICE INC.			
52962	PARKING DECK SNOW REMOVAL CONTRACT YEAR 2	3,050.00		
	Check Date 2/9/2022	3,050.00		
BOHLMANN INC				
B14217	PILOT SITE PLANTER BOXES	1,550.00		
_ · · _ · ·	Check Date 2/9/2022 Total For Check # 111809	1,550.00		
BRIDGEPAY NETWORK SOLUTIONS				
9485	JAN22 TRANSACTIONS	26.50		
	Check Date 2/9/2022 Total For Check # 111810	26.50		



Invoice	Description	Invoice/Amount
CDW-GOVERNMEN	T INC.	
R124284	VMWARE LICENSE	1,158.00
	Check Date 2/9/2022 Total For Check # 111811	1,158.00
CINTAS CORPORA	TION 769	
1902630601	UNIFORM ALLOW	399.96
5092141337	MEDICAL CABINET RESTOCK	35.71
5092141337	MEDICAL CABINET RESTOCK	35.71
1902691294	UNIFORM ALLOW	104.94
	Check Date 2/9/2022 Total For Check # 111812	576.32
CLARENDON HILLS	S PARK DIST	
FALL21	FALL 2021 DANCE	1,071.00
•	Check Date 2/9/2022 Total For Check # 111813	1,071.00
COEO SOLUTIONS		
1064784	HIGH SPEED INTERNET 2/1-2/28/22	1,323.10
	Check Date 2/9/2022 Total For Check # 111814	1,323.10
COMCAST		
8771201110037136	POOL 2/4-3/3/22	161.85
8771201110036757	VH 2/5-3/4/22	263.85
8771201110036815	WATER 2/5-3/4/22	151.85
8771201110036807	KLM 2/5-3/4/22	111.85
8771201110036781	POLICE 2/5-3/4/22	165.90
	Check Date 2/9/2022 Total For Check # 111815	855.30
COMED		
0015093062	57TH STREET	527.65
0075151076	ELEANOR PARK	848.51
0203017056	WARMING HOUSE/PADDLE HUT	453.53
0203065105	CHESTNUT PARKING	39.16
0395122068	STREET LIGHTS	66.55
0417073048	314 SYMONDS DR	605.77
0427019145	CAMERA 989/TAFT RD	33.43
0471095066	FOUNTAIN	146.63
0499147045	BURLINGTON PARK	76.12
0651102260	PD CAMERA-701 E CHGO	32.27
0697168013	STREET LIGHTS	40.88
1993023010	RADIO EQUIPMENT FD	214.90
2378029015	WASHINGTON	53.98



Invoice	Description	Invoice/Amount
2425068008	VEECK PARK	650.08
3454039030	VEECK PARK-WP	894.34
7011157008	NS CBQ RR	30.77
7011378007	PIERCE PARK	157.22
7093551008	KLM LODGE	1,016.36
7093551008	KLM LODGE	254.10
8521083007	ROBBINS PARK	836.52
8521342001	TRAIN STATION	1,047.47
8521400008	WATER PLANT	36.85
8605174005	BROOK PARK	437.85
8605437007	POOL	781.65
8689206002	ELEANOR PARK	37.17
8689640004	BURNS FIELD	33.23
	Check Date 2/9/2022 Total For Check # 111816	9,352.99
COMED		
0381057101	CLOCK TOWER	23.44
0639032045	ROBBINS PARK	19.52
0825110049	PD CAMERA-440 E OGDEN	30.75
1107024145	LANDSCAPE LIGHTS 650	25.60
1507053046	PD CAMERA-5909 S GARFIELD	28.88
2195166237	PD CAMERA-5913 S MADISON	28.42
2771151012	PD CAMERA-2 STOUGH	29.27
6583006139	BURLINGTON PARK	23.44
7011481018	WALNUT STREET	24.46
7261620005	SAFETY TOWN	20.18
8689480008	STOUGH PARK	19.07
	Check Date 2/9/2022 Total For Check # 111817	273.03
COMMERCIAL C	OFFEE SERVICE	
400457	PUB WORKS COFFEE	300.00
	Check Date 2/9/2022 Total For Check # 111818	300.00
CONSTELLATION	N NEWENERGY	
3384248	GAS BILLS 12/1-12/31/21	765.70
3384248	GAS BILLS 12/1-12/31/21	765.70
3384248	GAS BILLS 12/1-12/31/21	1,293.33
3384248	GAS BILLS 12/1-12/31/21	1,568.05
3384248	GAS BILLS 12/1-12/31/21	454.55
3384248	GAS BILLS 12/1-12/31/21	1,167.22
	Check Date 2/9/2022 Total For Check # 111819	6,014.55



Invoice	Description	Invoice/Amount
CORE & MAIN LP		
P886877	ANNUAL FIRE HYDRANT REPLACEMENT	3,451.00
	Check Date 2/9/2022 Total For Check # 111820	3,451.00
CUMMINS INC		
F2-17429	VH EMERG REPAIR GENERATOR HEATER	1,896.00
	Check Date 2/9/2022 Total For Check # 111821	1,896.00
DUPAGE CONVENT	TION &	•
2022-112	DCVB ANNUAL MEMBERSHIP 2022	225.00
	Check Date 2/9/2022 Total For Check # 111822	225.00
DUPAGE WATER C	OMMISSION	
01-1200-00-JAN22	WATER CHARGES 12/31/21-1/31/22	312,672.64
	Check Date 2/9/2022 Total For Check # 111823	312,672.64
ENCORE GARAGE		
15391639	OUTSIDE POOL BATHROOM FLOOR REFINISH	750.00
	Check Date 2/9/2022 Total For Check # 111824	750.00
ENHANCED PERFO	DRMANCE	
181240	CORKS AND FORKS WINE GLASSES	731.08
	Check Date 2/9/2022 Total For Check # 111825	731.08
ESSCOE LLC		
49400	SYSTEM INSPECT 12/1/21-11/30/22	2,658.00
	Check Date 2/9/2022 Total For Check # 111826	2,658.00
FCWRD		
009575-000-JAN22	SEWER 11/28/21-1/26/22	29.30
	Check Date 2/9/2022 Total For Check # 111827	29.30
FIRST COMMUNICA	ATIONS, LLC	
123148386	PHONE CHARGES 1/23-2/22/22	304.19
123148386	PHONE CHARGES 1/23-2/22/22	104.65
123148386	PHONE CHARGES 1/23-2/22/22	219.52
123148386	PHONE CHARGES 1/23-2/22/22	59.98
123148386	PHONE CHARGES 1/23-2/22/22	443.28
123148386	PHONE CHARGES 1/23-2/22/22	189.98
123148386	PHONE CHARGES 1/23-2/22/22	732.14
	Check Date 2/9/2022 Total For Check # 111828	2,053.74
GALLAGHER, TOM		
010322	UNIFORM ALLOW	89.99
274474	ISA MEMBERSHIP RENEWAL	190.00



Invoice	Description		Invoice/Amount
23310814	CDL RENEWAL		61.35
	Check Date 2/9/2022	Total For Check # 111829	341.34
GIULIANOS PIZZA			
15	OT MEAL MAIN BREA	K 1/20/22	64.73
	Check Date 2/9/2022	Total For Check # 111830	64.73
GOLDY LOCKS, INC	•		
702193	MEMORIAL HALL NOF	RTH DOOR REPLACE	1,430.00
	Check Date 2/9/2022	Total For Check # 111831	1,430.00
GOVTEMPS USA, L	LC		
3886590	HOWARD HOURS 1/2	, 1/9	4,704.00
3895053	HOWARD HOURS 1/10	6, 1/23	2,688.00
	Check Date 2/9/2022	Total For Check # 111832	7,392.00
GRAINGER, INC.		•	
9187420634	BATTERIES FOR LOC	ATOR	99.16
	Check Date 2/9/2022	Total For Check # 111833	99.16
GRASSO GRAPHIC	S INC		
31677	SHOP LOCAL FLYERS	8	137.50
	Check Date 2/9/2022	Total For Check # 111834	137.50
HR GREEN INC			
149610	CHARLESTON RD DR	AINAGE STUDY	8,092.50
149609	PAVEMENT MGMT ST	UDY-INFRAST PLAN	1,263.75
	Check Date 2/9/2022	Total For Check # 111835	9,356.25
HSA BANK			
22076640	HSA 3RD QTR EMPLO	YER CONTRIB	375.00
	Check Date 2/9/2022	Total For Check # 111836	375.00
IGFOA			
012622	JOB POST-PT ACCOL	INTANT POSITION	250.00
01262022	JOB POST-FULL TIME	ACCOUNTANT POSITION	250.00
	Check Date 2/9/2022	Total For Check # 111837	500.00
ILCMA			
3331	JOB POST-FT AND PT	ACCOUNTANT POSITION	100.00
	Check Date 2/9/2022	Total For Check # 111838	100.00
ILLINOIS STATE POLICE BUREAU OF IDENTIFICATION			
1214221	FD - NEW HIRE FINGI 06162	ERPRINTING FEE COST CENTER	28.25
	Check Date 2/9/2022	Total For Check # 111839	28.25



Invoice	Description	Invoice/Amount		
IMAGETREND INC				
133233	ANNUAL FEE-CAD INTEGRATION	1,030.00		
•	Check Date 2/9/2022 Total For Check # 111840	1,030.00		
INDUSTRIAL ELEC	TRIC SUPPLY			
S100009957.001	STREET LIGHT POLE FUSES	77.36		
	Check Date 2/9/2022 Total For Check # 111841	77.36		
KONECRANES, INC	C ,			
154567455A	TESTING INSPECT-POOL FILTER ROOM	345.00		
	Check Date 2/9/2022 Total For Check # 111842	345.00		
LINDE GAS & EQU	IPMENT INC			
067873010	POOL CHEMICALS	139.77		
	Check Date 2/9/2022 Total For Check # 111843	139.77		
LISA LOMBARDI C	OACHING			
50071865	VALEN SLIME CLASS	78.40		
	Check Date 2/9/2022 Total For Check # 111844	78.40		
MCMAHON MAINT	ENANCE INC			
17897	KLM WINDOW WASHING	440.00		
	Check Date 2/9/2022 Total For Check # 111845	440.00		
MEADE ELECTRIC	CO., INC.			
699088	OPTICOM REPAIR	252.52		
699088	OPTICOM REPAIR	252.52		
	Check Date 2/9/2022 Total For Check # 111846	505.04		
METROPOLITAN F	IRE CHIEFS			
2022	2022 ANNUAL MEMBERSHIP DUES	90.00		
	Check Date 2/9/2022 Total For Check # 111847	90.00		
MORRISON ASSO	CIATES LTD			
2022:0518	PROFESSIONAL DEVELOPMENT SERVICE	437,50		
	Check Date 2/9/2022 Total For Check # 111848	437.50		
MUNICIPAL EMERGENCY SVCS				
IN1664805	SCBA REPAIR	58.24		
	Check Date 2/9/2022 Total For Check # 111849	58.24		
NAPA AUTO PART	'S			
4343-759979	STOCK ORDER-AIR FILTERS	160.09		
4343-759979	STOCK ORDER-AIR FILTERS	41.77		
4343-759979	STOCK ORDER-AIR FILTERS	20.87		
4343-759979	STOCK ORDER-AIR FILTERS	20.87		



Invoice	Description		Invoice/Amount
4343-759979	STOCK ORDER-AIR F	FILTERS	90.90
4343-759979	STOCK ORDER-AIR F	FILTERS	20.88
4343-759979	STOCK ORDER-AIR F	FILTERS	315.23
4343-759979	STOCK ORDER-AIR F	FILTERS	23.38
	Check Date 2/9/2022	Total For Check # 111850	693.99
NICOR GAS			
38466010006	121 SYMONDS 12/15/	21-1/14/22	83.17
38466010006	121 SYMONDS 12/15/21-1/14/22		83.16
13270110003	350 N VINE-12/15/21-1/14/22		769.35
90077900000	YOUTH CENTER-12/1	YOUTH CENTER-12/15/21-1/14/22	
06677356575	PLATFORM TENNIS-1	12/16/21-1/18/22	2,401.82
12952110000	5905 S COUNTY LINE	-12/16/21-1/18/22	639.66
	Check Date 2/9/2022	Total For Check # 111851	4,514.13
NUCO2 INC			
68658641	CO2 TANK LEASE		140.03
÷	Check Date 2/9/2022	Total For Check # 111852	140.03
ATUESTA, PATRIC	iA .		
24894	KLM SECURITY DEP-	EN211212 #24894	75.00
	Check Date 2/9/2022	Total For Check # 111853	75.00
COOK, SHERRI		ı	
26481	CONT BD-911 S VINE	#26481	2,500.00
	Check Date 2/9/2022	Total For Check # 111854	2,500.00
CWIK, BRIGETTE			
241433	WINTER INTRO TO LA	ACROSSE CAMP	225.00
	Check Date 2/9/2022	Total For Check # 111855	225.00
EMGEE LLC			
0506035	DUPLICATE WATER I	PAYMENT	159.86
	Check Date 2/9/2022	Total For Check # 111856	159.86
FARRELL-PERKIN	S, KIMBERLY		
26911	STMWR BD-843 S LIN	NCOLN #26911	8,500.00
	Check Date 2/9/2022	Total For Check # 111857	8,500.00
HURON CONSTRU	ICTION		
25390	STMWR BD-5593 S O	AK #25390	12,500.00
	Check Date 2/9/2022	Total For Check # 111858	12,500.00
KALNES, KATHERINE			
25933	KLM SECURITY DEP	-EN220119 #25933	250.00
	Check Date 2/9/2022	Total For Check # 111859	250.00



Invoice	Description	Invoice/Amount	
KRUCHKO, G WILL	IAM		
27016	CONT BD-625 S COUNTY LINE #27016	500.00	
	Check Date 2/9/2022 Total For Check #	111860 500.00	
PARK FIVE HOMES	;		
25545	STMWR BD-811 S ADAMS #25545	8,500.00	
	Check Date 2/9/2022 Total For Check #	111861 8,500.00	
QUANTAS POOLS	INC		
26185	CONT BD-402 S WASHINGTON #26185	3,000.00	
	Check Date 2/9/2022 Total For Check #	111862 3,000.00	
RAMIREZ, AIDA			
HNIL-21-0566	REF AMB RUN #HNIL-21-0566:1	927.50	
	Check Date 2/9/2022 Total For Check #	111863 927.50	
RAY, MARISSA			
24886	KLM SECURITY DEP-EN220805 #24886	450.00	
	Check Date 2/9/2022 Total For Check #	111864 450.00	
SCHIEK, TERRI			
241473	WITHDREW FROM CORKS AND FORKS	EVENT 125.00	
	Check Date 2/9/2022 Total For Check #	111865 125.00	
WASIELEWSKI, RA	CHEL		
25935	KLM SECURITY DEP-EN220108 #25935	250.00	
	Check Date 2/9/2022 Total For Check #	111866 250.00	
ORBIS SOLUTIONS	S		
5572572	IT SUPPORT SVCS 2/1-2/28/21	13,744.00	
	Check Date 2/9/2022 Total For Check #	111867 13,744.00	
PARVIN-CLAUSS S	SIGN CO INC		
3629J	HINSDALE ENTRY MARKER SIGNS	7,538.00	
	Check Date 2/9/2022 Total For Check #	111868 7,538.00	
PREMIER LANDSC	APE CONTRAC		
26390	CONT BD-206 W 8TH ST #26390	1,800.00	
26435	CONT BD-603 JEFFERSON #26435	600.00	
26500	CONT BD-911 S BRUNER #26500	1,000.00	
26720	CONT BD-627 CHICAGO #26720	500.00	
	Check Date 2/9/2022 Total For Check #	111869 3,900.00	
PREMIER OCCUPATIONAL HLTH			
109700	CONSORTIUM ANNUAL FEE 2022	65.00	
	Check Date 2/9/2022 Total For Check #	£ 111870 65.00	



Invoice	Description		Invoice/Amount
QUADIENT INC			
59004026	POSTAGE METER RENTAL/MAINT 2/13-5/12/22		111.88
59004026	POSTAGE METER RE	NTAL/MAINT 2/13-5/12/22	311.28
	Check Date 2/9/2022	Total For Check # 111871	423.16
RANDALL INDUST	RIES		
194337	GENIE LIFT INSPECT	ION	325.00
	Check Date 2/9/2022	Total For Check # 111872	325.00
RAY O'HERRON C	O INC		
2167059	UNIFORM ALLOWANG	UNIFORM ALLOWANCE	
2170239	UNIFORM ALLOWANG	UNIFORM ALLOWANCE	
2169803	UNIFORM ALLOWANCE		130.00
2170240	UNIFORM ALLOWANG	CE	114.98
	Check Date 2/9/2022	Total For Check # 111873	821.58
SOUTH SIDE CON	TROL SUPPLY		
S100744290.001	REPLACE ROOM STA	AT-KLM COTTAGE	67.69
	Check Date 2/9/2022	Total For Check # 111874	67.69
SPORTS R US			
2589	JANUARY 2022 SESS	SIONS	1,160.00
	Check Date 2/9/2022	Total For Check # 111875	1,160.00
STAPLES BUSINE	SS ADVANTAG		
8065084434	INK CARTRIDGE FOR	R PRINTER FOR FRONT DESK	131.96
	Check Date 2/9/2022	Total For Check # 111876	131.96
STEVE PIPER & S	ONS		•
18795	STUMP GRINDING		125.00
	Check Date 2/9/2022	Total For Check # 111877	125.00
STRATEGIA CONS	SULTING LLC		
1550	CONSULTING SERVI	CES-1/18, 1/19	1,282.50
	Check Date 2/9/2022	Total For Check # 111878	1,282.50
SWANK MOVIE LI	CENSING USA		
BO1870688	MOVIE SCREENING	LICENSE-SUMMER 2022	1,335.00
	Check Date 2/9/2022	Total For Check # 111879	1,335.00
THE HINSDALEAN	l .		
10424	#HPC-01-2022 & #A-0	01-2022	155.40
10424	#HPC-01-2022 & #A-01-2022		319.20
38298	NEW YEAR ADS		390.00
38371	NEW YEAR ADS		390.00
	Check Date 2/9/2022	Total For Check # 111880	1,254.60



Invoice	Description	Invoice/Amount
THE STEVENS GRO	DUP	
0131393	BUSINESS CARDS	58.75
	Check Date 2/9/2022 Total For Check # 111881	58.75
THIRD MILLENIUM		
27233	V-PAY ONLINE HOSTED SVC FEE 2/15/22 TO 2/14/23	1,965.96
27227	VEH ONLINE ANNUAL MAINT 2/15/22 TO 2/14/23	1,299.72
	Check Date 2/9/2022 Total For Check # 111882	3,265.68
TOSHIBA FINANCIA	AL SERVICE	
463551226	PD COPIER LEASE 1/18-2/18/22	275.00
463630095	FIRE/PUB WORKS COPIER LEASE 1/19-2/19/22	269.12
463630095	FIRE/PUB WORKS COPIER LEASE 1/19-2/19/22	269.12
463981225	COPIER LEASE FINANCE 1/23-2/23/22 SC1KK26317	275.00
	Check Date 2/9/2022 Total For Check # 111883	1,088.24
TRESSLER, LLP		
441320	PROF FEES THRU 1/31/22 FILE #011269-00002	4,210.50
	Check Date 2/9/2022 Total For Check # 111884	4,210.50
TRUSTWORTHY CI	LEANING	
36	JANUARY LODGE CLEANINGS	810.00
	Check Date 2/9/2022 Total For Check # 111885	810.00
TYLER TECHNOLO	OGIES, INC	
045-361376	APP SVCS 1/1/22-3/31/22	20,822.25
045-362871	PERMIT MODULE CREDIT 1/1/22-3/31/22	-1,562.50
045-342304	PAYROLL CONVERSION	3,700.00
045-345198	VB-MAIR	1,920.00
045-345369	UB CONVERSION	11,000.00
045-345680	UB-MAIR	3,200.00
045-346735	UB-MAIR	3,200.00
045-347107	APP SVCS 7/1-9/30/21	20,584.25
045-362865	PERMIT-MODULE CREDIT	-1,562.50
045-347299	CENTRAL PROPERTY FILE	190.50
045-349085	UB PARENTEAU	640.00
045-351782	UB-MAIR	1,304.00
045-352279	UB-MAIR	1,304.00
045-354189	UB-MAIR	1,304.00
045-355286	UB-MAIR	652.00
045-356754	UB-CSS	640.00



Invoice	Description	Invoice/Amount
045-357035	APP SVCS 10/1-12/31/21	20,584.25
045-362867	PERMIT MODULE CREDIT	-1,562.50
045-357149	CENTRAL PROPERTY FILE	190.50
045-361588	UB MAIR	652.00
045-363425	UB MAIR	652.00
	Check Date 2/9/2022 Total For Check # 111886	87,852.25
VERIZON WIRELI	ESS	
9897971228	IPADS/MODEMS/PD CAMERAS	110.66
9897971228	IPADS/MODEMS/PD CAMERAS	36.87
9897971228	IPADS/MODEMS/PD CAMERAS	110.66
9897971228	IPADS/MODEMS/PD CAMERAS	332.27
9898019550	MONTHLY DATA USAGE - DEC 24-JAN23	50.04
9898019550	MONTHLY DATA USAGE - DEC 24-JAN23	38.01
	Check Date 2/9/2022 Total For Check # 111887	678.51
WAREHOUSE DI	RECT INC	
5152140-0	OFFICE SUPPLIES	36.30
5158605-0	OFFICE SUPPLIES-CHAIR MATT	116.41
5154403-0	JANITORIAL SUPPLIES-VH	132.22
5152035-0	OFFICE SUPPLIES	417.80
	Check Date 2/9/2022 Total For Check # 111888	702.73
WARREN OIL CO	DMPANY	
W1449060	DIESEL FUEL 12/29/21-1/24/22	901.79
W1449060	DIESEL FUEL 12/29/21-1/24/22	2,586.40
W1449060	DIESEL FUEL 12/29/21-1/24/22	272.74
W1449060	DIESEL FUEL 12/29/21-1/24/22	120.47
W1449060	DIESEL FUEL 12/29/21-1/24/22	77.92
	Check Date 2/9/2022 Total For Check # 111889	3,959.32
YIAYIAS PANCA	KE HOUSE	
272356	OT MEAL-MAIN BREAK	75.47
	Check Date 2/9/2022 Total For Check # 111890	75.47
	Total For ALL Checks	579,595.90



Warrant Summary by Fund:

RECAP BY FUND	FUND NUMBER	FUND TOTAL
GENERAL FUND	100	200,176.87
CAPITAL PROJECTS FUND	400	9,356.25
WATER & SEWER OPERATIONS FUND	600	324,872.15
ESCROW FUND	720	39,400.00
PAYROLL REVOLVING FUND	740	5,790.63
• .	TOTALS:	579,595.90

END OF REPORT



Administration

AGENDA SECTION:

Consent - ACA

SUBJECT:

Membership in Midway Noise Compatibility Commission

MEETING DATE:

February 15, 2021

FROM:

Kathleen A. Gargano, Village Manager

Recommended Motion

Approve an Intergovernmental Agreement between the city of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the Midway Noise Compatibility Commission (MNCC).

Background

The Midway Noise Compatibility Commission (MNCC) is an advisory commission to the City of Chicago that was established in 1996 and made up of representatives of communities affected by Midway Airport noise. The purposes of the Commission are to: (a) determine certain Noise Compatibility Projects and Noise Compatibility Programs to be implemented in the Midway Commission Area; (b) oversee an effective and impartial noise monitoring system; (c) advise the City concerning Midway-related noise issues; and (d) provide a forum for direct citizen engagement.

Discussion & Recommendation

In recent years the Village has received noise complaints from residents related to aircraft. The Midway Commission may make recommendations to the City regarding noise reduction programs at Midway including, but not limited to, the use of new technologies and flight patterns, preferential runway usage, the implementation of sound insulation programs, and the implementation of FAA standard noise abatement, take-off, and high-altitude approach procedures. No such recommendations shall be submitted to the FAA or implemented by the City without the prior approval of the Midway Commission. The Midway Commission also shall cooperate with the City in seeking agreements with the airlines using Midway and the FAA, as appropriate, with respect to aircraft noise mitigation and related matters.

Budget Impact

There is no cost to the Village to join the Commission. Costs of the Commission are paid by the City of Chicago.

Village Board and/or Committee Action

At their meeting of February 1, 2022, the Board agreed to move this item to the Consent Agenda of their next meeting.

Documents Attached

- 1. Intergovernmental Agreement Relating to the Midway Noise Compatibility Commission
- 2. MNCC membership

INTERGOVERNMENTAL AGREEMENT RELATING TO THE MIDWAY NOISE COMPATIBILITY COMMISSION

This agreement, effective January 1, 2021, succeeds the previous agreement that was approved by the Chicago City Council and which went into effect on January 1, 2016, which expires under its own terms on December 31, 2020. It is entered into by the City of Chicago, a municipality and home rule unit of government under the Illinois Constitution of 1970, by and through the Chicago Department of Aviation, and the undersigned Members, organized under the laws of the State of Illinois. In consideration of the mutual agreements contained in this Agreement, the City of Chicago and each Member agree as follows:

Section 1. Establishment of Midway Commission; Purposes.

The Midway Noise Compatibility Commission ("Midway Commission") is hereby established pursuant to Section 10 of Article VII of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act. The purposes of the Commission are to: (a) determine certain Noise Compatibility Projects and Noise Compatibility Programs to be implemented in the Midway Commission Area; (b) oversee an effective and impartial noise monitoring system; (c) advise the City concerning Midway-related noise issues; and (d) provide a forum for direct citizen engagement.

Section 2. Definitions.

Whenever used in this Agreement, the following terms shall have the following meanings:

"Alternate" means a Designee's substitute.

"City" means the City of Chicago. The Commissioner of Aviation or his or her Alternate (or any successor thereto) shall have the sole authority to undertake the City of Chicago's obligations and responsibilities under this Agreement, and the City shall act by and through the Commissioner of Aviation or his or her Alternate (or any successor thereto) for purposes of this Agreement, except as otherwise set forth in this Agreement.

"Designee" means a Member's chief elected officer for a municipality other than the City, the Commissioner of Aviation and other appointees by the Mayor of the City of Chicago for the City, or the chief elected officer for a county.

"FAA" means the Federal Aviation Administration or any successor agency.

"Member" means, at any time, each city, town, village, or county located in the Midway Commission Area that has executed a counterpart of this Agreement on the basis set forth in this Agreement, other than the City.

"Midway" means Chicago Midway International Airport.

"Midway Commission Area" means the area in the vicinity of Midway with an interest in Midway-related aircraft noise issues, which area includes but is not limited to the following municipalities and counties (which shall represent their respective residents in unincorporated areas): (i) the City of Chicago, Bedford Park, Bridgeview, Burbank, Cicero, Forest View, Lyons, Stickney, and Summit; and (ii) Cook County. Municipalities may be added to the Midway Commission Area as provided in Section 6.G.

"Noise Compatibility Programs" means programs, including but not limited to the Residential Sound Insulation Program and the School Sound Insulation Program, which address aircraft noise concerns in the Midway Commission Area as determined by the Midway Commission in cooperation with the City.

"Noise Compatibility Projects" means the noise compatibility projects (including administrative costs) in the Midway Commission Area which are eligible for funding based on FAA regulations and grant assurances, which have been identified as eligible for participation in Noise Compatibility Programs as determined by the Midway Commission in cooperation with the City based on criteria adopted by the Midway Commission, and for which there is available funding. Noise Compatibility Projects include, but are not limited to, the sound insulation of homes and schools and/or providing the funding for such sound insulation to be implemented. Participation in a Noise Compatibility Program or receipt of a Noise Compatibility Project shall be voluntary on the part of the relevant property owner.

"Part 150 Plan" means a noise abatement and land use compatibility plan developed pursuant to 14 CFR Part 150, or any successor provision.

"Residential Sound Insulation Program" means the program determined by the Midway Commission in cooperation with the City to provide sound insulation to homes in the Midway Commission Area that are affected by Midway-related aircraft noise, and that are eligible for sound insulation pursuant to FAA guidelines and regulations and eligibility criteria established by the Midway Commission in cooperation with the City, and for which there is available funding.

"School Sound Insulation Program" means the program determined by the Midway Commission in cooperation with the City to provide sound insulation to schools in the Midway Commission Area that are affected by Midway-related aircraft noise, and that are eligible for sound insulation pursuant to FAA guidelines and regulations and eligibility criteria established by the Midway Commission in cooperation with the City, and for which there is available funding.

Section 3. Composition and Organization.

- A. In order for a person to participate as a Designee, the municipality or county represented by such person must have approved and executed a counterpart of this Agreement by February 28, 2021, or pursuant to Section 6.G. of this Agreement.
- B. The Midway Commission shall consist of: (i) the chief elected officer or other Alternate of each of the municipalities and counties in the Midway Commission Area; and (ii) ten individuals appointed by the Mayor of the City of Chicago, provided that the tenth individual

appointed by the Mayor of the City of Chicago shall always be the Commissioner of Aviation, representing the City in an *ex officio* capacity, or his or her Alternate. An individual may serve as a Designee or an Alternate for only one Member, except that the City appointees, other than the Commissioner of Aviation, shall not have an Alternate.

- C. The Midway Commission Area includes municipalities and counties with an interest in Midway-related noise issues, and a principal purpose of this Agreement is to provide a forum for those municipalities and counties to work together with the City on a cooperative basis in addressing these issues.
- D. The Midway Commission shall elect annually from its Designees or Alternates a Chairman and a Vice-Chairman and any other officers that it deems necessary.
- E. Unless otherwise specified in the bylaws, a majority of the Members of the Midway Commission shall constitute a quorum for the transaction of business. Except as provided for in Section 6.H., a concurrence of a simple majority of the quorum shall be necessary for the approval of any action by the Midway Commission. The Midway Commission shall establish a schedule of regular meetings in accordance with its bylaws ("Regular Meetings"), and special meetings may be called by the City or any two Members of the Midway Commission upon at least seven days' written notice to the City and each Member.

Section 4. Midway Commission Powers and Duties.

- A. The Midway Commission shall have the following duties and powers:
- (1) The Midway Commission shall determine certain Noise Compatibility Programs and Noise Compatibility Projects to be implemented in the Midway Commission Area in cooperation with the City as set forth in Appendix A, and shall establish criteria for participation in such Noise Compatibility Programs and for determining the priorities for providing such Noise Compatibility Projects.
- (2) The Midway Commission may make recommendations to the City regarding noise reduction programs at Midway including, but not limited to, the use of new technologies and flight patterns, preferential runway usage, the implementation of sound insulation programs, and the implementation of FAA standard noise abatement, take-off, and high altitude approach procedures. No such recommendations shall be submitted to the FAA or implemented by the City without the prior approval of the Midway Commission. The Midway Commission also shall cooperate with the City in seeking agreements with the airlines using Midway and the FAA, as appropriate, with respect to aircraft noise mitigation and related matters.
- (3) The Midway Commission may advise the City concerning any Part 150 Plan concerning Midway. The City shall not submit any such plan or any subsequent revision proposed by the City to the FAA without allowing the Midway Commission 60 days to review it and submit written recommendations to the City for consideration.

- (4) The Midway Commission may request and, except as set forth below, the City shall provide full access to all publicly available documents relating to: (i) any Midway noise monitoring, (ii) any Midway-related Noise Compatibility Project proposed or undertaken in whole or in part by the City, and (iii) any recommendations or submissions to the FAA by the City related to airport noise mitigation related to Midway. Such requests may not impose an undue burden upon the City or interfere with its operations. In such circumstances, the City shall extend to the Midway Commission an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- Neither the Midway Commission, nor any of its Members, representatives, agents, (5) employees, consultants, or professional advisors shall use, or assist other persons in using FAA flight data for Midway and/or Chicago O'Hare International Airport ("Data") in legal actions to enforce noise abatement policy or regulations without prior approval of the FAA, and shall not release such Data without notice to and consultation with the FAA. The Midway Commission and its Members, representatives, agents, employees, consultants, or professional advisors shall not release the Data for use by law enforcement agencies or for use in any civil litigation except as otherwise required by law. If the Midway Commission or any of its Members, representatives, agents, employees, consultants, or professional advisors are required by law to release such Data, they shall notify the FAA before doing so. This notification must be provided promptly after the Midway Commission or any of its Members, representatives, agents, employees, consultants, or professional advisors receives a request or requirement to release the Data, and prior to the release of the Data. The Midway Commission and its Members, representatives, agents, employees, consultants, or professional advisors shall not release Data if advised by the FAA that the Data contains any information deemed sensitive at the sole discretion of the FAA, unless required by law to release such Data.
- (6) The Midway Commission shall have the power to sue and be sued and to take any other action necessary to perform its powers under this Agreement. No funds received by the Midway Commission from the City shall be used for legal services or other costs in connection with any action by the Midway Commission against the City, its officers or employees, or any airline using Midway, except for enforcement of the provisions of this Agreement. The City will indemnify, defend, and hold harmless Members from any and all claims, costs, expenses, including attorney's fees, damages, judgments and court costs arising out of the Member's participation in the Midway Commission. Members shall promptly provide to the City copies of any notices Members may receive of any claims, actions, fines, proceedings or suits as may be given or filed in connection with the Member's participation in the Midway Commission.
- (7) The Midway Commission shall adopt bylaws for the conduct of its meetings consistent with the powers enumerated herein.
- B. A record of proceedings and documents of the Midway Commission shall be maintained, which shall be available for inspection by the City, each Member, and the public as permitted by law. The accounts of the Midway Commission shall be subject to an annual audit by a qualified independent public accountant.

C. The powers and duties of the Midway Commission shall be limited to those expressly set forth in this Section and in Appendix A of this Agreement.

Section 5. Term of Agreement.

- A. This Agreement shall be effective January 1, 2021, and shall terminate on December 31, 2025, unless otherwise terminated with the written consent of the City and two-thirds of the Members. The term of this Agreement may be extended upon the approval of the City and any Member which wishes to extend the term of the Agreement. If any Member defaults in any material respect in the performance of any of its duties or obligations under this Agreement, and such default continues for 30 days after the Midway Commission notifies the Member, the Midway Commission may terminate the defaulting Member's participation as a party to this Agreement. A material default by a Member shall include, but is not limited to, failure of its Designee or Alternate to attend three or more consecutive Regular Meetings of the Midway Commission.
- B. Any Member may withdraw as a Member of the Midway Commission at any time by providing 60 days advance written notice of its intent to withdraw to the City and the Midway Commission. Each such written notice shall be accompanied by a certified copy of a resolution or other official action of such Member's legislative body authorizing such withdrawal. Following its withdrawal from the Midway Commission, the Member shall cease to exercise any of its rights under this Agreement and to be responsible for any subsequent obligation incurred by the Midway Commission.
- C. The City may terminate this Agreement at any time after January 1, 2021, upon 180 days prior written notice to each Member. Following the City's termination of this Agreement, the rights and obligations of each party to this Agreement shall terminate.

Section 6. Miscellaneous.

A. All notices hereunder shall be in writing and shall be given as follows:

If to the City, to:

Commissioner of Aviation Chicago Department of Aviation 10510 W. Zemke Road Chicago, IL 60666

If to a Member, to the address set forth on the signature page of the counterpart of this Agreement executed by such Member, and, in the case of City appointees, to such addresses and telephone numbers as they may provide to the Midway Commission. Members may provide an email address for purposes of receiving notices.

All notices shall be effective upon receipt by U.S. mail or e-mail. Any Member may change the address or addresses for notices to be sent to it by giving notice to the Midway Commission.

- B. No Member may assign its rights or obligations under this Agreement without the prior written consent of the City and the other Members.
- C. The City shall not be responsible or liable for damage to property or injury to persons that may arise from, or be incident to, compliance with this Agreement or the implementation of a Noise Compatibility Program or a Noise Compatibility Project by a Member or other municipality or county. A Member shall not be responsible or liable for damage to property or injury to persons that may arise from, or be incident to, compliance with this Agreement or the implementation of a Noise Compatibility Program or a Noise Compatibility Project by the City, another Member, or another municipality or county. The City's financial obligations under this Agreement are limited to legally available airport revenues. Neither the City nor any Member shall be liable for any expenditures, indebtedness, or other financial obligations incurred by the Midway Commission unless the City or such Member has affirmatively agreed to incur such expenditure, indebtedness, or financial obligation.
- D. This Agreement and the bylaws authorized in Section 4.A.(7) constitute the entire agreement of the parties with regard to the subject matter hereof. This Agreement shall not confer upon any person or entity other than the parties hereto any rights or remedies. Appendix A is incorporated herein and made a part of this Agreement.
- E. This Agreement may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement, and shall become binding when one or more counterparts have been signed by each party. Each counterpart may vary in order to identify the Member, its address for notices, and its execution by an authorized officer. The execution of counterparts of this Agreement by a municipality or county located in the Midway Commission Area prior to February 28, 2021, shall not require the consent of the Midway Commission, the City, or any Member.
 - F. This Agreement shall be governed and construed in accordance with Illinois law.
- G. Any municipality located in the Midway Commission Area that does not become a Member prior to February 28, 2021, may thereafter become a Member upon: (i) the approval of the City and a majority of the Midway Commission as set forth in Section 3.E. of this Agreement; and (ii) execution of a counterpart of this Agreement. The Mayor of the City of Chicago shall be entitled to appoint one additional individual to the Midway Commission for each additional Member of the Midway Commission that is added from outside the City as the result of this Section 6.G.
- H. The approval of the City and two-thirds of the Members shall be required to amend this Agreement. Notice of any proposed amendment shall be transmitted to each Member at least ten days prior to the meeting of the Midway Commission at which any proposed amendment is to be first considered. Any amendment shall be effective on all parties hereto when counterparts are executed by the City and two-thirds of the Members.

Executed as of thisday of	, 2020.
CITY OF CHICAGO	
By:	
•	
Commissioner Chicago Department of Aviation	

		 _ (Name of Member)
By:		
Authorized O	fficer	
Address:		

APPENDIX A

Implementation of Noise Compatibility Programs and Projects

In connection with the development and implementation of Noise Compatibility Programs and Noise Compatibility Projects in the Midway Commission Area, the City and the Midway Commission shall have the following duties and responsibilities:

- A. The Members of the Midway Commission shall direct the further development of the Noise Compatibility Programs for the Midway Commission Area. The Members of the Midway Commission shall establish criteria for the equitable allocation of Noise Compatibility Projects and approved airport revenues (including by not limited to FAA Airport Improvement Program ("AIP") grants, Passenger Facility Charge ("PFC") funds, and General Airport Revenue Bonds, and/or bonds backed by such funding sources) within the Midway Commission Area and the priorities for providing Noise Compatibility Projects, subject in each case to approval by the FAA and in compliance with all applicable FAA regulations and grant assurances, as well as other applicable law, and subject to available funding.
- B. The City shall retain all necessary powers to satisfy the assurances made to the FAA in connection with the expenditure of airport revenues, including eligibility for sound insulation and/or sound insulation funding that is paid by airport revenues. The City shall enter into all agreements and assurances and shall take all other actions that may be necessary to provide for the utilization of airport revenues on the basis set forth in this Appendix A. Each Member and municipality and county that receives Noise Compatibility Projects shall enter into all agreements and assurances, including agreements with and assurances to the City, shall execute any necessary certificates, records, and other documents, and shall take all other actions that may be necessary to obtain and maintain FAA approval for the use of the airport revenues as contemplated in this Appendix A. Neither the Midway Commission nor any Member shall take or omit to take any action if such action or omission violates restrictions on the use of airport revenues. The City shall not be obligated in any year to pay or utilize any amounts in excess of available airport revenues to carry out the purposes of this Appendix A.
- C. The determination of eligibility to participate in a Noise Compatibility Program or receive a Noise Compatibility Project is not to be construed as an admission or determination of negative impact by aircraft noise or of liability for damages or any other injury relating to aircraft noise on the part of the City or the Midway Commission.
- D. In the event they are determined to be eligible for participation in a Noise Compatibility Program, property owners in the Midway Commission Area shall not be required to pay any portion of the cost of any Noise Compatibility Project. Upon approval by the City and with the consent of the property owner, at its option the City may acquire homes that are subject to very high levels of aircraft noise.
- E. Noise Compatibility Projects outside the City may be implemented through Members and other municipalities and counties located in the Midway Commission Area. A municipality and county may request that the City undertake a Noise Compatibility Project within

its corporate boundaries. Noise Compatibility Projects within the boundaries of the City shall be implemented by the City. The City may enter into agreements in connection with the planning and implementation of proposed Noise Compatibility Projects in the Midway Commission Area. The City shall provide administrative support and professional and technical assistance to the Midway Commission, each Member, and all other municipalities and counties located in the Midway Commission Area in connection with the operations of the Midway Commission and the planning and implementation of Noise Compatibility Projects. All procurement activities related to Noise Compatibility Projects shall be undertaken in accordance with applicable law.

- F. The Midway Commission may receive grants from any source to be used for the purpose of discharging its duties and obligations in accordance with the provisions of this Appendix A, and also may make grants for such purposes. The Midway Commission may expend any such grants for purposes consistent with this Appendix A. The City and the Midway Commission shall each use its best efforts (including serving as the sponsor or applicant for federal grants) to obtain the maximum amount of federal funds in connection with any Noise Compatibility Projects, so as to maximize the availability and impact of the City's financial contribution to Noise Compatibility Projects in the Midway Commission Area.
- G. The City shall install, operate, and maintain a permanent noise monitoring system ("System") at and around Midway. The purposes of the System include validation of the FAA-approved noise contour for Midway, assisting in determining the eligibility and priority of proposed Noise Compatibility Projects for schools, enhancing public understanding of aircraft noise issues, and monitoring trends in aircraft noise.
- (1) The City may retain a third party vendor ("System Operator") selected by the City with the input of the Midway Commission to operate and maintain the System pursuant to an agreement between the City and the System Operator.
- (2) At the request of the Midway Commission, the City may also retain and pay the cost of another third party vendor ("System Expert") to provide independent management oversight of the System. The System Expert shall be selected by the City with the input of the Midway Commission.
- (3) The System shall include a minimum of 13 monitoring sites in the Midway Commission Area, plus such number of additional permanent monitoring sites as may be agreed upon by the City and the Midway Commission.
- (4) The data collected by the System shall be made available by the City to the Midway Commission and any Member that requests such data. The City shall provide reports to the Midway Commission and any Member based on the data collected by the System.
- (5) Neither the Midway Commission, nor any of its Members, representatives, agents, employees, consultants, or professional advisors shall use, or assist other persons in using, information generated by the System in violation of Section 4.A.(5) of this Agreement.



MIDWAY NOISE COMPATIBILITY COMMISSION

On February 7, 1996, the City Council of the City of Chicago passed Mayor Richard M. Daley's ordinance to create a Midway Noise Compatibility Commission to oversee aircraft noise abatement efforts around Chicago Midway International Airport; the Commission met for the first time on June 13, 1996. The Commission determines certain noise compatibility programs and projects to be implemented in the Midway Commission Area, oversees an effective and impartial noise monitoring system, advises the City of Chicago concerning Midway-related aircraft noise issues, and provides a forum for direct citizen engagement.



In creating the Midway Noise Compatibility Commission, it was Mayor Daley's intention to form a policy-making group so that the decisions about how noise abatement money is spent will reflect the concerns of the communities that are most impacted by aircraft noise. Specifically, the Commission makes recommendations to the City regarding noise management programs at Midway such as the Residential Sound Insulation Program, the School Sound Insulation Program, the Fly Quiet Program, and the Airport Noise Management System.

COMMISSION MEMBERS

Chicago Mayoral Appointees:

- o Representing Chicago Ward 13: Kenneth Pannaralla
- o Representing Chicago Ward 14: Thomas Baliga, Christopher Koczwara
- Representing Chicago Ward 23: Felix Kaczynski
- o Representing Chicago Department of Aviation: Commissioner Jamie Rhee

Suburban Community Designees:

o Bedford Park: Mayor David Brady (Alyssa Huff, Alternate)

o Bridgeview: Mayor Steven Landek (Trustee Norma Pinion, Alternate)

o Burbank: Mayor Daniel Foy (Alderman Robert Contreras, Alternate)

o Cicero: Mayor Larry Dominick (José Alvarez, Alternate)

Forest View: Mayor Nancy Miller (Michael Dropka, Alternate)

Lyons: Mayor Christopher Getty (Thomas Sheahan, Alternate)

o Stickney: Mayor Jeff Walik (Trustee Mitchell Milenkovic, Alternate)

o Summit: Mayor Sergio Rodriguez

APPROVED 2022 MEETING SCHEDULE

All meetings will be held at 6:30 p.m. on January 27th, April 28th, July 28th, and October 27th at The Mayfield, 6072 S. Archer Avenue, Chicago, Illinois, 60638, unless a meeting by video conference is necessary due to the COVID-19 pandemic.

JANUARY **27**

APRIL 28

JULY **28** Остовек **27**



AGENDA ITEM #_______
REQUEST FOR BOARD ACTION

Administration

AGENDA SECTION:

Consent - ACA

SUBJECT:

Membership in O'Hare Noise Compatibility Commission

MEETING DATE:

February 15, 2021

FROM:

Kathleen A. Gargano, Village Manager

Recommended Motion

Approve an Intergovernmental Agreement between the city of Chicago and the Village of Hinsdale authorizing the Village of Hinsdale's participation as a member of the O'Hare Noise Compatibility Commission (ONCC).

Background

The O'Hare Noise Compatibility Commission (ONCC) is an advisory commission to the City of Chicago that was established in 1996 and made up of representatives of communities affected by O'Hare Airport noise. The purposes of the Commission are to: (a) determine certain Noise Compatibility Projects and Noise Compatibility Programs to be implemented in the O'Hare Commission Area; (b) oversee an effective and impartial noise monitoring system; (c) advise the City concerning O'Hare-related noise issues; and (d) provide a forum for direct citizen engagement.

Discussion & Recommendation

In recent years the Village has received noise complaints from residents related to aircraft. The O'Hare Commission may make recommendations to the City regarding noise reduction programs at O'Hare including, but not limited to, the use of new technologies and flight patterns, preferential runway usage, the implementation of sound insulation programs, the use of ground run-up enclosures, and the implementation of FAA standard noise abatement, take-off, and high-altitude approach procedures. No such recommendations shall be submitted to the FAA or implemented by the City without the prior approval of the O'Hare Commission. The O'Hare Commission also shall cooperate with the City in seeking agreements with the airlines using O'Hare and the FAA, as appropriate, with respect to aircraft noise mitigation and related matters.

Budget Impact

There is no cost to the Village to join the Commission. Costs of the Commission are paid by the City of Chicago.

Village Board and/or Committee Action

At their meeting of February 1, 2022, the Board agreed to move this item to the Consent Agenda of their next meeting.

Documents Attached

- 1. Intergovernmental Agreement Relating to the O'Hare Noise Compatibility Commission
- 2. ONCC membership

INTERGOVERNMENTAL AGREEMENT RELATING TO THE O'HARE NOISE COMPATIBILITY COMMISSION

This agreement, effective January 1, 2021, succeeds the previous agreement that was approved by the Chicago City Council and which went into effect on January 1, 2016, which expires under its own terms on December 31, 2020. It is entered into by the City of Chicago, a municipality and home rule unit of government under the Illinois Constitution of 1970, by and through the Chicago Department of Aviation, and the undersigned Members, organized under the laws of the State of Illinois. In consideration of the mutual agreements contained in this Agreement, the City of Chicago and each Member agree as follows:

Section 1. Establishment of O'Hare Commission; Purposes.

The O'Hare Noise Compatibility Commission ("O'Hare Commission") is hereby established pursuant to Section 10 of Article VII of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act. The purposes of the Commission are to: (a) determine certain Noise Compatibility Projects and Noise Compatibility Programs to be implemented in the O'Hare Commission Area; (b) oversee an effective and impartial noise monitoring system; (c) advise the City concerning O'Hare-related noise issues; and (d) provide a forum for direct citizen engagement.

Section 2. Definitions.

Whenever used in this Agreement, the following terms shall have the following meanings:

"Advisory Member" means an authorized representative of the Archdiocese of Chicago, the Diocese of Joliet, or any other non-governmental elementary and secondary school located in the O'Hare Commission Area who shall serve as a special advisory Member of the O'Hare Commission as provided in Section 3.D. of this Agreement, but who shall have no voting powers on the O'Hare Commission and shall not be parties to the Agreement.

"Alternate" means a Designee's substitute.

"Chicago TRACON Boundary" means the area depicted in Appendix B.

"City" means the City of Chicago. The Commissioner of Aviation or his or her Alternate (or any successor thereto) shall have the sole authority to undertake the City of Chicago's obligations and responsibilities under this Agreement, and the City shall act by and through the Commissioner of Aviation or his or her Alternate (or any successor thereto) for purposes of this Agreement, except as otherwise set forth in this Agreement.

"Designee" means a Member's chief elected officer for a municipality other than the City, the Commissioner of Aviation for the City, chief elected officer for a county, or the superintendent or chief executive for a school district.

"FAA" means the Federal Aviation Administration or any successor agency.

"Member" means, at any time, each city, village, public school district, or county located in the O'Hare Commission Area that has executed a counterpart of this Agreement on the basis set forth in this Agreement, other than the City. In addition, "Member" shall include Wards 36, 38, 39, 40, 41, and 45 of the City of Chicago ("Chicago Ward Members") as set forth in Section 3.B.(iii) of this Agreement, who shall be eligible to participate as individual Members on the O'Hare Commission upon approval and execution of this Agreement by the City.

"Noise Compatibility Programs" means programs, including but not limited to the Residential Sound Insulation Program and the School Sound Insulation Program, which address aircraft noise concerns in the O'Hare Commission Area as determined by the O'Hare Commission in cooperation with the City.

"Noise Compatibility Projects" means the noise compatibility projects (including administrative costs) in the O'Hare Commission Area which are eligible for funding based on FAA regulations and grant assurances, which have been identified as eligible for participation in Noise Compatibility Programs as determined by the O'Hare Commission in cooperation with the City based on criteria adopted by the O'Hare Commission, and for which there is available funding. Noise Compatibility Projects include, but are not limited to, the sound insulation of homes and schools and/or providing the funding for such sound insulation to be implemented. Participation in a Noise Compatibility Program or receipt of a Noise Compatibility Project shall be voluntary on the part of the relevant property owner.

"O'Hare" means Chicago O'Hare International Airport.

"O'Hare Commission Area" means the Illinois area within the Chicago TRACON Boundary with an interest in O'Hare-related aircraft noise issues, which area includes but is not limited to the following municipalities, counties (which shall represent their respective residents in unincorporated areas), and public school districts: (i) the City of Chicago, Addison, Arlington Heights, Bartlett, Bensenville, Bloomingdale, Des Plaines, Downers Grove, Elmhurst, Elmwood Park, Franklin Park, Glenview, Hanover Park, Harwood Heights, Hoffman Estates, Itasca, Lincolnwood, Maywood, Melrose Park, Mount Prospect, Niles, Norridge, Northlake, Palatine, Park Ridge, River Forest, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, St. Charles, Stone Park, Wayne, and Wood Dale; (ii) Cook County and DuPage County; and (iii) School Districts 2, 7, 48, 59, 63, 64, 80, 81, 84, 84.5, 85.5, 86, 87, 88, 89, 100, 205, 207, 214, 234, 299, and 401. Municipalities, counties, and public school districts may be added to the O'Hare Commission Area as provided in Section 7.G.

"Part 150 Plan" means a noise abatement and land use compatibility plan developed pursuant to 14 CFR Part 150, or any successor provision.

"Residential Sound Insulation Program" means the program determined by the O'Hare Commission in cooperation with the City to provide sound insulation to homes in the O'Hare Commission Area that are affected by O'Hare-related aircraft noise, and that are eligible for sound

insulation pursuant to FAA guidelines and regulations and eligibility criteria established by the O'Hare Commission in cooperation with the City, and for which there is available funding.

"School Sound Insulation Program" means the program determined by the O'Hare Commission in cooperation with the City to provide sound insulation to schools in the O'Hare Commission Area that are affected by O'Hare-related aircraft noise, and that are eligible for sound insulation pursuant to FAA guidelines and regulations and eligibility criteria established by the O'Hare Commission in cooperation with the City, and for which there is available funding.

"TRACON" means Terminal Radar Approach Control facility.

Section 3. Composition and Organization.

- A. In order for a person to participate as a Designee, the city, village, public school district, or county represented by such person must have approved and executed a counterpart of this Agreement by February 28, 2021, or pursuant to Section 7.G. of this Agreement, except that the Chicago Ward Members shall be eligible to participate as individual Members of the O'Hare Commission upon approval and execution of this Agreement by the City.
- B. The O'Hare Commission shall consist of the (i) chief elected officer or other Alternate of each of the municipalities and counties in the O'Hare Commission Area, except that the Commissioner of Aviation, or his or her Alternate, shall represent the City in an *ex officio* capacity; (ii) the superintendent, or chief executive, or other Alternate of each public school district serving any portion of the O'Hare Commission Area; and (iii) Chicago Ward Designees, who shall be appointed by the Mayor of the City of Chicago. An individual may serve as a Designee or an Alternate for only one Member, except that Chicago Ward Designees shall not have an Alternate.
- C. The O'Hare Commission Area includes municipalities, counties, Chicago wards, and public school districts with an interest in O'Hare-related noise issues, and a principal purpose of this Agreement is to provide a forum for those municipalities, counties, Chicago wards, and public school districts to work together with the City on a cooperative basis in addressing these issues.
- D. The Archdiocese of Chicago, the Diocese of Joliet, and other non-governmental elementary and secondary schools located in the O'Hare Commission Area may serve as special Advisory Members of the O'Hare Commission. Advisory Members may participate fully in the deliberations of the O'Hare Commission, but shall have no voting powers and shall not be parties to this Agreement.
- E. The O'Hare Commission's Executive Committee shall be comprised of a Chair, Vice Chair, Executive Director, and any other officers that it deems necessary. The O'Hare Commission shall elect annually from its Designees or Alternates a Chair and a Vice Chair and any other officers that it deems necessary. The O'Hare Commission shall appoint, retain, and employ an Executive Director and such other staff, professional advisors, and consultants as may

be needed to carry out its powers and duties. The appointment of the Executive Director must be approved by a simple majority of the Members of the O'Hare Commission.

F. Unless otherwise specified in the bylaws, a majority of the Members of the O'Hare Commission in good standing shall constitute a quorum for the transaction of business. Except as provided for in Section 7.H., a concurrence of a simple majority of the quorum shall be necessary for the approval of any action by the O'Hare Commission. The O'Hare Commission shall establish a schedule of regular meetings in accordance with its bylaws ("Regular Meetings"), and special meetings may be called by the City or any five Members of the O'Hare Commission upon at least seven days' written notice to the City, each Member, and each Advisory Member.

Section 4. O'Hare Commission Powers and Duties.

- A. The O'Hare Commission shall have the following duties and powers:
- (1) The O'Hare Commission shall determine certain Noise Compatibility Programs and Noise Compatibility Projects to be implemented in the O'Hare Commission Area in cooperation with the City as set forth in Appendix A, and shall establish criteria for participation in such Noise Compatibility Programs and for determining the priorities for providing such Noise Compatibility Projects.
- (2) The O'Hare Commission may make recommendations to the City regarding noise reduction programs at O'Hare including, but not limited to, the use of new technologies and flight patterns, preferential runway usage, the implementation of sound insulation programs, the use of ground run-up enclosures, and the implementation of FAA standard noise abatement, take-off, and high altitude approach procedures. No such recommendations shall be submitted to the FAA or implemented by the City without the prior approval of the O'Hare Commission. The O'Hare Commission also shall cooperate with the City in seeking agreements with the airlines using O'Hare and the FAA, as appropriate, with respect to aircraft noise mitigation and related matters.
- (3) The O'Hare Commission may advise the City concerning any Part 150 Plan concerning O'Hare. The City shall not submit any such plan or any subsequent revision proposed by the City to the FAA without allowing the O'Hare Commission 60 days to review it and submit written recommendations to the City for consideration.
- (4) The O'Hare Commission may request and, except as set forth below, the City shall provide full access to all publicly available documents relating to: (i) any O'Hare noise monitoring, (ii) any O'Hare-related Noise Compatibility Project proposed or undertaken in whole or in part by the City, and (iii) any recommendations or submissions to the FAA by the City related to airport noise mitigation related to O'Hare. Such requests may not impose an undue burden upon the City or interfere with its operations. In such circumstances, the City shall extend to the O'Hare Commission an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- (5) Neither the O'Hare Commission, nor any of its Members, representatives, agents, employees, consultants, or professional advisors shall use, or assist other persons in using FAA

flight data for O'Hare and/or Chicago Midway International Airport ("Data") in legal actions to enforce noise abatement policy or regulations without prior approval of the FAA, and shall not release such Data without notice to and consultation with the FAA. The O'Hare Commission and its Members, representatives, agents, employees, consultants, or professional advisors shall not release the Data for use by law enforcement agencies or for use in any civil litigation except as otherwise required by law. If the O'Hare Commission or any of its Members, representatives, agents, employees, consultants, or professional advisors are required by law to release such Data, they shall notify the FAA before doing so. This notification must be provided promptly after the O'Hare Commission or any of its Members, representatives, agents, employees, consultants, or professional advisors receives a request or requirement to release the Data, and prior to the release of the Data. The O'Hare Commission and its Members, representatives, agents, employees, consultants, or professional advisors shall not release Data if advised by the FAA that the Data contains any information deemed sensitive at the sole discretion of the FAA, unless required by law to release such Data.

- (6) The O'Hare Commission shall adopt an annual expense budget for each fiscal year, which shall be consistent with the City of Chicago fiscal year. The O'Hare Commission's expense budget shall be adopted at least 30 days prior to the commencement of each such fiscal year. The O'Hare Commission's expense budget shall be funded by the City and any grants received pursuant to Section F of Appendix A of this Agreement, following the evaluation and approval by the City of the proposed budget request.
- (7) The O'Hare Commission shall have the power to sue and be sued and to take any other action necessary to perform its powers under this Agreement. No funds received by the O'Hare Commission from the City shall be used for legal services or other costs in connection with any action by the O'Hare Commission against the City, its officers or employees, or any airline using O'Hare, except for enforcement of the provisions of this Agreement. The City will indemnify, defend, and hold harmless Members from any and all claims, costs, expenses, including attorney's fees, damages, judgments and court costs arising out of the Member's participation in the O'Hare Commission. Members shall promptly provide to the City copies of any notices Members may receive of any claims, actions, fines, proceedings or suits as may be given or filed in connection with the Member's participation in the O'Hare Commission.
- (8) The O'Hare Commission shall undertake any procurement activities in accordance with this Agreement and pursuant to applicable law.
- (9) The O'Hare Commission shall adopt bylaws for the conduct of its meetings consistent with the powers enumerated herein.
- B. A record of proceedings and documents of the O'Hare Commission shall be maintained, which shall be available for inspection by the City, each Member, each Advisory Member, and the public as permitted by law. The accounts of the O'Hare Commission shall be subject to an annual audit by a qualified independent public accountant.
- C. The powers and duties of the O'Hare Commission shall be limited to those expressly set forth in this Section and in Appendix A of this Agreement.

Section 5. Term of Agreement.

- A. This Agreement shall be effective January 1, 2021, and shall terminate on December 31, 2025, unless otherwise terminated with the written consent of the City and two-thirds of the Members. The term of this Agreement may be extended upon the approval of the City and any Member which wishes to extend the term of the Agreement. If any Member defaults in any material respect in the performance of any of its duties or obligations under this Agreement, and such default continues for 30 days after the O'Hare Commission notifies the Member, the O'Hare Commission may terminate the defaulting Member's participation as a party to this Agreement. A material default by a Member shall include, but is not limited to, failure to comply with Section 6.
- B. Any Member may withdraw as a Member of the O'Hare Commission at any time by providing 60 days advance written notice of its intent to withdraw to the City and the O'Hare Commission. Each such written notice shall be accompanied by a certified copy of a resolution or other official action of such Member's legislative body authorizing such withdrawal. Following its withdrawal from the O'Hare Commission, the Member shall cease to exercise any of its rights under this Agreement and to be responsible for any subsequent obligation incurred by the O'Hare Commission.
- C. The City may terminate this Agreement at any time after January 1, 2021, upon 180 days prior written notice to each Member and each Advisory Member. Following the City's termination of this Agreement, the rights and obligations of each party to this Agreement shall terminate.

Section 6. Attendance Policy

- A. Members' Designees or Alternates shall attend the majority of Regular Meetings in a calendar year. If a Members' Designee or Alternate misses three consecutive or the majority of Regular Meetings in a single calendar year, the Member will receive written notification from the Executive Director that it will be temporarily suspended from the O'Hare Commission for a period of one year, which shall begin on the date of the written notification.
- B. Temporary suspension will involve the loss of membership and voting privileges for that one-year period from the date of the suspension. During the temporary suspension, suspended Members may attend meetings and participate in discussions as members of the public, but will not count as part of the voting quorum and will not be eligible to vote.
- C. At any time during its one-year temporary suspension, a Member may appeal its temporary suspension by submitting a written request to the Executive Director due to a change in circumstances. Reinstatement of the Member shall be governed by the bylaws.
- D. No later than 30 days following the end of the temporary suspension period, a Member may submit a written request to the Executive Director to be reinstated. Reinstatement of the Member shall be governed by the bylaws. If the Executive Director does not receive the

reinstatement request within 30 days after the end of the suspension period, then this Agreement shall be terminated between the City and the Member.

Section 7. Miscellaneous.

A. All notices hereunder shall be in writing and shall be given as follows:

If to the City, to:

Commissioner of Aviation Chicago Department of Aviation 10510 W. Zemke Road Chicago, IL 60666

If to a Member, to the address set forth on the signature page of the counterpart of this Agreement executed by such Member, and, in the case of Chicago Ward Members, to such addresses and telephone numbers as they may provide to the O'Hare Commission. Members may provide an e-mail address for purposes of receiving notices.

All notices shall be effective upon receipt by U.S. mail or e-mail. Any Member may change the address or addresses for notices to be sent to it by giving notice to the O'Hare Commission.

- B. No Member may assign its rights or obligations under this Agreement without the prior written consent of the City and the other Members.
- C. The City shall not be responsible or liable for damage to property or injury to persons that may arise from, or be incident to, compliance with this Agreement or the implementation of a Noise Compatibility Program or a Noise Compatibility Project by a Member or other municipality or county. A Member shall not be responsible or liable for damage to property or injury to persons that may arise from, or be incident to, compliance with this Agreement or the implementation of a Noise Compatibility Program or a Noise Compatibility Project by the City, another Member, or another municipality or county. The City's financial obligations under this Agreement are limited to legally available airport revenues. Neither the City nor any Member shall be liable for any expenditures, indebtedness, or other financial obligations incurred by the O'Hare Commission unless the City or such Member has affirmatively agreed to incur such expenditure, indebtedness, or financial obligation. No Advisory Member shall be subject to any liabilities or obligations under this Agreement.
- D. This Agreement and the bylaws authorized in Section 4.A.(9) constitutes the entire agreement of the parties with regard to the subject matter hereof. This Agreement shall not confer upon any person or entity other than the parties hereto any rights or remedies. Appendix A and Appendix B are incorporated herein and made a part of this Agreement.
- E. This Agreement may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement, and shall become binding when one or more counterparts have been signed by each

party. Each counterpart may vary in order to identify the Member, its address for notices, and its execution by an authorized officer. The execution of counterparts of this Agreement by a municipality, public school district, or county located in the O'Hare Commission Area prior to February 28, 2021, shall not require the consent of the O'Hare Commission, the City, or any Member.

- F. This Agreement shall be governed and construed in accordance with Illinois law.
- G. Any municipality, public school district, or county located in the O'Hare Commission Area that does not become a Member prior to February 28, 2021, may thereafter become a Member upon: (i) the approval of the City and a majority of the O'Hare Commission as set forth in Section 3.E. of this Agreement; and (ii) execution of a counterpart of this Agreement.
- H. The approval of the City and two-thirds of the Members shall be required to amend this Agreement. Notice of any proposed amendment shall be transmitted to each Member and each Advisory Member at least ten days prior to the meeting of the O'Hare Commission at which any proposed amendment is to be first considered. Any amendment shall be effective on all parties hereto when counterparts are executed by the City and two-thirds of the Members.

Executed as of this	day of	, 2020.
CITY OF CHICAGO		
By:		
		·
Commissioner Chicago Department of A	viation	

		 	_(Name of Me	ember)
Ву:				
Authorized (Officer	 		
Address:		 		_

APPENDIX A

Implementation of Noise Compatibility Programs and Projects

In connection with the development and implementation of Noise Compatibility Programs and Noise Compatibility Projects in the O'Hare Commission Area, the City and the O'Hare Commission shall have the following duties and responsibilities:

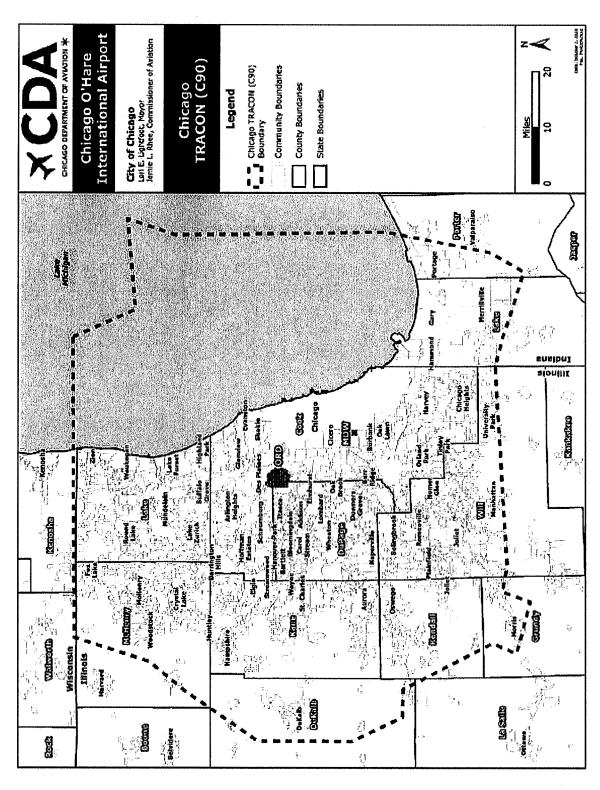
- A. The Members of the O'Hare Commission shall direct the further development of the Noise Compatibility Programs for the O'Hare Commission Area. The Members of the O'Hare Commission shall establish criteria for the equitable allocation of Noise Compatibility Projects and approved airport revenues (including by not limited to FAA Airport Improvement Program ("AIP") grants, Passenger Facility Charge ("PFC") funds, and General Airport Revenue Bonds, and/or bonds backed by such funding sources) within the O'Hare Commission Area and the priorities for providing Noise Compatibility Projects, subject in each case to approval by the FAA and in compliance with all applicable FAA regulations and grant assurances, as well as other applicable law, and subject to available funding.
- B. The City shall retain all necessary powers to satisfy the assurances made to the FAA in connection with the expenditure of airport revenues, including eligibility for sound insulation and/or sound insulation funding that is paid by airport revenues. The City shall enter into all agreements and assurances and shall take all other actions that may be necessary to provide for the utilization of airport revenues on the basis set forth in this Appendix A. Each Member and municipality and county that receives Noise Compatibility Projects shall enter into all agreements and assurances, including agreements with and assurances to the City, shall execute any necessary certificates, records, and other documents, and shall take all other actions that may be necessary to obtain and maintain FAA approval for the use of the airport revenues as contemplated in this Appendix A. Neither the O'Hare Commission nor any Member shall take or omit to take any action if such action or omission violates restrictions on the use of airport revenues. The City shall not be obligated in any year to pay or utilize any amounts in excess of available airport revenues to carry out the purposes of this Appendix A.
- C. The determination of eligibility to participate in a Noise Compatibility Program or receive a Noise Compatibility Project is not to be construed as an admission or determination of negative impact by aircraft noise or of liability for damages or any other injury relating to aircraft noise on the part of the City or the O'Hare Commission.
- D. In the event they are determined to be eligible for participation in a Noise Compatibility Program, property owners in the O'Hare Commission Area shall not be required to pay any portion of the cost of any Noise Compatibility Project. Upon approval by the City and with the consent of the property owner, at its option the City may acquire homes that are subject to very high levels of aircraft noise.
- E. Noise Compatibility Projects outside the City may be implemented through Members and other municipalities and counties located in the O'Hare Commission Area. A municipality and county may request that the City undertake a Noise Compatibility Project within

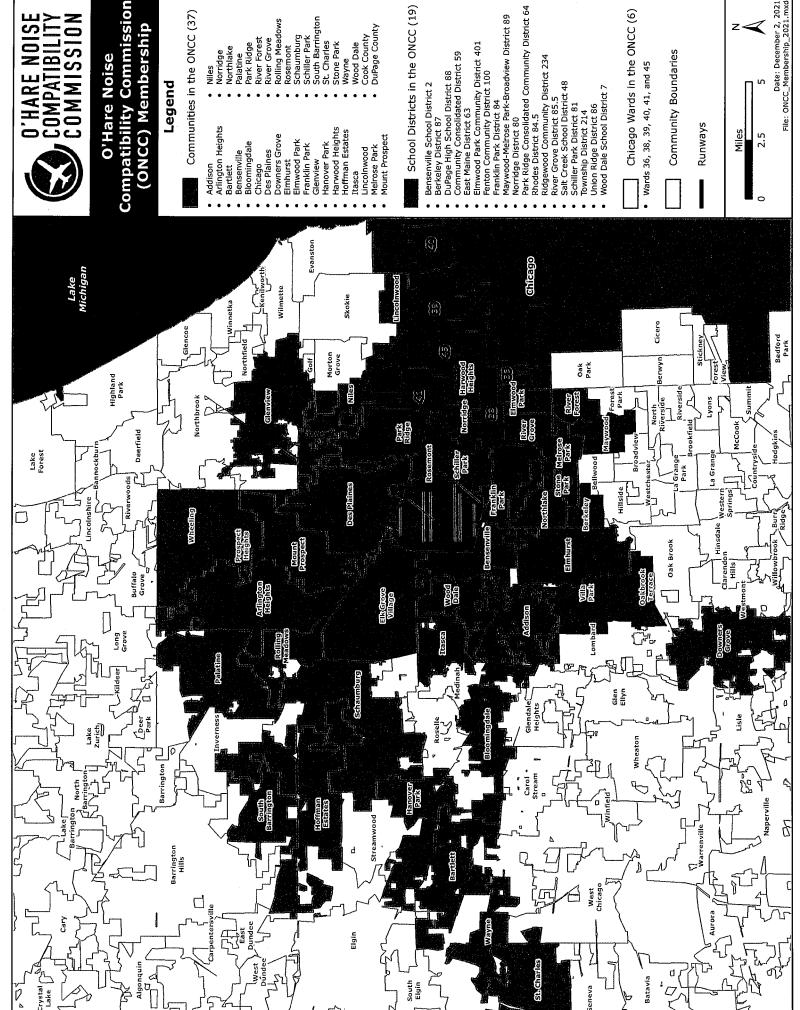
its corporate boundaries. Noise Compatibility Projects within the boundaries of the City shall be implemented by the City. The City may enter into agreements in connection with the planning and implementation of proposed Noise Compatibility Projects in the O'Hare Commission Area. The City shall provide administrative support and professional and technical assistance to the O'Hare Commission, each Member, and all other municipalities and counties located in the O'Hare Commission Area in connection with the operations of the O'Hare Commission and the planning and implementation of Noise Compatibility Projects. All procurement activities related to Noise Compatibility Projects shall be undertaken in accordance with applicable law.

- F. The O'Hare Commission may receive grants from any source to be used for the purpose of discharging its duties and obligations in accordance with the provisions of this Appendix A, and also may make grants for such purposes. The O'Hare Commission may expend any such grants for purposes consistent with this Appendix A. The City and the O'Hare Commission shall each use its best efforts (including serving as the sponsor or applicant for federal grants) to obtain the maximum amount of federal funds in connection with any Noise Compatibility Projects, so as to maximize the availability and impact of the City's financial contribution to Noise Compatibility Projects in the O'Hare Commission Area.
- G. The City shall install, operate, and maintain a permanent noise monitoring system ("System") at and around O'Hare. The purposes of the System include validation of the FAA-approved noise contour for O'Hare, assisting in determining the eligibility and priority of proposed Noise Compatibility Projects for schools, enhancing public understanding of aircraft noise issues, and monitoring trends in aircraft noise.
- (1) The City may retain a third party vendor ("System Operator") selected by the City with the input of the O'Hare Commission to operate and maintain the System pursuant to an agreement between the City and the System Operator.
- (2) At the request of the O'Hare Commission, the City may also retain and pay the cost of another third party vendor ("System Expert") to provide independent management oversight of the System. The System Expert shall be mutually selected by the City and the O'Hare Commission. The System Expert will be responsible for independently verifying data and system operation through the review of all inputs and operational aspects of the System. All reports prepared by the System Expert shall be provided directly to the City and the O'Hare Commission. The activities and duties of the System Expert shall be consistent in all respects with the applicable requirements of the FAA. If the O'Hare Commission requests the City to retain and pay for such a System Expert, the amount that the City is obligated to pay the System Expert shall not exceed \$200,000 per year, adjusted annually for inflation.
- (3) The System shall include a minimum of 36 monitoring sites in the O'Hare Commission Area, plus such number of additional permanent monitoring sites as may be agreed upon by the City and the O'Hare Commission.
- (4) The data collected by the System shall be made available by the City to the O'Hare Commission and any Member that requests such data. The City shall provide reports to the O'Hare Commission and any Member based on the data collected by the System.

(5) Neither the O'Hare Commission, nor any of its Members, representatives, agents, employees, consultants, or professional advisors shall use, or assist other persons in using, information generated by the System in violation of Section 4.A.(5) of this Agreement.

APPENDIX B





Compatibility Commission (ONCC) Membership

Communities in the ONCC (37)

Stone Park

Wood Dale

Cook County DuPage County

School Districts in the ONCC (19)

Chicago Wards in the ONCC (6)



AGENDA ITEM #______
REQUEST FOR BOARD ACTION

Public Services & Engineering

AGENDA SECTION:

Consent Agenda - EPS

SUBJECT:

Capital Equipment Purchase - Replacement Unit #18 Stump Grinder

MEETING DATE:

February 15, 2022

FROM:

John Finnell, Superintendent of Parks and Forestry

Garrett Hummel, Management Analyst

Recommended Motion

Approve the purchase of a 2022 Carlton 7500 Stump Grinder with trade-in from Alexander Equipment Company of Lisle, IL in an amount not to exceed \$54,900.

Background

Following the removal of trees, Public Services crew workers grind tree stumps that are left in the parkway or green space. A stump grinder is a piece of equipment that removes tree stumps by means of a rotating cutting disk that chips wood away. Department staff grinds and removes approximately 200 tree stumps per year. There is only one stump grinder in the Village's equipment fleet.

Per the Department's Vehicle Replacement Policy, the stump grinder is on a 15-year replacement schedule; however, the current Unit #18 will be 21 years old at the time of recommended replacement.

Discussion & Recommendation

There are two different types of control setups on stump grinders: swing out operator's console and cordless remote operator's console. The current stump grinder is equipped with a swing out operator's console. There are some limitations to the swing out console mainly that it keeps the operator close to the grinding wheel and does not allow the operator to move while grinding. Therefore, operators are not able to inspect for possible safety hazards such as underground utilities, sidewalks, curb and other hardscapes during the grinding process. Stump grinding produces a huge amount of flying chips and debris as it grinds. The cordless remote operator's feature allows for the machine to be controlled from different vantage points. This allows the operator to maintain a good view and do better, safer, and more efficient work.

Public Services staff received three quotes for the new stump grinder. One quote for a swing out operator machine and two quotes for cordless remote operator machines. The quotes are detailed in the table below:

	COMPANY	ITEM DETAILS	Jnit #18 cement Cost	Trade In C	redit	7	otal Cost
1	Vermeer Midwest Aurora, IL 60502	Vermeer SC802 74 HP Tier 4 Diesel w/ swing out operator's console	\$ 64,102.00	\$ 10,00	0.00	\$	54,102.00
	Atlas Bobcat Elk Grove Village, IL	Bandit 3100 74 HP Tier 4 Diesel w/ radio remote operator's control	\$ 70,045.75	\$ 12,50	0.00	\$	57,545.75
3	Alexander Equipment Company Lisle, IL 60532	Carlton 7500 74 HP Tier 4 Diesel w/ cordless remote operator's control	\$ 72,900.00	\$ 18,00	0.00	\$	54,900.00



Public Services staff recommends purchasing the Carlton 7500 stump grinder from Alexander Equipment Company. The new unit will include a cordless remote operator's control that will improve the safety of stump grinding operations.

Budget Impact

Included in the CY 2022 Capital Budget (4300-7907) is \$60,000 to replace Unit #18. The budgeted amount assumed the trade-in of the current Unit #18. The current Unit #18, a 2001 Vermeer SC752, will be traded in for \$18,000. Including trade-in, the purchase price for the new stump grinder is \$54,900, which is \$5,100 under budget.

While the Alexander Equipment Company quote is not the lowest price, Public Services feels the improved safety functionality of the remote operator control feature and the good trade-in offer from Alexander Equipment is worth the \$798 price difference between the Vermeer Midwest swing out console machine and the Alexander Equipment remote controlled machine.

Village Board and/or Committee Action

Per the Village's approved meeting policy, this award is included on the Consent Agenda without the benefit of a First Reading because it meets the definition for a routine item: it is included in the approved budget, is under budget, and is less than \$100,000.

Documents Attached

- 1. Alexander Equipment Quote
- 2. Proposal Tab
- 3. Unit #18 Capital Improvement Project Budget Page

ALEXANDER EQUIPMENT COMPANY INC.

Professional Arborist Equipment & Supplies

4728 Yender Avenue • Lisle, Illinois 60532 • 630/663-1400 • Fax 630/663-9754 www.alexequip.com • Email: info@alexequip.com

1-19-2022

Mr. John Finnell Village of Hinsdale

Dear John,

Thanks for your interest in the Carlton 7500 Stump Grinder, I've prepared the following quote for your review.

(1) 2022 Carlton Model 7500 Stump Grinder equipped with a 74HP Kohler turbo-charged diesel engine and all standard equipment:

> **EQUIPMENT PRICE** LESS TRADE (Vermeer 752) TOTAL DELIVERED PRICE

\$72,900.00 (\$18,000.00)\$54,900.00

ABOVE PRICE INCLUDES:

Razor cutter wheel Cordless remote control

Torsion suspension Electric brakes

One year grinder warranty

Heavy duty construction

2" ball hitch Imron paint

Engine hour meter

3 year Kohler warranty

DELIVERY: 4-6 Months

TERMS: Net cash

Quotes are subject to change due to material surcharges.

Thanks again for your interest, I will call later to answer any questions you may have.

Regards,

Matthew Linn

Sales Representative











ALEXANDER EQUIPMENT COMPANY INC.

Professional Arborist Equipment & Supplies

4728 Yender Avenue • Lisle, Illinois 60532 • 630/663-1400 • Fax 630/663-9754 www.alexequip.com • Email: info@alexequip.com

CARLTON MODEL 7500 STUMP GRINDER FEATURES

Wireless remote control:

- Distances the operator away from the stump grinder.
- Keeps the operator in a safe zone away from flying debris, dust, and dirt.
- Better visibility helps prevent hitting sidewalks, curbs, and other obstacles while grinding.

Carlton Razor cutter wheel:

- Reduced wear.
- Larger and smoother cuts.
- Less chip scatter than with a standard cutter wheel.
- Faster tooth changes.
- The Razor wheel offers a low-profile holder design. This not only provides a high cut-to-friction ratio, it also eliminates the chance of a tooth sliding out of a traditional pocket potential striking an operator or property.

Patented turntable design:

- Provides a low center of gravity, keeps the engine level during operation.
- Allows for 80-inch swing travel.
- Lower overall height.
- Better visibility while backing up.

HEAVY DUTY CONSTRUCTION:

- 6430 Lbs.
- Torsion axle.
- Belt drive system
- Oversize bearings











Village of Hinsdale Unit #18 Stump Grinder Replacement

ı							
	COMPANY	JTFM DETAILS	Budget Amount	Unit #18	Trade la Credit Total Cost	Total Cost	Over/Under
			ader Mindin	Replacement Cost	וומתב ווו כו כתור	lotal cost	Budget
	1 Vermeer Midwest	Vermeer SC802 74 HP Tier 4 Diesel w/ swing out operator's console	00'000'09 \$	\$ 64,102.00 \$	\$ 10,000.00	10,000.00 \$ 54,102.00 \$ (5,898.00)	\$ (5,898.0)
	Aurora, IL 60502						
Ь	2 Atlas Bobcat	Bandit 3100 74 HP Tier 4 Diesel w/ radio remote operator's control	\$ 00.000,09 \$		70,045.75 \$ 12,500.00 \$ 57,545.75 \$ (2,454.25)	\$ 57,545.75	\$ (2,454.2)
	Elk Grove Village, IL						
_	3 Alexander Equipment Company	Carlton 7500 74 HP Tier 4 Diesel w/ cordless remote operator's control	\$ 00.000,00 \$		72,900.00 \$ 18,000.00 \$ 54,900.00 \$ (5,100.00)	\$ 54,900.00	\$ (5,100.0)
	Lisle, IL 60532						

Tree Maintenance

2022

Replace Forestry Stump Grinder #18

\$60,000

Vehicle Description

Make

Vermeer

Model

Stump Grinder SC752

Year

2001

Useful Life

15 Years

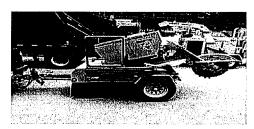
Hours

918

Maintenance

Costs*

\$9,407



Forestry Stump Grinder #18

Project Description & Justification

Following the removal of trees, Public Services crew members grind tree stumps that are left in the parkway. A stump grinder is a power tool that removes tree stumps by means of a rotating cutting disk that chips wood away. Department staff grinds and removes approximately 300 tree stumps per year. There is only one stump grinder in the Village's equipment fleet.

Per the Department's Vehicle Replacement Policy, the stump grinder is on a 15-year replacement schedule; however, this unit will be 21 years old at the time of recommended replacement.

The unit will be closely evaluated at the time of recommended replacement and reprioritized if needed. Depending on condition at the time of recommended replacement, the determination will be made to keep, auction, or trade in this unit.

Project Update

There are no updates to this project.

Project Alternative

The alternative is to delay the project and reschedule during later years.

^{*}Cost is estimated based upon current records.



Fire Department

AGENDA SECTION: Consent Agenda - ZPS

SUBJECT: Replacement of Fire Department Chief's Vehicle #DC 84

MEETING DATE: February 15, 2022

FROM: John Giannelli, Fire Chief

Recommended Motion

Approve the purchase through the Suburban Purchasing Cooperative.of one new 2022 Ford Explorer from Curry Motors in Frankfort, Illinois, in an amount not to exceed \$33,094.

Background

The Deputy Fire Chief's vehicle #DC84 currently in operation was purchased new in 2006. This vehicle is used by the Deputy Fire Chief, and other staff, to respond to calls from the station and home, meetings, and conferences. Today, the vehicle has 126,330 miles, the transmission is making noise, the rear heater and front struts are in need of replacement, and there is significant rust on the front suspension and undercarriage.

The new vehicle would be purchased through Currie Motors, who was awarded the State contract through the Suburban Purchasing Cooperative. The cost to replace the Chief's vehicle #DC84 is \$33,094. This price does not include the cost to install necessary emergency equipment and other costs necessary to bring the vehicle into service. The total replacement cost of the Chief's vehicle #DC84, including emergency equipment, will not exceed the amount in the CIP budgeted in CY2022 (Acct. 3100-7907) of \$50,000. This item was originally scheduled to be replaced in the CY2021 budget.

Discussion & Recommendation

Based on the Fire Department's Vehicle Replacement Policy, and current condition, staff is requesting the replacement of this vehicle. The vehicle was evaluated by the Village mechanic and determined to be in need of replacement, and is no longer reliable mainly due to excessive rust on the front suspension and undercarriage which would be a significant expense to repair. Due to its condition, the village mechanic's recommendation is not to repurpose the vehicle but have it declared surplus by the Village.

This item is included in the CY2022 Capital budget, but delivery time is approximately ten (10) weeks from day of order through the Suburban Purchasing Cooperative which is a purchasing cooperative that competitively bids equipment used by municipal government. The Village has had a positive experience with this purchasing cooperative in the past, and has been used by the Police Department to purchase squad cars. The Suburban Purchasing Cooperative is a joint purchasing program that administers competitive bid processes that are open to municipal participation. Staff is relieved from having to perform the competitive bid process, in house, because that function is vetted out through the state.

Budget Impact

Funds for this purchase are budgeted in CY2022 (Acct. 3100-7907).

Village Board and/or Committee Action

Per the Village's approved meeting policy, this award is included on the Consent Agenda without benefit of a First Reading because it meets the policy definition of a routine item: it is included in the approved capital budget, is under budget, and is less than \$500,000.

Documents Attached

- 1. Suburban Purchasing Cooperative Contract #204
- 2. Village of Hinsdale Fire Department Vehicle Replacement Policy
- 3. CIP Budget Sheets



2022 Ford Utility Police Interceptor AWD Hybrid Contract #204



Currie Motors Commercial Center

Your Full Line Municipal Dealer

"Nice People to do Business With"

HYBRID MOTOR STANDARD MARK OPTION 99B FOR GASOLINE MOTOR

Order Cut Off TBD

Production Delayed Due to Current Supply Chain Shortages



2022 Ford Utility Police Interceptor AWD Hybrid Contract #202

\$35,092

MECHANICAL

- 3.3L Police-Calibrated V6 Direct-Injection Hybrid Engine System
- Standard (Hybrid technology is optimal for performance and long days spent idling on the job)
- AWD Drivetrain Standard for enhanced handling precision and

unsurpassed traction on wet or dry surfaces

Transmission – 10-speed automatic, police calibrated for maximum acceleration and faster closing speeds Lithium-Ion Battery Pack

Brakes – Police calibrated high-performance regenerative braking system

- 4-Wheel heavy-duty disc w/heavy-duty front and rear calipers
- Brake Rotors large mass for high thermal capacity and calipers

with large swept area.

- Electric Power-Assist Steering (EPAS) Heavy-Duty DC/DC converter – 220-Amp (in lieu of alternator)
 H7 AGM Battery (Standard; 800 CCA/80-amp)
- Cooling System Heavy-duty, large high volume radiator, Engine

oil cooler and transmission oil cooler

- . Engine Idle Hour Meter
- . Engine Hour Meter
- Powertrain mounts Heavy-Duty
 50-State Emissions System

INTERIOR/COMFORT

 Cargo Area – Spacious area for police equipment; Lithiumlon

Battery Pack does not intrude into the cargo area

- · Cargo Hooks
- Climate Control Dual-Zone Electronic Automatic

Temperature Control (DEATC)

- Door-Locks Power Rear-Door Handles and Locks Operable •Fixed Pedals (Driver Dead Pedal)
- Floor Flooring Heavy-Duty Thermoplastic Elastomer

· Glove Box - Locking/non-illuminated

- Grab Handles (1 Front-passenger side, 2-Rear)
- Liftgate Release Switch located in overhead console (45 second timeout feature)
- . Lighting Overhead Console Red/White Task Lighting in
- Overhead Console 3rd row overhead map light
- Mirror Day/night Rear View
- · Particulate Air Filter
- Powerpoints (1) First Row
- Rear-window Defrost
- Scuff Plates Front & Rear
- Speed (Cruise) Control
- Speedometer Calibrated (includes digital readout)
- Steering Wheel Manual / Tilt, Urethane wheel finish w/Silver Painted Bezels with Speed Controls and 4-user configurable latching switches
- Sun visors, color-keyed, non-illuminated

INTERIOR/COMFORT (CONTINUED)

- •Seats 1st Row Police Grade Cloth Trim, Dual Front Buckets with reduced bolsters — 1st Row — Driver 6-way Power track (fore/aft. Up/down, tilt with manual recline, 2way manual lumbar) — 1st Row — Passenger 2-way manual track (fore/aft. with manual recline) — Built-in steel intrusion plates in both driver/passenger seatbacks — 2nd Row Vinyl, 35/30/35 Split Bench Seat (manual fold-flat, no tumble) fixed seat track
- Universal Top Tray Center of I/P for mounting aftermarket equipment
- Windows, Power, 1-touch Up/Down Front Driver/Passenger-Side with disable feature EXTERIOR

Exhaust True Dual (down-turned)

- Front-Door-Lock Cylinders (Front Driver / Passenger / Liftgate)
- Glass 2nd Row, Rear Quarter and Liftgate Privacy Glass
 Grille Black (MIC)
- Headlamps Automatic, LED Low-and-High-Beam Note: Includes Front Headlamp / Police Interceptor Housing (with LED wig-wag feature) — Pre-drilled hole for side marker police use, does not include LED strobe, but includes LED wig-wag functionality (eliminates need to drill housing assemblies and provides LED wig-wag feature) — Premolded side warning LED holes with standard sealed capability (does not include LED installed lights)
- Liftgate Manual 1-Piece Fixed Glass w/Door-Lock Cylinder ●Mirrors – Black Caps (MIC), Power Electric Remote, Manual Folding with Integrated Spotter (integrated blind spot mirrors not included when equipped with BLIS®)
- . Spare Full size 18" Tire w/TPMS
- Spoiler Painted Black Tailgate Handle (MIC)

Tail lamps – LED

- •Tires 255/60R18 A/S BSW
- Wheel-Lip Molding Black (MIC)
- Wheels 18" x 8.0 painted black steel with wheel hub cover
- · Windshield Acoustic Laminated

POLICE UPFIT FRIENDLY

 Consistent 11-inch space between driver and passenger seats

for aftermarket consoles (9-inch center console mounting plate)

- Console mounting plate
- . Dash pass-thru opening for aftermarket wiring
- . Headliner Easy to service
- Two (2) 50 amp battery ground circuits power distribution

junction block (repositioned behind 2nd row seat floorboard). Heated Sanitation Solution

SAFETY/SECURITY HIGHLIGHTS

• 75-mph Rear-impact Crash Tested

Note: The full-size spare tire secured in the factory location is necessary to achieve police-rated 75-mph rear impact crashtest performance attributes

AdvanceTrac® w/RSC® (Roll Stability Control™) police tuned

gyroscopic sensors work seamlessly with the ABS

- Rear Video Camera with Washer (standard)
- Airbags, dual-stage driver & front-passenger, side seat, passenger-side knee, Roll Curtain Airbags and Safety Canopy®
- Anti-Lock Brakes (ABS) with Traction Control Brakes Police calibrated high-performance regenerative braking system
- •Belt-Minder® (Front Driver / Passenger)
- Child-Safety Locks (capped)
- Individual Tire Pressure Monitoring System (TPMS)
- LATCH (Lower Anchors and Tethers for Children) system on rear outboard seat locations
- Seat Belts, Pretensioner/Energy-Management System w/adjustable height in 1st Row
- SOS Post-Crash Alert System™

WARRANTY

- 3 Year / 36,000 Miles Bumper / Bumper
- 8 Year / 100,000 Miles Hybrid Unique Components

FUNCTIONAL

- Audio AM/FM / MP3 Capable / Clock / 4-speakers Bluetooth® interface — 4.2" Color LCD Screen Center-Stack "Smart Display" Note: Standard radio does not include USB Port or Aux. Audio Input ●Jack; Aux. Audio Input Jack requires SYNC 3®
- Easy Fuel® Capless Fuel-Filler
- Ford Telematics™ Includes Ford Modem and complimentary 2- year trial subscription
- Front door tether straps (driver/passenger)
- Power pigtail harness
- Recovery Hooks; two in front and trailer bar in rear
- Simple Fleet Key (w/o microchip, easy to replace; 4-keys)
- Two-way radio pre-wire
- Two (2) 50 amp battery ground circuits power distribution junction block (behind 2nd row passenger seat floorboard)
- Wipers Front Speed-Sensitive Intermittent; Rear Dual Speed Wiper

POWERTRAIN CARE EXTENDED SERVICE PLAN

• 5-year/100,000-mile Powertrain CARE Extended Service Plan

(zero deductible) - Standard

POWERTRAIN OPTIONS

99B- 3.3L V-6 TIVCT Gasoline Motor-NA with 99C Motor	-2,743.00
99C- 3.0L V-6 Eco Boost Engine	766.00
☐ 41H- Engine Block Heat	85.00
☐ 19K-H8 AGM Battery (900 CCA/92 Amp)	103.00
☐ 76D- Deflector Plate	315.00
47A-Engine Idle Control	244.00
☐ 3 Year/100,000 Miles Premium Care	2,340.00
☐ 5 Year/100,000 Miles Premium Care	2,430.00
☐ 3 Year/100,000 Miles Extra Care	2,055.00
☐ 5 Year/100,000 Miles Extra Care	2,130.00
☐ 5 Year/125,000 Miles Powertrain Care	2,235.00
☐ 6 Year/ 125,000 Miles Powertrain Care	2,305.00
Exterior Options	
□ 942-Daytime Running Lights	42.00
☐ 51R-Drivers Side Spot Light-Unity	371.00
☐ 51T-Drivers Side Spot Light-Whelen	394.00
☐ 51S-Dual Spot Lights-Unity	582.00
☐ 51V-Dual Spot Lights-Whelen	625.00
☐ 51P-Spot Lamp Prep Kit	132.00
☐ 51W-Dual Spot Lamp Prep Kit	264.00
21L- Front Auxiliary Light Red/Blue-Requires 60A	517.00
☐ 63B-Side Marker LED Red/Blue-Requires 60A	273.00
☐ 96T-Rear Spoiler Traffic Light-Requires 60A	1,405.00
☐ 549-Heated Side View Mirrors	56.00
☐ 43A-Rear Auxiliary Lights	371.00
☐ 65L-5 Spoke Full Wheel Covers	56.00
☐ 64E-18" Painted Aluminum Wheels	447.00
■ 16D-Badge Delete	N/C
☐ 86T Tail Lamp Housing Only	56.00
Safety Options	
43D-Dark Car Feature- Disables Courtesy Lights	24.00
19V-Rear Camera On Demand	217.00
☐ 76P-Pre-Collision Assist w/ Pedestrian Detection-NA w/96W	136.00
☐ 68B-Police Perimeter Alert-Requires 19V and 87R	635.00

 □ 90D-Ballistic Door Panels-Level III- Driver Front Only □ 90E-Ballastic Door Panels-Level III-Driver/Pass Front □ 90F-Ballastic Door Panels-Level IV-Driver Front Only □ 90G Ballistic Door Panels-Level IV-Driver/Pass Front □ 55B-BLIS Blind Spot Monitoring □ 593-Perimeter Anti-Theft Alarm-Requires 55F □ 55F-Keyless Entry-4 Fobs □ 76R-Reverse Sensing 	1,490.00 2,979.00 2,270.00 4,541.00 512.00 112.00 320.00 259.00
Interior Options	
 □ 17T-Dome Lamp-Cargo Area Red/White □ 63L-Rear Quarter Glass Side Marker Lights-Red/Blue □ 87R-Rearview Camera-Replaces Std Camera in Center Stack □ 68G-Rear Door Handles, Locks, and Windows Inoperable □ 52P-Hidden Door Lock Plunger w/ Rear Handles Inoperable □ 16C-Carpet Floor Covering-Includes Floor Mats ■ 18D-Global Lock/Unlock-Disables Auto Lock on Hatch □ 87P-Power Passenger Seat □ 85D-Front Console Plate Delete ■ 85R-Rear Console Plate □ 96W-Front Interior Windshield Warning Lights N/A w/76P □ 47E-12.1" Screen □ 61B-OBD-II Split Connector □ 68E-Noise Suppression Kit □ Keyed Alike CodeSpecify Current Code □ 17A-Auxliliary Air Conditioning □ 63V-Cargo Storage Vault-Lockable for Small Items □ 60R-Noise Suppression-Ground Straps □ 18X-100 Watt Siren/Speaker □ Police Interior Up Grade Package □ 60A-Pre- Wiring for Grill Lights, Siren, and Speaker 	47.00 541.00 N/C 71.00 150.00 118.00 24.00 306.00 N/C 42.00 1,405.00 2,580.00 52.00 183.00 47.00 573.00 230.00 94.00 296.00 367.00 47.00
Option Groups	
 67V-Police Wire Harness Connector Kit 66A-Front Headlamp Lighting Solution 66B-Tail Lamp Lighting Solution 66C-Rear Lighting Solution 67U-Ultimate Wiring Package 4-Corner LED Strobes-Requires 86T 	174.00 841.00 405.00 428.00 526.00 1,195.00

	67H- Ready for the Road Package includes 66		
	Whelen CenCom Light Controller	100Watt Siren Speaker	
	Whelen CenCom Relay Center Light Controller Wiring	9 I/O Serial Cable Hidden Door Lock Plunger	
	Grill LED Lights	Rear Console Mounting Plate	
	*Requires Final Programming Does Not Inc	_	2 270 00
	Requires Filiai Programming Does Not inc	nude interior Police Equipment	3,379.00
Misc. O	ptions		
	Rustproofing		395.00
	CD-Rom Service Manual		395.00
	Delivery Greater than 50 miles of Dealership		185.00
		al Police	203.00
	Passenger Plates		326.00
	Certificate of Origin – Customer will complete	e license/title application	N/C
Exterio	r Colors		
	BU-Medium Brown Metallic		
	E3-Arizona Beige Metallic		
	E4-Vermillion Red		
	FT-Blue Metallic		
	HG-Smokestone Metallic		
	J1-Kodiak Brown		
	JL-Dark Toreador Red Metallic		
_	JS-Iconic Silver Metallic	Interior Colors	
	M7-Carbonized Gray	interior colors	
	LK-Dark Blue	☐ Charcoal Black W/Vinyl Re	ar N/C
	LM- Royal Blue LN-Light Blue Metallic	Charcoal Black W/Cloth Re	ear 58.00
	TN-Silver Grey Metallic		
	UJ-Sterling Grey Metallic		
	UM-Agate Black		
	YG-Medium Titanium Metallic		
	YZ-Oxford White		



Please complete the following in its entirety.

Title Information:	Village of Hinsdale	
	Fire Department	
Phone Number:	630-789-7060	
Purchase Order Number:		
Ford FIN Code:		
Tax Exempt Number:	E9997-4436	
Total Number of Units:	1 Unit	
Total Dollar Amount:	33,094	
Delivery Address:		
CONSTRUCTOR	121 Symonds Drive	
	Hinsdale, IL 60521	

Orders require an original signed purchase order & tax exempt letter.

Scheduled Orders Cannot be canceled

Currie Motors Commercial Center 10125 W. Laraway Road Frankfort, IL60423 (815) 464-9200 Kristen DeLaRiva kdelariva@curriemotors.com

Tom Sullivan

tsullivan@curriemotors.com

*Please monitor vehicle status by registering at www.fleet.ford.com.

Complete Specs are at:

https://www.ford.com/police-vehicles/hybrid-utility/



ADMINISTRATIVE STANDARD OPERATING PROCEDURE

Vehicle Replacement Policy

Policy Number: A-15-08 Effective Date: 06-23-15 Rescinds: N/A Amends: A-13-05

References:	Attachments:

- Purpose
 - 1.1. To establish a guide for the scheduled replacement of Fire Department vehicles.
- 2.0 Policy
 - 2.1 Authorized Vehicle Inventory: Currently, the Fire Department has two (2) categories of vehicles with a total number of nine (9) vehicles. They are as follows:
 - 2.1.1 Fire Suppression / EMS Ambulances
 - 2.1.1.1 Two (2) pumping engines
 - 2.1.1.2 One (1) aerial ladder (with pump)
 - 2.1.1.3 Two (2) advanced life support ambulances
 - 2.1.2 Support & Staff Vehicles:
 - 2.1.2.1 One (1) pick-up truck (support)
 - 2.1.2.2 One (1) Fire Prevention car
 - 2.1.2.3 Two (2) staff cars
 - 2.2 The Fire Chief and the Deputy/Assistant Fire Chief shall have the responsibility to oversee this process. Fire suppression and EMS apparatus are custom made, 24 hour on demand vehicles that require a high degree of reliability. Support and Staff Vehicles, while not custom made, are also 24 hours on demand and required a high degree or reliability. All are replaced depending on various factors. These life expectancy factors include:
 - 2.2.1 Service life the capability of performing the needed duty. Examples are mileage, number of responses, overall wear and tear, pump capacity and operational capabilities.
 - 2.2.2 Technological life the capability of performing in the role it was designed for. Examples are speed, acceleration, current use, braking abilities, and technology advances of newer apparatus.
 - 2.2.3 Economic life the expense associated with effective use over a period of time. Examples are depreciation, operating costs, fuel, oil, repairs, operator training, and downtime.

- 2.2.4 Every attempt will be made to maximize the value of the apparatus or vehicles being replaced including trade-in value, sale by owner, sale by broker, etc. Every attempt will also be made to evaluate all acceptable funding sources when considering replacement including donations, grants, loan programs, and joint purchasing cooperatives that are available at that time.
- 2.3 Replacement Policy Fire Suppression & EMS Apparatus:
 - 2.3.1 The timely replacement of fire apparatus is important for not only controlling costs but also for being able to effectively, efficiently, and safely provide emergency services.
 - 2.3.2 While there are no mandates indicating the maximum life expectancy for a piece of fire apparatus or an ambulance, the National Fire Protection Association and the Fire Apparatus Manufacturers Association have conducted research to facilitate the replacement of fire apparatus and have establish parameters to assist in determining the replacement of fire apparatus.
 - 2.3.3 The Federal Ambulance KKK specifications also do not mandate the life expectancy of an ambulance. These specifications are reviewed and revised on a regular basis. Periodic revisions provide for better safety and reliability, ability to provide services, have updated technology and mechanical features. These specifications have gone through six revisions since it was introduced in the early 1970's.
 - 2.3.4 The Department currently does not have "reserve" type apparatus. Fire and EMS apparatus are considered either primary or secondary response apparatus.
 - 2.3.5 Using established parameters and specifications and continually monitoring the fleet of apparatus taking into the life expectancy factors (changes in the vehicle and apparatus uses, mileage, maintenance costs, repairs and service requirements, needs of the departments, age of apparatus, number of incidents responded to, and overall condition and reliability) fire department staff will be able to maximize the value of the vehicle being replaced and have a meaningful tool for future planning and budgeting.
 - 2.3.6 Recommendations to replace fire suppression and EMS ambulances, as funding and Village Board approval permits, are:

2.3.6.1 Engine
2.3.6.2 Aerial Ladders
2.3.6.3 Ambulances
16 years service/72,000 miles
20 years service/74,000 miles
10 years service/60,000 miles

- 2.4 Replacement Policy Support and Staff Vehicles:
 - 2.4.1 Support and Staff cars vehicles, while intended for primary use by all Department staff members for non emergency activities, do respond to emergency incidents. They are used on demand, 24 hours a day.
 - 2.4.2 Support and Staff cars do not usually carry specialized fire and EMS equipment and supplies like fire suppression and ambulance apparatus do. They do typically carry specialty team personnel (Technical Rescue, HAZMAT, Incident Command) and their basic equipment to and from incidents.

- 2.4.3 Support and staff vehicles must be able to carry various non emergency equipment such as but not limited to fire investigation supplies, fire prevention displays, and fire prevention items. Light duty trucks, pick-up trucks, and SUVs are the recommended vehicles for these uses.
- 2.4.4 Support vehicles can be considered somewhat specialized but they are not typically a custom vehicle. Their intended use varies at times depending on Department needs and programs. Our support vehicles should be able to tow emergency response trailers that are either owned by the Village or through our MABAS mutual aid association.
- 2.4.5 Support and staff cars are usually purchased through the State and/or joint purchasing cooperatives to offer the most cost effective purchase possible. They require limited changeover costs and do not require excessive installation of emergency equipment.
- 2.4.6 Recommendations to replace support and staff vehicles, as funding and Village Board approval permits, are:

2.4.6.1 Support vehicles
2.4.6.2 Staff vehicles
8 years service / 80,000 miles
8 years service / 80,000 miles

Rick Ronovsky Chief

RR:rm

Village of Hinsdale CIP 2022 - 2026 Priority List 2022 (Year 1)

Critical/ Recommended/	Current Year				
Contingent	Rank	Item	Department	Funding Source	Amount
		Enterprise Resource Planning (ERP) System Software	Administrative Services	General Fund	
Collical	2	ERP Implementation Services	Administrative Services	General Fund	SS IIII Innovementation consultant
Critical	3	Replace Readway Truck Unit # 5	Public Services	General Fund	CCO (III) Cohort (set and common invalid to 2003 units 20 443 miles
Critical		Replace Non Marked Patrol Vehicle Unit #32	Police Denartment	Canada Fund	The DMI Calculation and an arrangement of the control of the contr
Critical		Replace Asst. Fire Chief Vehicle #84 (deformed from 2021)	Fire Department	General Fund	\$50,000 Emembers Response Vehicle at well included one of usually and switched
					THE STATE OF THE S
Critical	9	Replacement Water/Sewer Truck Unit #32 (deferred from 2021)	Water/Sewer	Water/Sewer Fund	\$48,000 Responds to Water/Sewer ememeraties ourchosed via Subschool Connective
Critical	7	Upgrade SCADA System	Water/Sewer	Water/Sewer Fund	\$25,000 Ortical to operation of water system.
Orthosal	80	KLM Lodge Ductwork Replacement	Parks and Represion	General Fund	Public Services mantains leaks 2 times per week. Non-replacement would impact SKO DRN remais.
Orthosi	ò	Report Standare Economics	Water Course	Married Country Error	The engineering includes an initial inspection, preparation of plans and report. Adelled specifications and bid documents to bid out painting of the Sandalps in Fall control of the Sandalps in Fall control on the Sandalps
Childal	10	Paci Improvemente Phase 3	Parks and Secretion	Cameral Fund	STATUTE Recommendad as each and post-and advantational control
					Condition of CSLAD areast. Saling in netall would nesel to a purential active areas
Critical	=	Pool Climbing Well	Parks and Recreation	General Fund	\$20,000 applications
Recommended	12	Streetscape Improvements - Downtown Outdoor Dining	Economic Development	General Fund	\$150,000 Cost for temporary sidewalk expansion and barriers
Recommended	13	Highlands Train Station Improvements (deferred from 2021)	Diklio Socione	Connect Frank	Funding from Metra, was awaiting State approval, then architect / bid. Village pays
Recommended	14	Replace Truck Unit #37 (deferred from 2021)	Parke and Recreation	General Fund	C222 JOS ON UNIT UNIT COST Tren reimbursement
Recommended	15	Well #10 Abandonment (deferred from 2021)	Water/Sewer	Water/Source Find	200,200 Surreigner representation unit 20 L2 Will 40, 100 miles
Recommended	16	Replace Police/Fire Building Roof	Fire Department/Police	General Find	CERT ON Proof February Commission in 2015 Profession will industrial animogenia Commission of IUNK CERT ON Proof February Commission in 2015 Profession will industrial animogenia Commission of IUNK CERT ON Proof February Commission in 2015 Profession will industrial animogenia animog
Recommended	17	Replace Forestry Stump Grinder #18	Public Services	General Fund	\$60 000 Scheduled replacement current unit is 2001 with 918 hours
Recommended	18	Replace Roadway Skid Steer Unit #93	Public Services	General Fund	\$58.000 Scheduled replacement: current unit 2010 with 2.567 hours
Recommended	19	Pump Motor & Fifter Media Maintenance	Parks and Recreation	General Fund	\$17,000 Needed to ensure pool operations
Recommended	20	Well #2 Rehabilitation	Water/Sewer	Water/Sewer Fund	\$70,000 Needed to ensure back up water supply
Recommended	21	Personal Computer Replacement Program	Administrative Services	General Fund	\$30,000 Desire to provide systematic replacement of PC's in Village
Recommended	22	South Post Office Parking Lot Resurfacing	Public Services	General Fund	\$40,000 Scheduled resurfacing
Recommended	23	Lincoln Street Parking Lot Resurfacing	Public Services	General Fund	\$30,000 Scheduled resurfacing
Recommended	24	Fire Hydrant Replacement	Water/Sewer	Water/Sewer Fund	\$25,000 Ongoing maintenance plan
Recommended	25	Fire Hydrant Maintenance	Water/Sewer	Water/Sewer Fund	\$20,500 Ongoing maintenance plan
Recommended	56	Irma Butler Tot Playground	Parks and Recreation	General Fund	\$121,855 Replacement equipment
Recommended	27	Replace Vehicle Unit #44	Police Department	General Fund	\$49,000 Scheduled replacement; current unit is 2017 with 47,000 miles
Recommended	28	Replace Street Poles/Lamps	Public Services	General Fund	\$12,500 25 year replacement plan
Recommended	53	Repairs to Memorial Building Wooden Columns (3)	Public Services	General Fund	\$35,000 Repairs existing columns outside of Memorial Hall
Recommended	30	Tuck Pointing - 5903 South County Line Road (Montessori School Building)	Parks and Recreation	General Fund	\$75,000 Needed to keep building from Deteriorating
Recommended	31	Historic Robbins Park Signs	Economic Development	General Fund	\$35,000 Directive from HPC
Recommended	32	Replace Electronic Fingerprint ID System	Police Department	General Fund	\$30,000 Replacement equipment
Recommended	33	Replace Pool Canopy in Wading Pool	Parks and Recreation	General Fund	\$20,000 Replaces pool canopy, current canopy is deteriorating
Recommended	8	Replacement of Public Services Office Furniture	Public Services	General Fund	\$25,000 Need for improvement office utilization
Recommended	35	Office Space Needs Analysis HCS Space	Administrative Services	General Fund	Space needs analysis - walkthrough, recommendations, 2nd floor and scout room
Contingent	36	Interconnect Engineering Study	Water/Sewer	Water/Sewer Find	C25 000 To consider attendable hack inn water ennote network of useful
Contingent	37	Parking Deck Pedestrian Enhancements (from 2021)	Economic Development	General Fund	\$200 000 Continuent on DCEO creat funding
Contingent	38	Additional Payboxes	Police Department	General Fund	\$171 000 Will only be done if them is offsetting reviews.

eneral Fund Total	\$2,572,705
er/Sewer Fund Total	\$301,500
CY 2022 CIP Total	\$2.874.205

	n	000,180
Secommended \$	w	1,787,205
Contingent \$	69	396,000

VILLAGE OF HINSDALE, IL



G/L ACCOUNT - MASTER INQUIRY

Org code: Object code: Project code: 3100 FIRE AND EMS Type: E 7907 MOTOR VEHICLES Status: Budgetary:

100 20 **FUND** GENERAL FUND **FUNCTION** PUBLIC SAFETY 31 DEPARTMENT FIRE DEPARTMENT 3100 **PROGRAM** FIRE AND EMS 00 OPEN OPEN *UNK *UNK

Full description: MOTOR VEHICLES Short desc: MTR VEHICL Reference Acct: Auto-encumber? (Y/N) N

Mer er ente mee				Auco	chedinaer: (1/N) N
	CI	JRRENT YEAR	MONTHLY	AMOUNTS	ATATAC
PER	ACTUAL	ENCUMBRA	NCE	BUD TRANSFER	R BUDGET
00	.00		.00	.00	.00
01	.00		.00	.00	44,500.00
02	.00		.00	.00	.00
03	.00		.00	.00	.00
04	.00		.00	.00	.00
05	.00		.00	.00	
06	.00		.00	.00	.00
07	.00		.00	.00	.00
08	.00		.00	.00	
09	.00		.00	.00	.00
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11	.00		.00	.00	.00
12	.00		.00	.00	
13	.00		.00	.00	.00
Tot:	.00		.00	.00	
	(CURRENT YEA	R TOTAL	AMOUNTS	
Actual (Memo)		.00	Origina	1 Budget	44,500.00
Encumbrances		.00		Tranfr In	.00
Requisitions		.00		Tranfr Out	.00
Total		.00		wd Budget	.00
Available Budge	et	44,500.00	Carry F	wd Bud Tfr	.00
Percent Used		.00		Budget	44,500.00
Inceptn to SOY		.00	Inceptn	Orig Bud	.00
				Revsd Bud	.00
Encumb-Last Yr		.00			44,500.00
Actual-Last_Yr		.00			44,500.00
Estim-Actual		.00			44,500.00
	. (00			44,500.00

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VILLAGE OF HINSDALE, IL



G/L ACCOUNT - MASTER INQUIRY

PER ACTUAL	LAST YEAR MO ENCUMBRAN		AMOUNTS BUDGET	
00 .00		00	.00	
01 .00	32,370.	00	43,000.00	
02 .00	32,370.	00	.00	
03 .00		00	.00	
04 .00		00	.00	
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			.00	
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11 .00		00	.00	
12 .00	-32,370.	00	.00	
13 .00		00	.00	
Tot: .00 2020 Actual 2020 Closed @ YE 2020 Encumbrance 2020 Memo Bal 2019 Actual 2017 Actual 2016 Actual		00	43,000.00	
	PRIOR YEARS	TOTA	L AMOUNTS	
2020 Actual	.00	2020	Orig Budget	43,000.00
2020 Closed @ YE	.00	2020	Bud Tfr In	.00
2020 Encumbrance	.00	2020	Bud Tfr Out	.00
2020 Memo Bal	.00	2020	C Fwd Budget	.00
2019 Actual	34.008.07	2020	Bud Tfr In Bud Tfr Out C Fwd Budget Revsd Budget	43,000.00
2018 Actual	30.291.72		The Latest Warrands	
2017 Actual	300.865.64	2019	Orig Budget	.00
2016 Actual	.00	2019	Revsd Budget	.00
2015 Actual	.00	2018	Orig Budget	.00
2014 Actual	.00	2018	Revsd Budget	.00
2013 Actual	.00	2010	Kevsu budget	.00
2012 Actual	.00	2020		0.00
2012 Actual		2010		0.00
ZUII ACCUAI	.00	2019		0.00
		2018		0.00
PER 2022 BUDGET	FUTURE Y	EAR A	MOUNTS BUDGE	
00 .00			E0 000 0	0
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01 50,000.00	2022		50,000.0	0 .00
02 .00	2022		50,000.0	0 .00
03	2022		50,000.0	0 .00
04 .00		Ov T	.0	
05 .00	2022 Revise	d	50,000.0	0
06 .00	2023 Estima	te	.0	
07 .00	2024 Estima	te	.0	0 .00
08 .00	2025 Estima	te	.0	0 .00
	2026 Estima	te	.0	
09 .00				
09 .00				
09 .00	2022 Memo R	al	0	0
09 .00 10 .00 11 .00	2022 Memo B	al rance	.0	
09 .00 10 .00 11 .00 12 .00	2022 Memo B 2022 Encumb	rance	.0	0
09 .00 10 .00 11 .00	2022 Memo B 2022 Encumb 2022 Requis	rance	.0	0

** END OF REPORT - Generated by Safia Rusulis **





Police Department

AGENDA SECTION:

Consent - ZPS

SUBJECT:

Replacement of patrol vehicles # 44 & 32

MEETING DATE:

February 15th, 2022

FROM:

Thomas Lillie, Deputy Chief of Police

Recommended Motion

Approve payment to Currie Motors, Frankfort, Illinois for the purchase of two new patrol fleet vehicles in the amount of \$71,820.00.

Background

Patrol Squad #32 is a 2018 Ford Explorer XLT Police Interceptor and currently has 89,000 miles; however, this vehicle is projected to have over 110,000 by time of replacement. Patrol Squad # 44 is 2017 Ford Explorer XLT Police Interceptor and currently has 73,000 miles; however, this vehicle is projected to have over 90,000 miles by time of replacement.

Discussion & Recommendation

Based on the projected purchasing in the Capital Improvement Plan, staff is requesting the replacement and purchase of squads #46 and #32. As indicated by FORD, via the Suburban Purchasing Cooperative, vehicle production is delayed by supply chain shortages. Staff does not expect delivery of this vehicle until June of 2022 at the earliest. Pending the board's approval, funds for \$98,000.00 appropriated in the 2022 CIP will be utilized for the purchase of squad #46 and #32.

Each vehicle, regardless of the designation for use, is evaluated by staff annually to allow for deviations from the replacement plan in order to extend the life and use of the vehicle if warranted. As such, the current #44 will be repurposed as a Community Service Vehicle. Squad #32 will be inspected by the village mechanic with intentions of being repurposed or sold at auction.

Budget Impact

Funds for this purchase are budgeted in the CIP for 49,000.00 per vehicle. (FY 2022 - Acct 220-7907). In addition the cost of the vehicle purchase, supplemental costs include up-fitting each vehicle at \$12,122.50 and graphics at \$1,083.00.

Village Board and/or Committee Action

N/A

Documents Attached

1. Capital Improvement Plan

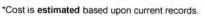
Vehicles 2022

Replace Patrol Vehicle #44

\$49,000

Vehicle Description

Make	Ford
Model	Explorer
Year	2017
Useful Life	3.5 - 4 Years
Mileage Maintenance	69,851
Costs*	\$1,373





Current Vehicle #44

Project Description & Justification

In accordance with the Department's vehicle replacement policy, which states that marked patrol vehicles should be replaced every three and a half to four years and at approximately 85,000 miles, this item will replace one patrol vehicle. The cost per vehicle assumes a 3% base cost increase per year and includes equipment switch-over cost of \$12,000 per vehicle.

The vehicle will be closely evaluated at the time of recommended replacement and reprioritized if needed. Depending on condition at the time of recommended replacement, a determination will be made as to whether to repurpose the vehicle within the Village or to dispose of it by auction or trade-in.

Project Update

There are no updates to this project.

Project Alternative

Deferral beyond four years is not recommended for patrol vehicles. The reliability decreases as the car ages, and maintenance and repair costs increase accordingly.

Vehicles 2022

Replace Unmarked Patrol Vehicle #32

\$49,000

Vehicle Description

Make	Ford
Model	Explorer
Year	2018
Useful Life	3.5 - 4 Years
Mileage Maintenance	78,017
Costs*	\$4,895





Project Description & Justification

*Cost is estimated based upon current records.

This unit is an unmarked vehicle that is used in traffic enforcement. In accordance with the Department's vehicle replacement policy, which states that unmarked patrol vehicles should be replaced every three and a half to four years and(at approximately 85,000 miles), this item will replace one patrol vehicle. The cost per vehicle assumes a 3% base cost increase per year and includes switch over equipment cost of \$ 12,000

The vehicle will be closely evaluated at the time of recommended replacement and reprioritized if needed. Depending on condition at the time of recommended replacement, a determination will be made as to whether to repurpose the vehicle within the Village or to dispose of it by auction or trade-in.

Project Update

There are no updates to this project.

Project Alternative

Deferral beyond four years is not recommended for patrol vehicles. The reliability decreases as the car ages, and maintenance and repair costs increase accordingly.





MEMORANDUM

DATE: February 15, 2022

TO: President Cauley and the Village Board of Trustees

FROM: Heather Bereckis, Superintendent of Parks & Recreation

RE: January Staff Report

The following is a summary of activities completed by the Parks & Recreation Department during the month of January.

The Lodge at KLM Park

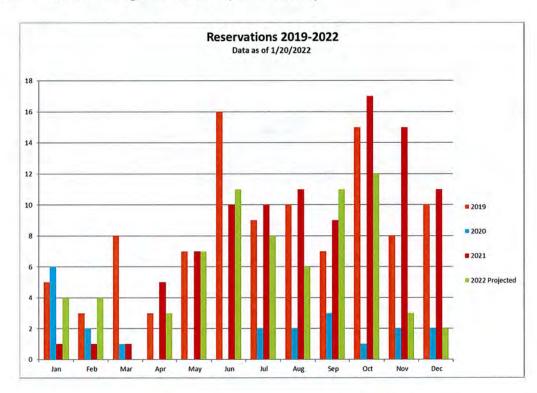
Preliminary gross rental and catering revenue for the calendar year-to-date is \$173,400. Rental revenue for the twelfth month of the 2021 calendar year was approximately \$11,895. Staff is working to secure weekday rentals, and 2022 bookings. Staff recently rented the kitchen to a caterer that lost their kitchen space during the pandemic. The caterer will be using the kitchen space during the week while staff is onsite through early 2022.

REVENUES	December		YTD		Change	2021	CY 21	CY 2020	CY 20
	Prior Year	Current Year	Prior Year	Current Year	Over the Prior year	Annual Budget	% of budget	Annual Budget	% of budget
The Lodge Rentals	\$10,615	\$11,895	\$43,195	\$165,400	\$122,205	\$145,000	114%	\$150,000	29%
Caterer's Licenses	\$0	\$125	\$2,839	\$8,000	\$5,161	\$15,000	53%	\$15,000	19%
Total Revenues	\$10,615	\$12,020	\$46,034	\$173,400	\$127,366	\$160,000	108%	\$165,000	28%
EXPENSES	December		YTD		Change Over the	2021 Annual	CY 21 % of	CY 2020 Annual	CY 20 % of
	Prior Year	Current Year	Prior Year	Current Year	Prior year	Budget	budget	Budget	budget
Total Expenses	\$10,912	\$10,149	\$111,654	\$153,465	\$41,810	\$151,000	102%	\$236,243	47%
Net	(\$297)	\$1,871	(\$65,620)	\$19,935	\$85,556				

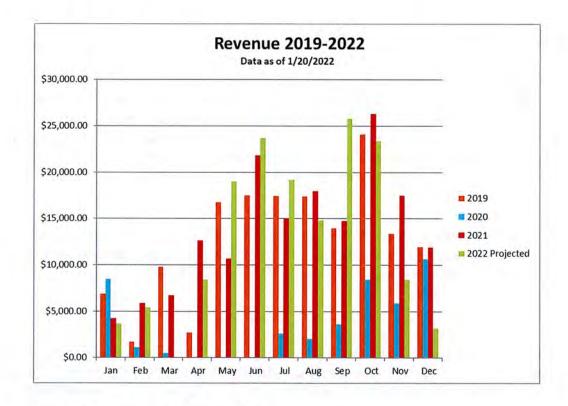


	The Lodge Gross Monthly Revenues									
Month	2017 CY		2018 CY		2019 CY		2020 CY		2021 CY	
January	\$	4,624	\$	18,089	\$	6,855	\$	8,475	\$	4,250
February	\$	4,550	\$	2,495	\$	1,725	\$	1,100	\$	5,880
March	\$	5,944	\$	8,045	\$	9,804	\$	500	\$	6,720
April	\$	4,300	\$	7,482	\$	2,700	\$	-	\$	12,655
May	\$	9,725	\$	13,675	\$	16,744	\$		\$	10,675
June	\$	12,495	\$	23,045	\$	17,494	\$	-	\$	21,825
July	\$	15,000	\$	16,874	\$	17,466	\$	2,625	\$	15,000
August	\$	18,555	\$	15,205	\$	17,395	\$	2,000	\$	17,983
September	\$	15,410	\$	27,860	\$	13,980	\$	3,600	\$	14,742
October	\$	15,180	\$	12,770	\$	24,085	\$	8,400	\$	26,291
November	\$	12,500	\$	13,450	\$	13,365	\$	5,880	\$	17,484
December	\$	8,125	\$	9,125	\$	11,975	\$	10,615	\$	11,895
total	\$	126,408	\$	168,115	\$	153,588	\$	43,195	\$	165,400

The graph below shows the past three years of Lodge revenue and the upcoming year's projections. Future projections are based on what is currently booked. Also included is a graph indicating the number of monthly reservations. Typically, events are booked 6-18 months in advance of the rentals; however, if there are vacancies, staff will accept reservations within 5 days of an event. These tracking devices are update monthly.







Upcoming Brochure & Events

The winter/spring brochure is live online as of November 29. Registration opened on December 6. Oversized postcards announcing the new brochure and highlighting important dates/information were delivered to homes on November 29. Registration is at a record high for winter/spring programming, with over \$19,000 in sales in the first day of registration.

Staff continues to see an increase in event registrations over previous years. Corks & Forks: and a little education, opened for registration on December 6 as well, and sold 62 of the 80 spots that day. The event is now sold out with a waitlist. The event is being held in collaboration with the Hinsdale Wine Academy, led by experienced Sommelier Lorenzo Munoz. Food is being provided by Vistro Prime.

Special Events

Upcoming events include:

- Corks & Forks: and a little education....March 4, 2022 @ The Lodge at KLM Park
- Egg Hunt.....April 16, 2022 @ Robbins Park
- Eggs-ploration.....April 2022 throughout town
- Park Clean-Up Day..... April 21, 2022 @ local parks

MEMORANDUM



Field & Park Updates

Fields

Spring Field rentals are being allocated for spring 2022. Dominant users continue to be the Hinsdale Little League and AYSO, in addition to travel soccer and baseball groups, rugby, and lacrosse renters. The Village will be starting a new recreational lacrosse program in collaboration with The Community House and East Ave Lacrosse under the moniker of Hinsdale Herd. The Herd will practice and hold games at Veeck Park, Burns Field, and KLM throughout the year. They are offering both a boys and girls program, for ages Pre-K – 8th grade.

Ice Rink

The ice rink at Burns Field opened for the season on January 7, 2022. The warming hut opened the weekend of January 15 and is staffed from 10am-6pm on weekends with hot chocolate available to skaters. Staff anticipates being able to provide the ice rink through the month of February, weather permitting.

Parks

Staff is currently working with two Eagle Scout candidates to improve park spaces. One candidate will be updating the flowerbeds at Eleanors Park and the other will be updating the gazebo and flowerbed at Ehret Park. Staff has other available projects for Eagle Scout candidates if needed.

The Village is also currently accepting applications for seasonal Public Service/Parks employees. Applications can be found at www.villageofhinsdale.org/employment.

Pool

Pool passes will go on sale to the public beginning April 1, 2022. Early bird pricing will be available through April 30. Regular season pricing will begin on May 1. Staff is awaiting confirmation of super pass availability from Clarendon Hills Park District at this time.

Employment Opportunities

The Village is also currently accepting applications for summer seasonal staff in the following departments/positions:

Pool staff (lifeguards and cashiers), Public Services/Parks, Recreation Intern, and Event Management Intern at The Lodge at KLM Park. Applications can be found at www.villageofhinsdale.org/employment.