

AGENDA
Village Of Hinsdale
Plan Commission
Wednesday, August 10, 2011
Memorial Hall, Memorial Building
7:30 PM
(Tentative and Subject to Change)

1. Minutes – Minutes of July 13, 2011

2. Findings and Recommendations –

- a. A-05-2011 – 10 N. Washington Street – Eden Assisted Living – Planned Development, Special Use for a Personal Care Facility, Special Use for Senior Citizen Housing and Site Plan/Exterior Appearance Approval.
- b. 330 E. Ogden Avenue – Bill Jacobs Land Rover/Range Rover of Hinsdale – Exterior Façade Improvements.

3. Adjournment

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 contact Darrell Langlois, ADA Coordinator at 630.789-7014 or by **TDD at 789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

Web Site: www.villageofhinsdale.org

The Hinsdale Zoning Code States: The overall purpose of this Code is to maintain Hinsdale as one of the nation's finest residential suburbs by preserving and enhancing its historic character as a community comprised principally of well-maintained single family residential neighborhoods and small, thriving business areas oriented to serve the day-to-day needs of local residents.

It is nearly impossible to apply this Code section to the Eden Project without discriminating against people with disabilities. Some Commissioners and Trustees rely on the Code to deny the Eden Project for physically disabled senior citizens because a majority of residents do not need this type of housing. Following this logic, no protected class could meet the Code. The Code as written and applied invites discrimination against legally protected classes of people and should be amended to avoid violating state and federal laws.

Another provision in the Code sets a minimum of 2,000 sq. ft per unit for a personal care facility. Our family of five has lived in single-family homes in Hinsdale measuring 1,500 and 2400 sq. ft. The Code may make it economically impossible to support senior and personal care housing, which could violate federal laws. Under the Fair Housing Act, Trustees can waive zoning provisions in support of housing for people with disabilities. The Residents have embraced this project, which should encourage the Trustees to do everything that is legally permissible to support Eden and demonstrate that Hinsdale is a welcoming community.

**Patricia Meyer Orlor
Hinsdale Resident**

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

Chairman Byrnes called the meeting to order at 7:33 p.m., Wednesday, July 13, 2011 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

PRESENT: Chairman Byrnes, Commissioner Stifflear, Commissioner Cashman, Commissioner McMahon, Commissioner Crnovich, Commissioner Brody and Commissioner Nelson

ABSENT: Commissioner Johnson and Commissioner Sullins

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

Approval of Minutes

The Plan Commission reviewed the minutes from the June 8, 2011 meeting. Commissioner Stifflear motioned to approve the minutes of June 8, 2011 as amended. Commissioner Nelson seconded. The motion passed unanimously.

Sign Permit Review

111 S. Lincoln – CHT Orthodontics – Two Wall Signs

Carrie Thangamani, owner of CHT Orthodontics introduced herself and explained her request for two wall signs.

Chairman Byrnes explained why he thought this request should come before the Plan Commission but that after visiting the property, he had no issues with the request.

General discussion ensued regarding the location of the signs.

Commissioner Nelson motioned for the approval of signage for 111 S. Lincoln – CHT Orthodontics for two wall signs. Commissioner Brody seconded. The motion passed unanimously.

Exterior Appearance/Site Plan Review

330 E. Ogden Avenue – Bill Jacobs Land Rover/Range Rover of Hinsdale – Exterior Façade Improvements.

Chairman Byrnes introduced the case and asked if the applicant was present. Denise Guardino, representative for Bill Jacobs Land Rover, introduced herself and summarized the request.

Jacob Bean, architect for the project, further summarized the specific requests, which included basic maintenance and façade improvements.

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General discussion ensued regarding signage.

Commissioner Brody confirmed the request was basically updating materials and painting.

The applicant confirmed.

Commissioner Nelson motioned for the approval of Exterior Appearance for Exterior Façade Improvements at 330 E. Ogden – Bill Jacobs Land Rover/Range Rover of Hinsdale. Commissioner Crnovich seconded. The motion passed unanimously.

Commissioner Nelson motioned to disapprove the Site Plan for Exterior Façade Improvements at 330 E. Ogden – Bill Jacobs Land Rover/Range Rover of Hinsdale. Commissioner Brody seconded. The motion failed unanimously and the site plan was approved.

Public Hearings

A-11-2011 – Text Amendment to Article III, Section 3-110 of the Hinsdale Zoning Code as it relates to the Elimination of the Floor Area Ratio Requirement for New Single-Family Residences that Receive Design Review Approval from the Design Review Commission.

Chairman Byrnes explained that this case would be continued to the September meeting. He opened the public hearing and asked for a motion to continue the text amendment to September 14, 2011.

Commissioner Brody motioned for the continuance of case A-11-2011 to the September 14th meeting. Commissioner Nelson seconded. The motion passed unanimously.

A-05-2011 – 10 N. Washington Street – Eden Assisted Living – Special Use for a Planned Development, Special Use for a Personal Care Facility, Special Use for Senior Citizen Housing and Exterior Appearance Site Plan Review. (Transcript of the following Public Hearing on file.)

Chairman Byrnes summarized the request and provided a history as to why the case was returned to the Plan Commission. He then explained that the Plan Commission need not revisit the requests already voted on and should focus their discussion on the new request for Senior Citizen Housing.

Chairman Byrnes requested that the applicant clarify who the intended clientele would be and then went on to acknowledge the letter from President Cauley, to the applicant, and how he felt this letter should fit into their discussions and considerations. He then went on to identify the areas of the zoning code the Commissioners should apply when considering this proposal.

Chairman Byrnes explained that there were a lot of discussions taking place regarding the humanitarian aspect of this proposal and regardless of his feelings the Commission was charged with the task of asserting the zoning code. He asked that everyone try to limit their questions and comments to the Senior Citizen Housing component rather than repeating items already stated at previous meetings.

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Commissioners McMahon and Cashman confirmed that they had read the transcripts from previous public hearings.

Chairman Byrnes opened the public hearing.

Mitch Hamblet introduced himself and provided a brief summary of the direction recommended to them by the Board of Trustees and clarified the clientele the proposal was intended to attract. He then went on to address the questions raised in President Cauley's letter. He presented the market study prepared for the proposal and briefly summarized its contents and how the report was generated.

Mr. Hamblet touched on occupancy levels and locations of various assisted living facilities in the surrounding communities, as well as their sizes. He continued to summarize the market report and indicated that there were approximately 12,000 people in this area that were 65 or older and would qualify for this housing. He then stated that there was an additional demographic between the ages of 55 and 65 that would only further strengthen the demand.

Mr. Hamblet presented illustrations and summarized the before and after improvements intended for the interior of the building, which included all of the accessibility and material upgrades. He then explained the differences between nursing homes, assisted living and independent living along with the associated approximate costs for each. Mr. Hamblet continued addressing questions raised in President Cauley's letter and indicated Eden's willingness to work with the Village on the benefits identified, to the extent that they were permitted within legal allowances and the Fair Housing Act. He outlined several benefits including volunteer opportunities and the economic benefits of the residents spending money in the Village. Mr. Hamblet identified the various financial benefits of the proposed use versus other proposed or recommended uses. He then provided an explanation as to why he felt the Eden's proposal was a philanthropic use. He responded to the concerns regarding increased emergency medical responses and indicated that they had agreed to contribute fees to pay for half the cost of a new ambulance. He stated that in most situations, emergency calls actually decrease after the facility settles in and gets established.

Chairman Byrnes suggested the Commission ask some questions of the applicant and then let the public comment. He confirmed emergency response calls from Eden's facility in North Aurora and expressed concerns with the potential for increased calls at this location.

General discussion ensued regarding emergency calls and how the cost of each call is recouped.

Mr. Hamblet indicated that assuming the residents at this facility are going to be from Hinsdale, it shouldn't change the number of responses since the Hinsdale Fire Department would be responding to the call regardless of its specific location.

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Commissioner Crnovich expressed her concern with the potential of increased demand on the fire department. She went on to confirm which areas of the existing Washington Square would be eliminated and those that would be kept.

Mr. Hamblet confirmed that the areas to be added were the theatre and the exercise therapy and everything else currently existed and would be renovated and updated.

Discussion ensued regarding fees proposed for Edens Assisted Living versus what Washington Square charged and why those fees differed.

Commissioner Crnovich acknowledged the differences in the various Eden facilities, but asked what the assisted living license specifically proposed for Hinsdale would allow in terms of care and the types of residents they can accept.

Mr. Hamblet directed the Commission to the section of the applicable state requirements and summarized those that would be allowed under the license they were requesting.

General discussion ensued regarding the age restrictions for the facility proposed specifically in Hinsdale.

Commissioner Nelson questioned how the potential residents would be screened.

Mr. Hamblet provided the list of requirements and processes they must go through before selected. He also summarized the extensive background checks the employees would go through.

Commissioner Stifflear expressed concerns regarding the increased number of medical responses and the associated costs.

Mark Daniels introduced himself and stated that the Villages' Municipal Code provides for the Village to be reimbursed by the resident for all fees related to ambulance calls. He then went on to state that his experience has shown that there would be no increase in calls related to whether the resident was disabled or not.

Mr. Hamblet explained how emergency calls usually decrease as the population stabilizes in the facility.

Commissioner Cashman questioned if the applicant knew what the cash contribution for an ambulance would potentially be if that was contributed.

Mr. Hamblet indicated that in conversations with Dave Cook, they would expect to contribute between \$112,000 and \$115,000.

General discussion ensued regarding the contributions to the Village.

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Commissioner Crnovich questioned certain aspects of the market study and expressed concerns with the list provided by the applicant from the state. She felt that certain facilities were not listed that should have been.

Mr. Hamblet explained the nuances in the use of terms and explained that the list provided was all the licensed assisted living facilities in the state. He then went on to state that certain locations may refer to themselves as assisted living but may not be licensed as such through the state.

Discussion ensued regarding the classification and requirements of certain facilities in surrounding communities.

Mr. Hamblet provided the Commission a timeline for how the different levels of care evolved and how assisted living came to be.

Commissioner Stifflear asked how many of the facilities had skilled nursing in addition to the assisted living component.

Mr. Hamblet indicated three of the eight.

Commissioner Stifflear questioned Mr. Hamblet's comfort with the other facilities that provide continuum care when they don't.

Mr. Hamblet indicated another trend could certainly affect them, but stated that the one thing that was unique to Hinsdale from the other communities in the market study, with the exception of Downers Grove, was that Hinsdale had a hospital which was huge. He indicated that the hospital was an important referral and emergency source, as was Manor Care who refers between 10 and 15 people to assisted living facilities every month.

Commissioner Stifflear requested specific historical and trend data regarding the number of available rooms.

Mr. Hamblet indicated the numbers are increasing and to his knowledge, none of the facilities have closed.

General discussion ensued regarding the information contained within the market study.

Chairman Byrnes welcomed comments from the audience.

Nancy Hanson introduced herself and expressed her support for the proposed project and stated her reasoning.

Joyce Skoog presented the Commission with a petition signed by Hinsdale residents in support of the proposed project. She clarified that the signatures contained within it were not duplicated and were only from Hinsdale residents.

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Patricia Orlor introduced herself and wanted to confirm that all of the Commissioners had received a copy of her letter submitted earlier. The Commission confirmed and Ms. Orlor requested that the letter be entered into the record.

John Karstrand addressed the Commission as a resident and expressed his support for the proposed project and indicated it was great for the Village as a whole. He identified examples of where the previous residents of Washington Square came out and helped with various Village functions and assumed that the potential residents at Eden would do the same.

Eleanor Patterson introduced herself and indicated that she would love to know that a use like this existed in Hinsdale.

Jane Grimm asked the Commission that when making a decision, they consider the degree of community support and the fact that no one has shown up to oppose the proposal.

Mark Daniels reintroduced himself and presented his thoughts and positions regarding the Commission's comments on the project as a whole and its applicability to the zoning code. He explained that they were not going to address certain areas that had already been discussed in previous meetings but offered different examples of similar projects that he had been involved in and discussed some of the areas of concerns in those communities, specifically parking, and how he felt they were relevant here.

Commissioner Stifflear asked Mr. Daniels to explain how this proposal meets the code's requirement for density.

Mr. Daniels provided his position and explained how he believed the proposal met the requirement.

Commissioner Stifflear explained his interpretation of the code regarding density.

Mr. Daniels indicated that he didn't want to get into too much of the discussion but that he would be working with the Village Attorney on certain aspects of the code including the waivability of certain requirements and also the position that this request was a new Planned Development. He went on to explain his position as to why the original Planned Development was still intact and how the density would be waived.

Commissioner Stifflear and Commissioner Crnovich identified their concerns with the density waiver request.

Discussion ensued regarding whether or not the density could be waived below the square footage identified in the zoning code.

Chairman Byrnes interjected and explained that the concerns could be duly noted in the Findings but that the subject matter was one of legality and could not be settled at this juncture.

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Commissioner Stifflear offered additional thoughts and explained that he just didn't want to see this request back in August.

Mr. Daniels responded to Commissioner Stifflear's comments, presented the Commission with a document expressing his position on process and general discussion ensued regarding the code and the application's status as a Planned Development.

Commissioner Crnovich expressed her concern with the density and summarized certain areas of the code indicating why she felt the request could not be waived.

Further discussion ensued and Chairman Byrnes reminded the Commission that they are an advisory body and while the concern was obviously justified, it was something that could not be resolved at this level and should be duly noted for future discussions by the Village Attorney and Village Board.

Village Attorney Florey concurred.

Commissioner Nelson questioned the population of Washington Square at its busiest time and confirmed that the density for the proposed use would not be any greater than that.

The applicant confirmed.

Mr. Daniels offered a suggestion for an alternative recommendation to be offered in response to the Commission's desire to see this request move forward.

Mr. Florey recommended against this suggestion.

Chairman Byrnes expressed his concern with the demand for the proposal and the risk that the facility would be populated with residents from outside the Hinsdale area.

Mr. Hamblet indicated that given the demand stated in the market report and their experiences, the residents will come from the Hinsdale area.

Chairman Byrnes stated he understood the need, but how do you assure that the residents occupying the facility would actually be from the Hinsdale area.

Mr. Hamblet indicated they will do everything they can within the law and the Fair Housing Act to accommodate that but with the overwhelming demand and resources available in Hinsdale, he didn't see a concern with that happening naturally.

Chairman Byrnes asked for clarification on how the applicant proposed to do this.

Certain members of the audience responded to the question and Chairman Byrnes explained his questioning and how it related to the code.

Mr. Hamblet acknowledged the chairman's concerns.

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Chairman Byrnes asked if there was any way to place conditions on the percentage of residents that had to be from Hinsdale.

Mr. Hamblet indicated that if the law would provide for it, absolutely.

Mr. Daniels responded to the chairman's question and addressed how it tied into legal requirements.

Commissioner Nelson provided his position and indicated that the applicant had addressed the key concerns of the Village. He summarized the concerns and identified how they had addressed it. He provided several examples of positive impacts the proposal would create. He also stated that being in this situation right now, family is a key consideration for where you place someone and he doesn't have any concern that the facility wouldn't be filled with area residents.

Commissioner Cashman addressed the density and indicated that as a designer, a resident and having been around when the facility was built, he has never felt in any capacity, that there was a problem with density. He explained the difference between actual and perceived massing and stated that he felt the building was designed and scaled very well. He stated that to tear the building down and rebuild it as new, was counterproductive to everything this nation is doing to conserve resources and obtain LEED certifications. He expressed several other examples of what he felt were positive aspects of the proposed project and his position on the various interpretations of the code.

Commissioner Crnovich confirmed that she believed this was still a new planned development. She expressed her concerns that the proposal did not meet the objectives of a planned development and the precedence that could be set. She also expressed concerns with the ability to waive the density requirements.

Chairman Byrnes expressed his general satisfaction with the proposal, but that he still had concerns with the community need and meeting that section of the code. He went on to summarize areas of the code that furthered his discomfort. He stated that while he was happy with the proposed contributions, he still had pause with the increase in emergency calls.

Commissioner McMahon stated that she felt the project made a lot of sense for the same reasons stated by Commissioner Cashman and Nelson. She indicated that being new she had a limited knowledge of the Planned Development process but she would like to see a way to make it happen.

Commissioner Stifflear offered his thoughts and noted that while he appreciated the applicant's efforts with the market study, it could be improved. He expressed his concerns with the long term effects of increased emergency responses and how that would impact the Village. He indicated that from a technical interpretation of the code, he does not feel it meets the requirements. He then outlined the sections of the code that he felt supported his reasoning.

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Chairman Byrnes restated that he felt the matters regarding the waiving of certain aspects of the code would be addressed by the Village Attorney and Village Board and that he didn't have concerns with that. He acknowledged the applicant's efforts but expressed his disappointment that the applicant could not do a better job to show it met the community need.

Commissioner Crnovich provided an additional section of the code that supported why she could not vote in favor of the project. She then stated that before they voted, she would like to see a list of waivers.

Mr. Gascoigne indicated that they had been provided in the ordinance.

Commissioner Brody stated that they were dealing with an existing facility and that this was an opportunity to reuse it for the betterment of the community.

Commissioner Nelson indicated that throughout all of the public hearings and in all the newspaper articles that have been written, there has not been any negative comment as to why they shouldn't do this. He stated that he agreed they are charged with protecting the code, but that they were also there to serve the community.

Mr. Hamblet confirmed some final thoughts.

Commissioner Nelson motioned to close the public hearing. Commissioner Brody seconded.

Chairman Byrnes recommended they bring the request to a vote.

Commissioner Nelson motioned to reaffirm that the original Planned Development had expired. Commissioner Brody seconded. The motion passed unanimously.

Commissioner Nelson motioned for the approval of a Special Use Permit for a Planned Development, a Special Use Permit for a Personal Care Facility and a Special Use Permit for Senior Citizen Housing, for the property at 10 N. Washington Street. Commissioner Brody seconded. The motion passed 4-3 with the following vote: Ayes: Commissioner Cashman, Commissioner McMahan, Commissioner Nelson and Commissioner Brody. Nays: Commissioner Stifflear, Chairman Byrnes, Commissioner Crnovich.

Commissioner Nelson motioned for the approval of Exterior Appearance, for the existing facility located at 10 N. Washington Street. Commissioner Brody seconded. The motion passed 5-2 with the following vote; Ayes: Commissioner Cashman, Commissioner McMahan, Commissioner Nelson, Chairman Byrnes and Commissioner Brody. Nays: Commissioner Stifflear and Commissioner Crnovich.

Commissioner Brody motioned to disapprove the Site Plan, for the existing facility located at 10 N. Washington Street. Commissioner Nelson seconded. The motion failed 5-2 with the following vote; Ayes: Commissioner Stifflear and Commissioner Crnovich. Nays: Commissioner Cashman, Commissioner McMahan, Commissioner Nelson, Chairman Byrnes and Commissioner Brody. The site plan was approved.

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Adjournment

Commissioner Nelson moved to adjourn. Commissioner Brody seconded and the meeting adjourned at 10:35 p.m. on July 13, 2011.

Respectfully Submitted,

Sean Gascoigne
Village Planner

HINSDALE PLAN COMMISSION

**RE: Case A-05-2011 - Applicant:Eden Assisted Living - Location: 10 N. Washington Street:
Special Use Permit to allow a Planned Development, Special Use for a Personal Care Facility,
Special Use for Senior Citizen Housing and Site Plan/Exterior Appearance Approval.**

DATE OF PLAN COMMISSION REVIEW: July 13, 2011

DATE OF ZONING AND PUBLIC SAFETY REVIEW: N/A

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. Eden Assisted Living submitted an application to the Village of Hinsdale for a Special Use Permit to allow a Planned Development, Special Use Permit to allow a Personal Care Facility, a Special Use Permit for Senior Citizen Housing and Site Plan/Exterior Appearance Approval for the existing property located at 10 N. Washington Street (the "Application").
2. The property is located within the R-5, Multi-Family Residential District and O-1, Specialty Office District and improved with an existing vacant facility (R-5) and accessory parking lot (O-1), which previously operated under Special Uses for a Planned Development and a Senior Living facility and received several waivers from the existing bulk regulations.
3. The Applicant is proposing to reuse the existing facility with the intent of providing assisted living for adults with disabilities, ages 55 and older.
4. The Plan Commission reconfirmed their position that the previous Planned Development had expired and the current request should be for a new Planned Development rather than a reinstatement of an existing Planned Development.
5. Certain Commissioners expressed concerns regarding the current proposals ability to request waivers for density beyond the degree limited by the existing code.
6. Certain Commissioners also expressed concern regarding the increased number of emergency medical responses and the proposals ability to serve the Hinsdale community.
7. Several residents spoke and presented documents in support of the proposed use.
8. The Plan Commission specifically finds that the Application, as a whole, satisfies the standards in Subsection 11-602 of the Zoning Code applicable to approval of a special use permit, Subsection 11-603 of the Zoning Code applicable to approval of a Planned Development, Subsection 11-604F pertaining to Standards for site plan disapproval and Section 11-606 of the Zoning Code governing exterior appearance review.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, by a vote of 7 "Ayes," 0 "Nay," and 2 "Absent" recommends to the President and Board of Trustees that the original Planned Development has expired.

The Village of Hinsdale Plan Commission, by a vote of 4 "Ayes," 3 "Nay," and 2 "Absent" recommends that the President and Board of Trustees approve the Application for a Special Use Permit for a Planned Development, Special Use Permit for a Personal Care Facility and a Special Use Permit for Senior Citizen Housing at 10 N. Washington Street.

The Village of Hinsdale Plan Commission, by a vote of 5 "Ayes," 2 "Nay," and 2 "Absent" recommends that the President and Board of Trustees approve the Application for exterior appearance approval, for the existing facility located at 10 N. Washington Street.

The Village of Hinsdale Plan Commission, by a vote of 5 "Ayes," 2 "Nay," and 2 "Absent" recommends that the President and Board of Trustees approve the Application for site plan review approval for the existing facility located at 10 N. Washington Street.

THE HINSDALE PLAN COMMISSION

By: _____
Chairman

Dated this _____ day of _____, 2011.

HINSDALE PLAN COMMISSION

RE: 300 E. Ogden – Bill Jacobs Land Rover/Range Rover Hinsdale - Exterior Appearance and Site Plan Review

DATE OF PLAN COMMISSION REVIEW: July 13, 2011

DATE OF ZONING AND PUBLIC SAFETY REVIEW: N/A

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. Bill Jacobs Land Rover/Range Rover Hinsdale, (the “Applicant”) submitted an application for the property located at 300 E. Ogden Avenue (the “Subject Property”).
2. The property is located within the B-3, General Business District and improved with a car dealership.
3. The applicant is proposing façade improvements along the north, east and west walls of the of the subject property as well as re-cladding the two existing “towers” attached to the building’s north and east façades.
4. The applicant is proposing to install a stone veneer base around the bottom of the building where currently just a painted surface exists. In addition, they are proposing to replace the existing “tower” materials with Alucobond, an aluminum composite. The appearance and material will be very similar to what exists today and the color will be a direct match.
5. The Plan Commission finds that the plan submitted by the Applicant complies with the applicable bulk, space and yard requirements of the Hinsdale Zoning Code.
6. The Plan Commission finds that the application complies with the standards set forth in Section 11-606 of the Hinsdale Zoning Code pertaining to the exterior appearance review.
7. ~~The Plan Commission finds that the plan submitted by the Applicant complies with the standards set forth in Section 11-604 of the Zoning Code governing site plan review. There are no changes proposed to the site plan.~~

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, on a vote of seven (7) “Ayes”, zero (0) “Nays,” and two (2) “Absent” recommends that the President and Board of Trustees of the Village of Hinsdale approve the exterior appearance and site plans at 300 E. Ogden Avenue (Bill Jacobs Land Rover/Range Rover Hinsdale).

THE HINSDALE PLAN COMMISSION

By: _____
Chairman

Dated this _____ day of _____, 2011.
