

Approved:
Nelson/Brody

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
FEBRUARY 10, 2010
MEMORIAL HALL
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:31 p.m., Wednesday, February 10, 2010 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Byrnes, Commissioner Johnson, Commissioner Crnovich, Commissioner Nelson, Commissioner Sullins, Commissioner Stifflear, and Commissioner Brody

ABSENT: Commissioner Moore and Commissioner Kluchenek

ALSO PRESENT: Sean Gascoigne, Village Planner; Ken Florey, Village Attorney

Minutes

The Plan Commission reviewed the minutes from the January 13th, 2010 meeting. Minor adjustments and corrections were addressed. Commissioner Johnson motioned to approve the minutes of January 13th, 2010. Commissioner Nelson seconded. The motion passed unanimously. The Plan Commission reviewed the minutes from the January 27th, 2010 meeting. Minor adjustments and corrections were addressed. Commissioner Nelson motioned to approve the minutes of January 27th, 2010. Commissioner Johnson seconded. The motion passed unanimously.

Public Hearings

A-7-2009 – Applicant: Karl Weber – Text Amendment to section 5-110A(1)(a) and (b), as it relates to overall building heights in the B-2 Central Business District.

Chairman Byrnes provided background information regarding the text amendment and stated that due to a lack of votes, this text amendment failed at the Village Board level, and thus forwarded to the Plan Commission for review. Chairman Byrnes opened the public hearing of case A-7-2009.

John Bohnen, Village resident, presented information regarding the case A-7-2009. He discussed some history of the downtown and why this text amendment has been proposed. He stated this was the best way to control oversized development and limit developers from changing the character and historical nature of the downtown. He presented several numbers and stated only three buildings in the downtown are currently over the height of 30 feet tall based on those numbers.

Karl Weber, Village resident, referenced several cases regarding zoning codes throughout the U.S over the past 80 years. He discussed the history of the Village zoning code and presented how height has varied in the downtown area since 1923. He stated although height was limited

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to 30 feet up until 1989, it was then raised to 40 feet based on the rewriting of the zoning code and then lowered back to 35 feet as a result of a text amendment in 2004. He also referenced the 2004 Genesis surveying height study and compared the information to a similar study he conducted. He felt the Genesis study was not measured according to code and therefore was inaccurate and provided several facts to discredit the numbers in the study. He also presented information from a recent building constructed on Lincoln St. and cited specific excerpts from the current zoning code to explain the procedure for measuring height in a specific zoning district.

Mr. Bohnen presented information from the Hinsdale 2025 survey that was conducted a few years ago and also statistics from Village residents regarding their views on height restrictions and stories in the downtown district. He also referenced the SEG 2 report and presented some of the findings from this group regarding the maximum building height and stories that are permitted on each property. He questioned if this proposed text amendment would have a negative effect on property values in the downtown and then read two different letters from building owners in the downtown supporting the current text amendment.

Phil Moriarty, Board member of the Hinsdale Historical Society read a letter from the Hinsdale Historical Society and stressed the need to protect the character of the downtown area. He stated the society supports any efforts to protect the downtown and any efforts to keep the historical character.

Mr. Bohnen questioned what a third story to a building would bring to the Village. He discussed the gains and losses that could be expected from third story uses. He looked at the supply and demand of office space in today's market and stated vacancies are at an all time high. Sales taxes would be zero and the increase in property tax revenue would be marginal. He also discussed the concept of lifestyle housing and the current situation at 111 S. Lincoln and the lack of people interested in purchasing the condos. He referenced statistics from the Hinsdale 2025 study regarding resident's price thresholds for purchasing a condo in the downtown area.

Mr. Bohnen presented information regarding transit-oriented development. He stated many surrounding communities have successfully built these types of buildings but felt the type of people that would be attracted to this kind of development would not be good for the Village.

Mr. Bohnen presented the 14 standards that are reviewed when a text amendment is applied for.

Chairman Byrnes questioned how the measurements were taken on the buildings. Mr. Weber stated he used a device that takes light to the top of the building that bounces off to determine numbers accurate within 4 centimeters. Mr. Bohnen concluded and stressed the need to protect the downtown history and character of the Village.

Chris Elder, Village resident, discussed the past proposals the Village and the cost of litigation expenses to the residents and Village and was in favor of the proposed text amendment.

Laurel Harlow, Village resident, stated she was in support of the proposed text amendment as it is on the National Register of Historic Places and she would like the Village to keep the character and density of the Village like it has always been.

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Molly Hughes, Village resident, was in support for the proposed text amendment. She stated she would like to see the character and historic nature of the downtown continue.

Peter Furey, Village resident, stated he was in support of the proposed text amendment.

Steve Cashman, Village resident and architect, stated he was in support of the proposed text amendment. He urged the Commissioners to imagine the downtown from the outside community and maintain the continued walking community that residents have enjoyed over the past 100 years.

Commissioner Brody motioned to close the public hearing for case. Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Stifflear questioned if any Commissioners were involved with the 2004 height text amendment. Chairman Byrnes confirmed that no Commissioners were involved. Discussion took place over the proposed text amendment. Commissioner Crnovich stated the code allowed only a height maximum of 30 feet for over 60 years until the 1989 revision. Chairman Byrnes stated in addition to height and story requirements the Village also uses site plan and exterior appearance review as a tool to review proposals. Discussion ensued regarding the number of three story buildings in the downtown that are also 30 feet and under.

Commissioner Johnson stated this was the perfect time for a text amendment such as this because of the lack of developers working on commercial projects in the Village. She stated one proposal could create a cascading effect on the entire downtown. Commissioner Sullins referred to the residential housing stock of the Village and how much that has changed over the past 30 years. She stated this same type of change could take place in the downtown if certain measures are not taken.

Commissioner Stifflear stated at first his concerns of this text amendment were loss of property values and also loss of potential revenue to the Village but given the written testimonies and information, these questions were answered and in his opinion the standards of a text amendment have been met.

Chairman Byrnes raised an example regarding the Fruit Store property on First Street and questioned how the property value could be affected if a developer wished to redevelop the land. Commissioner Johnson stated the cost could be much higher if the code stays current because developers will have to spend more money in order to compete with surrounding developments in the downtown area and could force other property owners to redevelop their property or sell it.

Chairman Byrnes questioned how a building becoming legal non-conforming would affect the property. General discussion took place over the rules and regulations of the zoning code. Mr. Florey stated if a building is damaged by more than 50% it would then need to become code compliant when it is rebuilt.

Commissioner Nelson motioned for the approval of case A-7-2009 – Applicant: Karl Weber – Text Amendment to section 5-110A(1)(a) and (b), as it relates to overall building heights in the B-

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2 Central Business District. Commissioner Crnovich seconded. The motion passed unanimously.

A-28-2009 – 333 W. 57th – Insite RE, Inc – Special Use Permit for Wireless Antennas and Site Plan/Exterior Appearance Approval.

Chairman Byrnes opened the public hearing for case A-28-2009. Ray Shinkle, representative from Insite Re. Inc., discussed the application and the installation of a wireless antenna on the water tower in Hinsdale. He discussed the site selection process and also the design of the antennas and surrounding building that would be built and the increased safety and better coverage could offer subscribers. The antennas would not exceed the total height of the water tower and would be painted to match the tower. He discussed the easements that were granted from the School District recently and also presented several site pictures to describe the location of the access road and equipment cabinets that will need to be installed. The proposal is code compliant and the revenue received from this installation will go back to the Village. He also identified that the radio waves are also well below federal frequency regulations.

Questions regarding the indoor storage of diesel were discussed and the use of natural gas generators and the noise that could come from each of these. Mr. Sylvie stated the generators will be used only when there is a power disruption and will test cycle roughly once a month. Commissioner Crnovich questioned how antenna maintenance workers would have access to each storage cabinets. Mr. Shinkle stated only a certain number of employees would have access to these cabinets and only a certain number of keys would be made. Commissioner Sullins questioned if a public hearing was held during the approval process for the school property easement. Mr. Florey stated an open meeting was held and the standards are different from a public hearing. General discussion took place over the procedural steps needed in order for the approval of this request.

Commissioner Sullins questioned if any other locations were researched prior to the water tower. Mr. Shinkle stated this was the ideal and most efficient space that is located in Hinsdale in order to increase coverage and service to each of these wireless carriers.

Commissioner Crnovich questioned the historical qualities of the water tower and certain approvals that were needed before any antennas could be installed. Mr. Shinkle stated NEPA applications have filed and that is just one of the many approvals needed in order to install the antennas.

Chairman Byrnes questioned if other carriers could install antennas once this special use is approved. Mr. Shinkle stated any additional carriers would also need to go through the special use process in order to install antennas on the water tower. Commissioner Brody requested the noise levels of the air conditioners are also be included in the sound study.

Commissioner Sullins questioned if the height and weight of the antennas had been properly analyzed. Mr. Shinkle stated if this special use is approved a structural engineer would be assigned to confirm the weight of the antennas can be safely installed on the water tower. Commissioner Crnovich questioned if any property value studies were done. Mr. Shinkle stated

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a property value analysis was not done but in his past experiences property values have not been affected by this type of request.

The Commissioners expressed their concerns with the use of diesel as a fuel for the generators. Mr. Shinkle stated if natural gas is available that will be the fuel of choice.

Dr. Greg Lapin, discussed his background and research he has performed regarding radio frequency waves. He stated over 2500 experiments have been performed on affects to the human body from electromagnetic energy and how from these experiments a master manual and standards were created to safely monitor these waves. He referenced the Bioinitiative Report that was created by a group of scientists that is filled with incorrect information and in a language that has no scientific support. He referenced several graphs and showed the cases of cancer have been relatively flat for people using cell phones for more than 10 years and used an example in Deerfield Illinois where electromagnetic waves are even larger than proposed in the Hinsdale example. General discussion took place over details of the Deerfield example such as the location on school property and studies conducted before approval was granted.

Chairman Byrnes stated Village officials are not permitted to discuss proposals to cell antennas based on electromagnetic counts, however he questioned how electromagnetic numbers are determined. Mr. Lapin provided an explanation of how MPE figures are calculated and stated the reason for so many cell towers is because of the amount of increased cell phone users on such a limited frequency.

Jeff Holland, Village resident, expressed his concerns with the placement of a cell phone tower near schools and urged Plan Commissioners to reconsider the location of cell phone antennas.

Kathy Gartlan, Village resident, expressed her concerns with the placement of a cell antenna at Hinsdale central High Schools due to possible health factors that could have an adverse affect on the 2,700 students at the school. She referenced the noise and security issues and also the possibility of cancer due to cell phone usage.

Katherine Nemesnyik, Village resident, expressed her concerns of the installation of cell phone antennas at the water tower. She felt it would change the character of the residential areas and also the possible effects of diminishing property values on surrounding properties. She also referenced safety concerns that could arise.

Mr. Shinkle, presented information from a World Health Organization study that states no adverse effects to the health of humans have been found from RME. He presented several examples of cell phone antennas that are located on school property.

Stephen Lee, Village resident, expressed his concerns with the installation of diesel generators near the water tower and was opposed to the special use permit application.

Commissioner Crnovich requested to continue the public hearing until the next scheduled meeting so the information and questions requested by the Plan Commission were addressed. Chairman Byrnes confirmed that the Plan Commission couldn't comment or base their decisions based off of RME levels.

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Jeffrey Holland, questioned information presented from Mr. Shinkle from the World Health organization report because it does not specifically address cell phone antennas. General discussion took place over the supplemental information requested by certain Plan Commissioners. Commissioner Nelson felt the current information presented was fine and he felt the Commission was able to vote based on the current information. Commissioner Johnson stated she felt if Commissioners were not prepared to vote she would be in favor of continuing the agenda item until the next scheduled meeting. General discussion ensued on if any additional information is needed or if a vote could be taken at tonight's meeting.

Commissioner Stifflear questioned if any other types of injuries have occurred from other equipment that needs to be installed in order for the antennas to function. Mr. Shinkle stated the additional equipment will be enclosed and locked as well as alarmed and to his knowledge he has never heard of any type of accident. Discussion continued of alternate locations that a cellular antenna could be located. Mr. Shinkle stated in order for this many carriers to be installed in one place a tower of a least 150 feet would need to be installed somewhere else in the Village. Chairman Byrnes requested a motion to vote on this agenda item with the contingency of a sound report that must be prepared for the next ZPS Committee meeting.

Commissioner Nelson motioned for the approval of case A-28-2009 – 333 W. 57th – Insite RE, Inc – Special Use Permit for Wireless. Commissioner Brody seconded. The motion passed with the following conditions and votes: Conditions” Natural gas must be available to fuel the generators if it is available. A sound study must be presented at the next ZPS meeting Committee members to view. Ayes: Commissioner Johnson, Commissioner Nelson, Commissioner Stifflear and Commissioner Brody Nays: Commissioner Crnovich, Commissioner Sullins. Absent: Commissioner Moore and Commissioner Kluchenek. The motion passed with a vote of 5-2.

Chairman Byrnes requested for a motion to disapprove the site plan for case A-28-2009. Commissioner Nelson, motioned to disapprove the site plan for case A-28-2009. Commissioner Brody seconded. The motion failed with the following vote and the site plan was approved: Ayes: Commissioner Johnson, Commissioner Nelson, Commissioner Stifflear and Commissioner Brody Nays: Commissioner Crnovich, Commissioner Sullins. Absent: Commissioner Moore and Commissioner Kluchenek. The motion failed and the site plan was approved with a vote of 5-2

Chairman Byrnes requested for a motion to approve the Exterior Appearance on case A-28-2009. Commissioner Brody motioned for the approval of exterior appearance of case A-28-2009. Commissioner Nelson seconded. Ayes: Commissioner Johnson, Commissioner Nelson, Commissioner Stifflear, and Commissioner Brody Nays: Commissioner Crnovich, Commissioner Sullins. Absent: Commissioner Moore and Commissioner Kluchenek. The motion passed with a vote of 5-2.

Chairman Byrnes requested for a motion to close the public hearing to for case A-28-2009. Commissioner Nelson motioned to close the public hearing. Commissioner Brody seconded. The motion passed unanimously.

A-29-2009 – 718 N. York Rd. – Women's Choice – Signage in the Design Review Overlay District

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Chairman Byrnes declared the public hearing open for case A-29-2009

Terry Doyle, from Doyle Signs, stated the staff report confirmed two signs will be installed and they are both code compliant. Chairman Byrnes questioned if the base was made out of certain materials. Mr. Doyle confirmed and stated both signs will be illuminated. Chairman Byrnes discussed why this request was put under such stringent regulations. General discussion continued over the design of the sign and the types of materials used.

Amy Dillard, representative from a neighboring business, objected to the proposed sign because of her concerns and stated the sign could be misleading and draw business away from her current business. She stated the sign is too commercial and is not aesthetically pleasing. Mr. Gascoigne stated the sign proposed meets all regulations according to the Village Zoning Code.

Ivan Florczak, president of Women's Choice Services, stated Women's Choice was looking for guidance from the Village and would comply with any recommendations that were required.

Commissioner Sullins questioned the height of the proposed sign and the Commissioner have continued to discuss the size of the sign. Mr. Doyle stated given the location of the building he felt the size of the sign was necessary and code compliant, discussion also arose regarding the use of brick or limestone at the base of the sign. Chairman Byrnes requested to revise the design and present the new plan at the next scheduled meeting. Commissioner Nelson motioned to continue the meeting until the next scheduled meeting of March 10, 2010. Commissioner Johnson seconded. The motion passed unanimously.

A-37-2009 – Applicant: Raghuram Jagadam – Text Amendment to Section 5 -102 (Permitted Uses) and 12-206 (Definitions) of the Hinsdale Zoning Code to allow Professional, Home-Based, Supplemental Education Program Centers as Permitted Uses in the B-1, Community Business District.

Chairman Byrnes opened the public hearing.

Albert Bertuzzi, representative for Mr. Jagadam, presented information regarding the proposed text amendment. He stated this text amendment brings additional education to the Village while parents can shop at surrounding retail stores. Commissioner Crnovich questioned if this type of use is permitted in any other zoning district. Mr. Gascoigne stated no and this text amendment would create new language to describe this type of tutoring service.

Commissioner Crnovich expressed her concerns with this type of use in the B-1 district and stated she would rather prefer a retail store that can generate sales tax revenue. Mr. Bertuzzi stated although this type of use does not generate sales tax the supplemental traffic could produce additional tax revenue from surrounding retail stores. General discussion continued over the proposed use and the traffic of kids that this establishment plans to house and also the language currently provided in the code. Commissioner Johnson stated Gateway Square has the proper amount of parking for this type of use compared to the downtown business district where parking may be an issue for parents dropping off their kids

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Commissioner Nelson for the approval of case A-37-2009 – Applicant: Raghuram Jagadam – Text Amendment to Section 5 -102 (Permitted Uses) and 12-206 (Definitions) of the Hinsdale Zoning Code to allow Professional, Home-Based, Supplemental Education Program Centers as Permitted Uses in the B-1, Community Business District. Commissioner Johnson seconded. The motion passed with the following vote: Ayes: Commissioner Johnson, Commissioner Nelson, Commissioner Sullins and Commissioner Brody Nays: Commissioner Crnovich and Commissioner Stifflear. Absent: Commissioner Moore and Commissioner Kluchenek. The motion passed with a vote of 5-2.

Chairman Byrnes requested for a Commissioner to close the public hearing. Commissioner Johnson motioned to close the public hearing for case A-37-2009. Commissioner Nelson seconded. The motion passed unanimously.

Adjournment

Commissioner Johnson moved to adjourn. Commissioner Brody seconded and the meeting adjourned at 11:35 p.m. on February 10, 2010.

Respectfully Submitted,

Sean Gascoigne
Village Planner