

Approved:
Nelson/Brody

**MINUTES
VILLAGE OF HINSDALE
PLAN COMMISSION
APRIL 13, 2011
MEMORIAL HALL
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:31 p.m., Wednesday, April 13, 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, Ken Florey, Village Attorney

Approval of Minutes

The Plan Commission reviewed the minutes from the March 9, 2011 meeting. Commissioner Moore motioned to approve the minutes of March 9, 2011 as amended. Commissioner Crnovich seconded. The motion passed unanimously.

Scheduling of Public Hearings

A-08-2011 – 149 E. Ogden (BP) – Design Review Overlay Permit, Special Use for Carryout and Exterior Appearance/Site Plan Review for a New Quick Serve Restaurant Facility.

Chairman Byrnes stated the public hearing would be scheduled for May 11, 2011.

Sign Permit Review

11 E. First Street – J Bees – One Wall Sign

Chairman Byrnes provided a brief explanation of the new sign approval process and indicated that he thought this sign looked good, but wanted to get some input from the Commissioners. Gil Algarin, applicant, provided a brief description of the proposal. General discussion ensued regarding the location and scale of other signs along First Street. Commissioner Stifflear asked what the maximum height could be. Mr. Gascoigne indicated twenty feet or the bottom of any second story window, whichever was less. Commissioner Kluchenek motioned for the approval of signage for 11 E. First Street – J Bees – One Wall Sign. Commissioner Nelson seconded. The motion passed unanimously.

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Public Hearings

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 and A-34-2010 – Special Use Permit to allow a Real Estate Office, with a Maximum of 10 Agents, at 22 N. Lincoln Street.

Chairman Byrnes opened the public hearing, introduced the case and gave a brief summary as to why the case was back in front of the Commission. He indicated that there was not a real concern with the request, but that there was some miscommunication in terms of the language in the submittal. He explained that he clarified with staff, what he felt the Commission was looking for and what the concerns were so that they could be addressed appropriately in the draft ordinance. He proceeded to open the public hearing and ask if the applicant was present.

Doug Fuller, owner and applicant, introduced himself and summarized the request, elaborating on some of the areas that raised concerns previously.

General discussion ensued regarding the terms and conditions of the original temporary use approval.

Commissioner Stifflear expressed his support for the request and identified that he had voted for it previously. He summarized to the applicant, what he felt were some of the Commission's concerns previously. He then offered suggestions as to how the language could be structured.

Commissioner Crnovich agreed with Commissioner Stifflear's thoughts and also suggested some language changes.

Matt Klein, attorney for Ms. Feinstein, offered his thoughts on how the language could be structured.

Chairman Byrnes suggested that the text amendment language be changed to remove the restriction of personnel and offering that those issues would be better suited for the special use discussion on a case by case basis.

Chairman Byrnes asked for a motion on the text amendment.

Commissioner Nelson motioned to approve a text amendment to Section 6-106, to allow Real Estate Offices as a Special Use, in the O-1 District. Commissioner Brody seconded. The motion passed unanimously.

Chairman Byrnes then summarized how the language had been amended regarding the special use.

Discussion ensued regarding the special use request and how to enforce the personnel limitations.

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Mr. Klein expressed his clients concerns with the limitation of 10 personnel, stating that the original language was 10 agents and they would need additional allowances for support staff.

Discussion ensued regarding how to best address the total personnel allowances. The applicant indicated that they would need an allowance for 3 additional support staff.

Mr. Florey recommended that to avoid confusion regarding classification of the employees, they leave the language as is but change the number to allow 13 personnel as defined in the ordinance.

General discussion ensued regarding the different options for structuring the language in the ordinance. The Commission concurred with Attorney Florey's recommendation.

Commissioner Stifflear motioned for the approval of a Special Use Permit to allow a Real Estate Office, with a Maximum of 13 Personnel, at 22 N. Lincoln Street. Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Crnovich requested clarification as to why this public hearing was not scheduled by the Plan Commission.

Mr. Florey indicated that this case was remanded back from the Village Board and that the requirements were different than those of a new public hearing.

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 introduced the case and summarized the request. He indicated that one of the decisions the Commission was going to need to make was whether this request should be treated as a new Planned Development. He opened the public hearing and asked the applicant to proceed.

Mike Hamblet, attorney and owner for Eden Supportive Living, introduced himself, provided a general description of Eden and the summarized this specific request and how it differed from their other facilities. He then explained differences in licensing, financing and classifications of general care facilities. He identified the original interest the agency had with accepting applications for residents with Autism or Asperger's Syndrome, but have since decided not to pursue that option.

Chairman Byrnes asked Mr. Hamblet to define the private pay concept.

Mr. Hamblet provided an explanation of the private pay system and explained the extensive level of financial and criminal background checks the agency undergoes when selecting its residents. In addition, he identified the considerable amount of licensing required for the facility to operate.

Commissioner Brody questioned if this model was the first of its kind for Eden.

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Mr. Hamblet indicated it was the first.

Commissioner Nelson asked the applicant to elaborate on the level of disability associated with the physical disabilities Eden was proposing to accept.

Mr. Hamblet indicated that a potential resident would be required to have two physical disabilities.

Commissioner Kluchenek questioned what would happen in the event that the applicant wanted to alter the licensing at some point in the future.

Mr. Florey indicated that the special use permit would mirror the application and requests being made by the applicant and that any deviation from that would require an amendment to the special use.

Commissioner Crnovich questioned if the applicant had applied for the appropriate licensing.

Mr. Hamblet confirmed they had.

Matt Murer, counsel for the applicant, introduced himself and provided a more in depth explanation on funding and licensing for agencies such as Eden.

Commissioner Crnovich clarified one additional point and asked if the two, newly proposed facilities in the South Shore and Champaign had started construction.

Mitch Hamblet indicated they hadn't broken ground yet, but they were close.

Commissioner Nelson questioned the changes proposed for the Washington Square facility.

Mr. Hamblet expressed concern that there were still some lingering concerns regarding a previous question and clarified that they would not be permitted to accept any form of mental illness. He then explained the improvements to the existing facility would be mainly internal including accessibility issues and redecorating, but that they would also be focusing on landscaping and other maintenance issues.

Commissioner Nelson confirmed that the proposal didn't include going up or out on any portion of the building.

Mr. Hamblet confirmed they would not. He then indicated how well the existing facility suited their needs as it existed.

Commissioner Brody confirmed the changes were mainly cosmetic.

Commissioner Moore asked for clarification on how a two-bedroom unit would be utilized.

Mr. Hamblet provided several scenarios in which this could happen.

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Commissioner Moore expressed some concern with the private pay requirement and how they would address the cost issue without any type of additional funding.

Mr. Hamblet cited examples of how residents are typically funded, but also explained that while uncommon due to the extensive financial checks, it is not impossible to exhaust funding and in these cases they try to relocate an individual to one of their facilities that accepts additional funding options.

Commissioner Brody asked how they would handle a situation where someone ran out of funds.

Mr. Hamblet indicated that their first option would be to relocate the individual to a different facility, but if that option was not available, eviction was possible.

Commissioner Crnovich questioned if Eden would have an age limit.

Mr. Hamblet indicated they would have a minimum age, but no maximum.

Commissioner Kluchenek asked how many beds were in the facility.

Mr. Hamblet indicated there were 71 units and 83 beds.

Commissioner Kluchenek questioned if there was a visitation policy and if the applicant had given any thought to the potential impact on the surrounding community.

Mr. Hamblet identified the potential population at the facility and the parking demand that would be required as well as confirming that visitors are not permitted over night.

General discussion ensued regarding the population distribution amongst the different facilities.

Commissioner Brody questioned if the business model being proposed for Hinsdale was unique to Eden.

Mr. Hamblet indicated that there are other agencies out there that can accept a similar population, but they feel they have a strong grasp of the physically disabled population and choose to focus on that.

Michael Hamblet clarified that there are several agencies out there that accept an elderly or aged population, but Eden is unique in that they are the first to also welcome a younger population as well.

Commissioner Stifflear expressed concern with the limited space at the Hinsdale location, compared to that of Aurora.

Mr. Hamblet indicated that when comparing the usable space at all three sites, they weren't too terribly different.

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Commissioner Moore addressed parking for staff members and where they would park.

Michael Hamblet indicated that the staff members would be parking on-site and that the current parking configuration would more than satisfy parking for all residents, staff and visitors.

Commissioner Kluchenek asked if the applicant had done a traffic study.

Carol Wroble indicated that the proposed use will have the exact same density as Washington Square and that there was no reason to believe that the traffic impact of the proposed use would be any different than that of Washington Square.

Chairman Byrnes confirmed that he couldn't recall a time when Washington Square experienced any parking problems and that he anticipated that the proposed use would be about the same.

Commissioner Stifflear asked the applicant to address why they should be afforded the same code flexibility as Washington Square, who he believed was given those flexibilities because they were a philanthropic use.

Mr. Hamblet felt that whether or not the previous use was philanthropic, he believed Washington Square was afforded that density based on the proposed use and that it provided a public good, which they believe carries the same social merit as what they are proposing. He then indicated that another large factor was that this building is existing and they are not looking to start from the beginning.

Commissioner Stifflear confirmed with the Village Attorney that the request was for a new Planned Development.

Mr. Florey indicated that if the Plan Commission agreed with counsel, that the original PD had expired, they should consider this a new Planned Development.

Commissioner Stifflear felt that if they were to consider this a new Planned Development, they were bound by the code to mandate certain documents, which were not submitted, to offer a recommendation.

Chairman Byrnes asked to take public comment.

Commissioner Crnovich asked how many handicap spaces were being provided.

Mr. Hamblet indicated two if that's what was required.

Michael Hamblet then indicated that all feedback they had received in regards to the proposal had been positive. He stated that in talking with the lender's attorney and the time table afforded to them based on the current financial status of the property, a neighborhood meeting was just not possible.

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Chairman Byrnes welcomed public comment.

Mr. Adamec expressed concern regarding background checks and who would undergo them.

Mr. Hamblet indicated that anyone living or working at the facility would be subject to an extensive background check.

Mr. Adamec questioned if the applicant would be paying taxes.

Mr. Hamblet indicated they are a for-profit agency and would most definitely be paying taxes.

Mr. Adamec confirmed that there would be no structural changes to the exterior of the building.

Mr. Hamblet confirmed that there would be no structural changes to the existing building.

Chairman Byrnes asked for other questions.

Laurel Haarlow, resident, expressed her skepticism in helping distressed interests find potential relief in change of use and zoning variations. She expressed her relief to find out that the proposal is far different than that floating around the neighborhood, but still had concerns regarding the use and the parking situation.

Joyce Skoog, resident and Washington Square board member, indicated that the needs of the population they were trying to serve had changed. She stated that people now prefer to be in a campus-type facility that offers continual care, including independent, assisted and full service care. She responded to the parking concern indicating that the vehicles were being permitted to park there in exchange for the maintenance of the property which Washington Square no longer has the finances or staff to keep up with. She then stated that Eden Supportive Living would reuse an existing building to bring a needed service to the community and replace a use that is no longer viable.

Mr. Adamec expressed concern with the applicant maintaining the existing courtyard.

Mr. Hamblet indicated that they would be cleaning up the landscape and improving all open space areas on the site with additional landscaping.

Commissioner Crnovich asked if this would be considered a single building PD.

Mr. Florey confirmed it was not.

Commissioner Crnovich agreed that this would be a new PD and expressed concern with the change from supportive living to assisted living changing the scope of the application which needed to be submitted seven days prior to the meeting.

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Mr. Gascoigne confirmed that all information identifying their current proposal was submitted at least seven days prior. He then stated that his memo also addressed the proposed changes.

Commissioner Crnovich asked if the public notice was affected by this change.

Mr. Gascoigne indicated that the zoning code does not get that specific and only differentiates between a personal care facility and senior living.

Laurel Haarlow requested clarification regarding the three-tiered model that Ms. Skoog referred to.

Ms. Skoog indicated that the need Ms. Haarlow was referring to was for people over 65. She summarized the differences between the Washington Square model and the Eden model and stated they were entirely different in terms of who they were looking to serve. She indicated that the age group Washington Square was looking to attract are the ones that are now looking for continuum care allowing them to step up the level of care as they age without having to leave the facility.

Ms. Haarlow acknowledged Ms. Skoog's comments, but questioned what was going to happen to the aging population of Eden and if the community would be faced with a crisis if they all needed the next tier of service. She then asked how the applicant was going to address the need of a public amenity under the definition of a Planned Development.

Ms. Scudiero indicated that the ultimate objective is for the residents to return to the community. She stated that when that's not possible, they try to bring on additional services to meet the needs of the residents. When that's not possible they would look for other settings for them.

Commissioner Johnson expressed concern with the interchanging use of the terms supportive and assisted living.

General discussion ensued regarding the residents need for occupational or physical therapy, and its potential impact on parking.

Mr. Hamblet addressed Commissioner Johnson's concerns regarding the potential demand for extra parking.

Commissioner Johnson questioned the types of physical disabilities the residents would have.

Mr. Hamblet provided several examples.

Commissioner Johnson questioned how they would address those with declining health issues such as Huntington's, MS or Parkinson's.

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Mr. Hamblet indicated Eden would know these conditions from the beginning and the resident would be aware of the potential implications. He stated that there are times where the nurse determines that the individual is not appropriate for this level of care and they are forced to tell them that can't be accepted.

Commissioner Crnovich asked if there was any issue with the building being R-5 and the parking lot being O-1.

Mr. Gascoigne indicated that the parking lot is accessory to the primary use and would be permitted.

Commissioner Crnovich asked if the proposal required Site Plan or Exterior Appearance Review.

Mr. Gascoigne indicated they were not changing anything and that they could use the existing plat of survey as a site plan. He stated that the Commission could request an application if they so desired, but nothing on the site was changing.

Chairman Byrnes closed the public hearing and offered some thoughts regarding the proposal. He stated it was semantics and the applicant had covered both options, but based on everything he had heard, this should be treated as a new Planned Development. He indicated that this was a different animal in that even though it is being considered a new Planned Development, they were dealing with existing structures and conditions.

Mr. Florey clarified that there were two special use permits being considered. One for a personal care facility and one for the Planned Development.

Commissioner Johnson asked if one could be considered without the other.

Mr. Florey recommended handling them together.

Chairman Byrnes asked for thoughts on the Planned Development.

Commissioner Johnson indicated that she did not feel that they had sufficient information to consider this a complete PD application.

Commissioner Stifflear and Commissioner Crnovich agreed.

Commissioner Stifflear indicated he was sympathetic to the situation however they still needed to adhere to the process.

Commissioner Nelson stated that he was on the other side and that provided there not changing anything on the outside of the building other than landscaping, he didn't see any great risk.

Commissioner Moore stated that she agreed with Commissioner Nelson, but would have more comfort if they went to the ZPS and Board with a striping plan for the parking lot and

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a landscape plan. She felt that they had a good idea as to what was going on here since the buildings were not changing.

Commissioner Stifflear agreed, but stated that his concern was not from a use stand point, but a procedural standpoint.

Commissioner Kluchenek indicated that for the purpose of guidance, it was important for Commissioner Stifflear to articulate what, besides a site plan, should be provided.

Mr. Florey provided examples of typical documents and encouraged the Commission to engage in discussions to provide the applicant with the necessary items to provide.

Commissioner Crnovich identified a traffic study, landscaping plan and parking lot striping plan and indicated she would like to see a list of waivers.

Commissioner Nelson indicated that all the waivers would be those already approved.

Chairman Byrnes stated that even though the structure wasn't changing, there were a few waivers required that were unique to a senior living facility and would not be to Eden.

Commissioner Stifflear addressed the issue of open space contribution.

Commissioner Kluchenek acknowledged Commissioner Stifflear's comments but indicated that this is a little different because it's an existing structure. He then identified the generation of property tax as another benefit.

Chairman Byrnes offered that the overall benefit is the reuse of an existing facility that has sat vacant and continues to be vandalized. He acknowledged that there was a public concern that this facility could be torn down, making way for something bigger and more dense. And while it would be great to get additional open space, it may not be as applicable here.

Commissioner Brody acknowledged Commissioner Stifflear's concerns and indicated he was torn because he continues to fall back on the fact that the Commission knew this was an existing building.

Commissioner Stifflear indicated he could get behind this concept if the Village got some benefits. He stated that he felt there was potential to decrease the density of the project and provide additional open space, thereby reducing the parking problem.

Commissioner Brody stated that he didn't feel the parking was an issue.

Commissioner Kluchenek stated that he generally agreed with Commissioner Brody and was generally comfortable with the request, but would have like to hear a little bit more about the impact of the proposal with the change of use.

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Commissioner Johnson indicated that she didn't feel this was a matter of supporting the reuse, but rather being sure the process was followed for the purpose of future Planned Development requests. She felt that another 30 days, with some direction would be appropriate.

Commissioner Crnovich thought it would be helpful for the applicant to reach out to the neighbors.

Commissioner Johnson agreed and cited specific examples of where applicants had done this and had been successful.

Chairman Byrnes indicated that a landscape plan was something that he felt the applicant could provide, but did not believe that requiring a traffic study would provide any benefit. He stated that while he wasn't aware of any huge outcry, contacting some of the neighbors may not be a bad idea. He confirmed that Washington Square also paid property taxes and indicated that he wasn't sure what to do on the open space contribution since there is really nothing more to give.

Commissioner Moore questioned what type of community involvement Eden had at their other facilities.

Ms. Scudiero cited several examples of community involvement including their residents going to the Ronald McDonald House to prepare lunches for the families, having haunted houses for the community and providing use of their facility for voting amongst others.

Michael Hamblet clarified a prior point, stating that close to 40% of their residents do use wheelchairs.

Chairman Byrnes recognized the number of Commissioners that referenced adherence to the code and asked the Commissioners what additional information they would need.

Commissioner Crnovich requested a revised striping plan for the parking lot showing how many spaces could be provided.

Commissioner Stifflear requested that the applications reflect the removal of Autism and Asperger's Syndrome and inclusion of the 100% pay model.

Chairman Byrnes confirmed that all of that would be spelled out in the license.

Commissioner Stifflear indicated that he would like to see it in the PD.

Chairman Byrnes indicated that the PD would require the appropriate licensing and the license would reflect these conditions.

Commissioner Stifflear indicated that he wanted to have their regulatory body encapsulate that.

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Chairman Byrnes confirmed with Attorney Florey that all these things will be documented in the ordinance.

Commissioner Stifflear suggested they require elevations of the buildings.

General discussion ensued regarding the elevations and Chairman Byrnes indicated that elevations seemed like a lot of needless work and expense for something that was already there.

Discussion ensued as to what historical documents exist and are available to include as part of the packet. The applicant confirmed that they only had elevations of the atrium addition. Discussions continued regarding the information that should be required.

Commissioner Moore stated that it was not her point to require the applicant to go through more expense for elevations but that she was surprised that the elevations didn't exist somewhere.

Commissioner Kluchenek confirmed that it is part of establishing a record.

Mr. Gascoigne apologized and indicated that he could not speak for the archiving and record keeping over the last 35 years. He explained the difficulties involved in finding what they had in their packets, but indicated he would continue to look.

Discussion ensued regarding what information was available to make the application more complete.

Chairman Byrnes asked Attorney Florey his thoughts on the legal strength of a PD case with this level of information.

Mr. Florey indicated this was not a round peg in a round hole project, so the Plan Commission had a lot of discretion as to whether the information in front of them was enough or whether to require additional information. He suggested that regardless of whether they decide to send the application on tonight or not, the applicant should provide a site plan application moving forward.

Discussion ensued amongst the commissioners as to the need to be consistent with the process.

Commissioner Stifflear noted the difficulty they were having with obtaining information, so they should get it all now.

Commissioner Nelson stated that he still felt they had enough to send it on. He indicated they have an existing facility that's falling apart, the opportunity to serve a portion of the community that's underserved, in a facility that's not changing the footprint.

Commissioner Brody agreed.

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Commissioner's Johnson and Crnovich disagreed. Commissioner Johnson indicated that 30 days wasn't a lot to ask.

Commissioner Brody questioned what they would like to see and how much hardship they wanted to impose on the applicant.

Commissioner Nelson indicated if that was the case, then they needed to be very specific as to what they wanted and then they were done. He indicated what he didn't want to see was the commission imposing additional requirements after the applicant was given direction.

Commissioner Johnson indicated they she felt they did have a burden of being specific.

Commissioner Kluchenek indicated he was inclined to believe they had enough information in front of them and the key was what went in the conditions however he would rather not see a 4-3 outcome if all it took was 30 days to get everyone on board.

Chairman Byrnes confirmed Commissioner Kluchenek's point and asked the Commissioners to indicate what they needed for next month.

The Commissioners indicated a landscape plan, a plan showing the parking lot configuration and elevations.

Discussion ensued regarding what the applicant should provide for elevations.

Chairman Byrnes confirmed they had come up with a landscape plan, a plan showing the parking lot configuration and elevations.

Mr. Gascoigne confirmed the Commission wanted a site plan application.

General discussion ensued regarding what details should be provided.

Commissioner Kluchenek asked if photographs would suffice.

Mr. Florey indicated that was the Commission's discretion.

Commissioner Kluchenek indicated that given the standards for exterior appearance and the fact that the building is existing, bare minimum for the record was ok.

Commissioner Moore confirmed that she was fine with pictures of all four sides of the building serving as the public record.

Chairman Byrnes confirmed.

The Commissioners concurred.

Commissioner Nelson agreed and indicated that if they had pictures of the building, along with the elevation of the tower, they could put everything into reference.

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Commissioner Johnson asked Attorney Florey if doing this set a precedence for any other development in town.

Mr. Florey indicated it would not and that each PD stood on its own. He indicated the process should be the same, but once you got into the process, each PD stood on its own.

Chairman Byrnes confirmed that so far he had the parking lot plan, elevations and site plan application with photographs.

Commissioner Brody requested the elevation of the tower.

Commissioner Moore indicated that in terms of the parking plan, she was looking for the applicant to better identify where the parking spots are.

Discussion ensued regarding the parking lot and whether to provide a larger buffer or the additional spots.

Mr. Gascoigne indicated the Commission would need to give direction as to whether they wanted to maximize parking or wanted additional buffer because increasing one would inevitably cause the need for a waiver on the other.

Commissioner Nelson pointed out that the Aurora facility utilized less spots than what the Hinsdale location currently has, and the population of the Aurora facility was better than double that of the proposed Hinsdale location, therefore he felt providing the buffer made the most sense.

Mr. Gascoigne clarified that the application did not need to be changed because the changes Mr. Stifflear was referring to were not specifically mentioned.

The Commission concurred and confirmed those conditions would be in the Special Use permit.

Mr. Florey confirmed.

Chairman Byrnes requested that the conditions regarding Autism and Asperger's Syndrome and the age restrictions, be included in the draft ordinance.

General discussion ensued regarding what the license covered and what should be in the draft ordinance.

Commissioner Nelson motioned to continue the public hearing to May 11th. Commissioner Brody seconded. The motion passed unanimously.

Adjournment

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Commissioner Nelson moved to adjourn. Commissioner Brody seconded and the meeting adjourned at 10:15 p.m. on April 13, 2011.

Respectfully Submitted,

Sean Gascoigne
Village Planner