

Approved:
Brody/Crnovich

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
JULY 14, 2010
MEMORIAL HALL
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:30 p.m., Wednesday, July 14, 2010 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Byrnes, Commissioner Stifflear, Commissioner Crnovich, Commissioner Sullins, Commissioner Kluchenek, Commissioner Moore and Commissioner Nelson

ABSENT: Commissioner Brody and Commissioner Johnson

ALSO PRESENT: Sean Gascoigne, Village Planner

Approval of Minutes

The Plan Commission reviewed the minutes from the June 9th, 2010 meeting. Commissioner Nelson motioned to approve the minutes of June 9th, 2010. Commissioner Moore seconded. The motion passed unanimously.

Findings and Recommendations

A-03-2010 – 11-17 W. Maple Street (Unitarian Church) – Exterior Appearance/ Site Plan Review Approval for a New Patio Along Maple Avenue.

Chairman Byrnes provided a brief summary of the discussion that took place on this agenda item at the last Plan Commission meeting and highlighted the findings and recommendations that were included based on these discussions. Chairman Byrnes summarized the Commission's discussion from the June 9th meeting. Commissioner Moore motioned to approve the findings and recommendations for case A-03-2010 – 11-17 W. Maple Street (Unitarian Church) – Exterior Appearance/Site Plan Review Approval for a New Patio Along Maple Avenue. Commissioner Nelson seconded. The motion passed unanimously.

A-08-2010 – 920 N. York Rd. – PNC Bank – Signage in the Design Review Overlay District.

Chairman Byrnes provided a brief summary of the discussion that took place on this agenda item at the last Plan Commission meeting and highlighted the findings and recommendations that were included based on these discussions. Commissioner Crnovich motioned to approve the findings and recommendations for case A-08-2010 – 920 N. York Road (PNC Bank) – Signage in the Design Review Overlay District. Commissioner Nelson seconded. The motion passed unanimously.

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Scheduling of Public Hearings

A-13-2010 – John Weinberger/Continental Motors – Special Use Permit for a Planned Development and Exterior Appearance/Site Plan Review approval for Façade Improvements to the Existing Car Dealership.

Chairman Byrnes stated the public hearing would be scheduled for September 8, 2010.

A-17-2010 – Village of Hinsdale - Text Amendment to Provide Limited Authority to the Village Board for Variations.

Chairman Byrnes stated the public hearing would be scheduled for September 8, 2010.

Sign Permit Review

48 S. Washington – M Homes Design – One Wall Sign

Mr. Gascoigne state that the applicant was aware of the meeting and that it was the Plan Commission's discretion as to whether they wanted to continue without the applicant present. He then went on to explain why the sign was coming back in front of them even though it was technically approved as part of the Exterior Appearance approval on a previous date. Commissioner Kluchenek motioned for the approval of signage for 48 S. Washington Street – M Homes Design – One Wall Sign. Commissioner Nelson seconded. The motion passed unanimously.

Exterior Appearance/Site Plan Review

18-20 E. First Street (Nabuki) – Peter Burdi – Façade Improvements for a New Restaurant

Chairman Byrnes introduced the case and asked if the applicant was present. Peter Burdi, applicant and owner of the proposed restaurant, summarized the request. Commissioner Moore expressed some concerns that arose with IL Poggiolo regarding the exterior vestibule. Mr. Burdi indicated that conditions for this building were not the same as IL Poggiolo and that this site actually has a permanent indoor vestibule where patrons can gather. Discussion ensued regarding the specifics of the project and the materials proposed. Commissioner Moore confirmed the projection and clearance of the proposed awning with the project's architect who confirmed that the requirements were met in both aspects.

Commissioner Kluchenek motioned for the approval of Exterior Appearance for the Façade Improvements for a New Restaurant at 18- 20 E. First Street (Nabuki). Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Stifflear motioned to disapprove the Site Plan for the Façade Improvements for a New Restaurant at 18- 20 E. First Street (Nabuki). Commissioner Kluchenek seconded. The motion failed unanimously and the site plan was approved.

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Public Hearings

A-03-2010 – 11-17 W. Maple Street (Unitarian Church) – Special Use Permit for a Planned Development.

Chairman Byrnes opened the public hearing for case A-03-2010. Chairman Byrnes summarized the request for the Commissioners and the audience and explained how the approvals for Exterior Appearance/Site Plan Review were separated from the request for a Special Use for a Planned Development. He confirmed that all the Commissioners that were not present for the public hearing in June had read the June 8th, 2010 transcript. All Commissioners confirmed they had. Charles Fischer RLA, Landscape Architect and member of the Unitarian Church introduced himself as representative for the Unitarian Church and further summarized the request. He then introduced David Lloyd, President of the Unitarian Church of Hinsdale, who addressed why the applicant chose to pursue the Planned Development rather than a Variation request.

Chairman Byrnes questioned what the plans for the religious education center were. Mr. Lloyd identified that Head Start was a long time tenant but due to budget cuts, they will have to move out. He indicated that they were looking for a similar type use to fill that vacancy because he understands the need for it to be non-profit use. He also indicated that the church was aware of the Special Use that Head Start was required to obtain and understood that any future tenant would also be required to obtain a Special Use approval.

Mr. Byrnes asked Mr. Lloyd if they had any plans to expand. Mr. Lloyd indicated that they had no desire at this time to expand any of the buildings. Chairman Byrnes identified other locations on the church's property where the landscape feature could be located without the need of a Planned Development or a Variation. Mr. Lloyd confirmed but indicated that they have several functions throughout the year that utilize other areas of the property and make the proposed location more ideal.

Commissioner Moore posed additional questions in regards to the exact location of the landscape feature, its proximity to the sidewalk and some of the materials to be used for it. Mr. Fischer responded to Commissioner Moore's concerns.

As a result of Mr. Fischer's response, Commissioner Moore expressed concern with drainage. Mr. Fischer responded and satisfied any concerns Commissioner Moore had.

Commissioner Crnovich questioned an alternative location and Mr. Lloyd and Mr. Fischer again identified why they would prefer the proposed location.

Bill Haarlow, resident and Chairman of the Zoning Board of Appeals, identified himself and stated that while he was the Chairman of the ZBA, he was not here in that capacity and was here as a resident. Mr. Haarlow identified his concerns with the applicant's request and expressed his objection to the request stating that the request being made at this time is not appropriate for the degree of work that is proposed to be completed. Mr. Haarlow then stated that his concerns and objections are based on the same reasons he provided in June and summarized what those reasons were.

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Commissioner Kluchenek asked Mr. Haarlow how what was being requested would fit under the jurisdiction of the ZBA.

Mr. Haarlow indicated that this is a setback issue and that the ZBA would be the appropriate Commission to address setback issues.

Commissioner Kluchenek then asked if Mr. Haarlow felt that requests like these should have some jurisdictional overlap or if he felt the ZBA had exclusive jurisdiction over cases like these.

Mr. Haarlow indicated that it depended on the particular case, but in this instance he felt that specific sections of the code were being violated that would normally give the Plan Commission the jurisdiction to take action on the request.

Commissioner Kluchenek asked Village Planner Gascoigne whether the Plan Commission was the appropriate body and even had the jurisdiction to hear this case.

Mr. Gascoigne indicated that the applicant certainly has the right to request waivers such as these as part of a Planned Development, but it is the discretion of the Plan Commission as to whether or not the requested waivers are appropriate within the scope of the Planned Development proposal.

Commissioner Kluchenek indicated he is still trying to analyze who should have the jurisdiction to hear the request and whether the Plan Commission is able to hear it.

Chairman Byrnes acknowledged the points brought forward by Commissioner Kluchenek and Mr. Haarlow.

Commissioner Kluchenek generally questioned if anyone knew of a situation such as this where a Planned Development was approved retroactively to approve several existing conditions.

Discussion ensued and the Commissioners identified several other churches that were Planned Developments but that they could not think of any that did not do major renovations as part of the PD request.

The Commission discussed what they felt was the standard for a Planned Development request and were generally in agreement that the Unitarian Church had not satisfied what should be considered to request a PD.

Mr. Haarlow addressed some final thoughts before the Plan Commission deliberated.

Mr. Fischer offered additional thoughts on the conversation and indicated that he felt based on the request, the Commission does in fact have the authority to hear and vote on the request.

Commissioner Crnovich offered her thoughts on Planned Developments and indicated that she felt the request in front was more appropriate to be heard by the ZBA.

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Chairman Byrnes summarized his thoughts and generally agreed. He then opened the discussion up to the other Commissioners. Discussion ensued and the Commission generally agreed that the landscape feature was a beautiful addition to the church, but that the proposal currently being requested by the applicant does not merit a request for a Planned Development and should be heard by the Zoning Board of Appeals.

Mr. Fischer offered some final thoughts and thanked the Commission.

Chairman Byrnes asked if there was any additional business to discuss.

Mr. Gascoigne indicated that either the applicant had to formally withdraw the application or that a vote needed to be made.

Chairman Byrnes explained that he felt that the Plan Commission did not have the appropriate jurisdiction to take a vote. Other Commissioners also questioned this and identified that they felt they did not have the appropriate jurisdiction as the request did not meet the definition of a Planned Development set forth in Section 12-206.

Mr. Gascoigne indicated that while the Plan Commission may agree that the request does not merit a Planned Development, they may certainly use their discretion to recommend for the denial of the project on that basis, but that he felt they still needed to take a vote. He explained that he would be happy to get a position from the Village's attorney if that was the direction provided. He went on to state that the applicant had legally filed an application for the Planned Development and while the Plan Commission may feel justified in their position as to whether the standards have been met for a Planned Development or not, it is a subjective set of standards and their position should be memorialized in a vote and used to recommend the denial of the request if that is the recommended path.

Discussion ensued regarding the options the applicant had and whether a vote was necessary if the applicant chose to withdraw the application.

Mr. Gascoigne confirmed that if the application was withdrawn a vote was not necessary, but a decision by the church to pursue the PD after the withdrawal would result in them starting over from square one.

Mr. Lloyd offered his position and indicated that while it seemed unanimous amongst the Commission that this request was not an appropriate Plan Development, there was a Planned Development application submitted and that he felt they certainly had the jurisdiction to vote on the matter even if the vote was "no". He then identified that based on the circumstances that that was his preferred choice rather than withdrawing the application.

Discussion ensued and the Commission deliberated. Commissioners Moore and Nelson identified their comfort in taking a vote and Chairman Byrnes indicated that in an effort to keep things moving, he would ask for a motion.

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Commissioner Nelson motioned for the approval of a Special Use for a Planned Development for the Unitarian Church. Commissioner Moore seconded. The motion failed unanimously and the Planned Development was denied.

A-09-2010 – Village of Hinsdale – Text Amendment to Section 5-110G as it relates to existing non-conforming structures in the B-2, Central Business District.

Chairman Byrnes opened the public hearing for case A-09-2010. Mr. Gascoigne summarized the request and opened it up for public discussion.

Discussion ensued regarding the text amendment. The Commission generally supported the amendment but agreed that they would like to see the language in the context of an ordinance before acting on it.

Commissioner Moore motioned to continue public hearing A-09-2010 until September 14th, when a draft ordinance can be provided to the Commission. Commissioner Sullins seconded.

Discussion ensued regarding the language in the amendment. Commissioner Kluchenek expressed his interest in going on the record as unofficially supporting the text amendment, but thought it would be beneficial to see everything in the context of the ordinance before taking a vote.

Commissioner Moore again motioned to continue public hearing A-09-2010 until September 14th, when a draft ordinance can be provided to the Commission. Commissioner Sullins seconded.

The motion passed unanimously.

Adjournment

Commissioner Kluchenek moved to adjourn. Commissioner Nelson seconded and the meeting adjourned at 8:40 p.m. on July 14, 2010.

Respectfully Submitted,

Sean Gascoigne
Village Planner