

Approved:
Moore/Crnovich

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
MARCH 9, 2011
MEMORIAL HALL
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:30 p.m., Wednesday, March 9, 2011 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

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

ABSENT: Commissioner Sullins

ALSO PRESENT: Sean Gascoigne, Village Planner

Approval of Minutes

The Plan Commission reviewed the minutes from the February 9, 2011 meeting. Commissioner Nelson motioned to approve the minutes of February 9, 2011 as amended. Commissioner Stifflear seconded. The motion passed unanimously.

Findings and Recommendations

5891-5911 S. County Line Road – Site Plan/Exterior Appearance Approval for the Replacement and Repair of Certain Park Shelters.

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 5891-5911 S. County Line Road – Site Plan/Exterior Appearance Approval for the Replacement and Repair of Certain Park Shelters. Commissioner Nelson seconded. The motion passed unanimously.

A-33-2010 – Doug Fuller – Text Amendment to Section 6-106, to Allow Real Estate Offices, with a Maximum of 10 Agents, in the O-1 District as Special Uses.

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 Moore requested clarification that there was not a resolution reached as to the number of agents versus employees.

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Commissioner Crnovich indicated that she also had some comments and that she was going to vote against the findings and recommendations. She felt that they were given inaccurate information at the public hearing and that she voted for the special use, with the condition, under the impression that she needed to because the temporary use was going to expire. She then identified the confusion regarding the number of existing parking spaces and cited a section of the code that indicated the item could have been continued. Ms. Crnovich then expressed her concern regarding the use encroaching into a residential neighborhood. She identified several potential factors that could create parking conflicts in the area.

General discussion ensued regarding the language limiting the site to 10 agents and the fact that the business' web site identified 45 agents. Discussion also ensued regarding whether or not the limiting number included support staff or just agents.

Commissioner Moore summarized the transcripts regarding this conversation at the public hearing.

Chairman Brynes indicated that he had a comfort with the request given the nature of the real estate business and the fact that the parking requirements had been met. He then indicated that in his tenure with the Plan Commission, he had never experienced votes against the Findings and Recommendations and that the Zoning Code doesn't really address this issue. He asked Mr. Gascoigne if he had any ideas.

Mr. Gascoigne indicated that he had never experienced it either.

Commissioner Johnson indicated that she had similar concerns to Commissioner Crnovich in that she felt compelled to address the issue that night given the expiration of the temporary use. She also identified an excerpt from the code that addressed the ability to extend the temporary use.

Mr. Gascoigne appreciated the Commissioner's concerns and apologized for any confusion. He felt that he had clearly identified that the temporary use could have been extended as well as indicating that if the Commission didn't have the comfort with sending on the application to the ZPS they could certainly continue it to the next meeting.

Commissioner Kluchenek questioned if members of the Commission that were not present for the public hearing, could vote on the Findings and Recommendations.

Mr. Gascoigne indicated that through the Village Attorney, a Commissioner absent for the public hearing could vote on the findings, provided they could confirm the transcripts had been read.

Commissioner Johnson questioned how the qualifier of "maximum of 10 agents" would be policed?

Mr. Gascoigne acknowledged Commissioner Johnson's point and indicated that it was actually through the temporary use process that the ZPS placed the limitation of 10 agents on the request.

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General discussion ensued regarding the limitation of number of agents within the office versus the total number of agents on staff.

Commissioner Kluchenek asked where the limitation of 10 agents had come from.

Mr. Gascoigne indicated that the limitation on the number of total employees was discussed and recommended as part of the temporary use process.

Commissioner Stifflear indicated that he wanted to point out that the zoning code does not restrict a use in terms of parking by the number of employees but rather by the square footage of the building. He also indicated that he originally had some reserve regarding the specific language in the findings and whether the Commission had determined that the applicant show he could provide the additional parking or that he would provide it. After going back to the video, he had confirmed that the findings were correct and properly reflected what the Commission had said. He indicated that even though the applicant had indicated he was going to provide them, he hoped the Board would take the position that they should be required.

Commissioner Crnovich agreed with the comments, but identified certain uses where different standards were used to determine required parking, such as in the upcoming case for Edens.

Chairman Brynes questioned how these concerns get relayed to the Board.

Mr. Gascoigne indicated that they would be aware of the situation if they viewed the meeting or read any minutes regarding the discussions.

Commissioner Moore confirmed that the current discussion then would not be “on the record” and they would not be aware of it unless they watched the video.

Mr. Gascoigne confirmed.

Commissioner Kluchenek identified his concern that with the process, it raises concerns that the applicant isn't present to respond to changes to the findings and recommendations.

Mr. Gascoigne indicated that the findings and recommendations were really to confirm and approve the accuracy of the statements made from the previous month and that there really shouldn't be any additional deliberations at this point in the process.

Commissioner Crnovich summarized an excerpt of the code relating to the certification of an application and that she wanted it on record that she felt they were given inaccurate information.

Chairman Byrnes indicated that this was unusual situation and that the only way to get it on record was to take it to a vote and let the chips fall where they may. He also indicated that after going back and checking, he was incorrect in that the code does not currently

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limit realtor's offices to 10 agents. He then stated that he was not sure where the limitation of 10 agents came from.

Mr. Gascoigne indicated that the limitation of 10 agents had come as a recommendation from the Board of Trustees. He then added that based on the codes requirement to approve findings and recommendations at the next regularly scheduled meeting, he believed that the Commission had the discretion to remove or add language to more accurately represent the happenings at the public hearing, but didn't believe they could necessarily be denied.

Commissioner Stifflear indicated that the inadequacies within the application should allow the Commission to pull the application.

Mr. Gascoigne acknowledged Commissioner Stifflear's point and then indicated that due to where the application was in the process, suggested that maybe the ZPS or Village Board was a more appropriate place for that to happen.

Commissioner Kluchenek suggested that Chairman Byrnes take a non-binding vote to determine the position of the Commission and then re-open the public hearing if the vote to approve was not there.

Commissioner Nelson stated that he believed the only thing the Commission could do was to have the Chairman write a letter to the Board presenting the concerns they had with the application.

Chairman Byrnes indicated he could draft a letter to present to the Board.

Commissioner Crnovich summarized additional information regarding certification of the application.

Commissioner Brody suggested that maybe the information wasn't truly presented false and that there was possibly a lack of due diligence on the Commission's part.

Discussion ensued and Commissioner Kluchenek indicated that while he didn't find it fair to introduce new evidence, he also didn't believe that the Commission was obliged to approve the findings.

Chairman Byrnes indicated he would like to take vote and he would write a letter to the Board of Trustees.

Commissioner Stifflear indicated he was going to vote in favor of the findings but suggested that this should serve as a lesson as to the need to be more detailed with language used, citing the example stated previously regarding "could" and "should".

Commissioner Nelson motioned to approve the findings and recommendations for case A-33-2010 – Doug Fuller – Text Amendment to Section 6-106, to Allow Real Estate Offices, with a Maximum of 10 Agents, in the O-1 District as Special Uses. Commissioner Moore seconded.

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Discussion ensued to clarify the proposed subject content of the letter to the Board. The motion passed on a 7-1 vote.

A-34-2010 – 22 N. Lincoln Street – Special Use Permit to Allow a Real Estate Office, with a Maximum of 10 Agents, in the O-1, Specialty Office 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 Nelson motioned to approve the findings and recommendations for case A-34-2010 – 22 N. Lincoln Street – Special Use Permit to Allow a Real Estate Office, with a Maximum of 10 Agents, in the O-1, Specialty Office District. Commissioner Brody seconded. The motion passed on a 7-1 vote.

Commissioner Kluchenek expressed some concern regarding whether the letter to the Board was going to be on behalf of the commission or the chair, identifying concern with stating that it was from everyone without the ability for everyone to look at it.

Discussion ensued regarding suggested approaches.

Chairman Byrnes acknowledged the concern and advised he would draft the letter to the Board, circulate it to all the Commissioners, incorporate their comments and then send the letter to the Board of Trustees.

A-38-2010 – Village of Hinsdale – Text Amendment to Section 9-104 as it Relates to Driveway Width.

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 Nelson motioned to approve the findings and recommendations for case A-38-2010 – Village of Hinsdale – Text Amendment to Section 9-104 as it Relates to Driveway Width. Commissioner Crnovich seconded. The motion passed unanimously.

Scheduling of Public Hearings

A-05-2011 – 10 N. Washington Street – Eden Supportive Living – Major Adjustment to a Planned Development and a Special Use for a Personal Care Facility.

Chairman Byrnes stated the public hearing would be scheduled for April 13, 2011.

The Commission requested specific information regarding previous approvals for Washington Square.

Mr. Gascoigne indicated he would include everything he could find.

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Commissioner Crnovich asked if they would also be requesting Exterior Appearance approval.

Mr. Gascoigne indicated that he would let the applicant respond to that at the meeting, but it was his understanding that they had no intention of making any exterior improvements to the structures at this time.

Commissioner Stifflear requested that the applicant provide an up-to-date survey with parking spaces identified.

Chairman Byrnes summarized three signs approved over the last month.

Adjournment

Commissioner Nelson moved to adjourn. Commissioner Brody seconded and the meeting adjourned at 8:07 p.m. on March 9, 2011.

Respectfully Submitted,

Sean Gascoigne
Village Planner