

Approved:  
Brody/Cashman

**MINUTES  
VILLAGE OF HINSDALE  
PLAN COMMISSION  
MAY 9, 2012  
MEMORIAL HALL  
7:30 P.M.**

Chairman Byrnes called the meeting to order at 7:30 p.m., Wednesday, May 9, 2012 in Memorial Hall, the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

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

**ABSENT:** Commissioner Sullins, Commissioner Johnson and Commissioner Crnovich

**ALSO PRESENT:** Sean Gascoigne, Village Planner

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**Approval of Minutes**

The Plan Commission reviewed the minutes from the April 11, 2012 meeting. Commissioner Nelson motioned to approve the minutes of April 11, 2012. Commissioner Brody seconded. The motion passed unanimously.

**Scheduling of Public Hearings**

**A-15-2012 – Nurturing Wisdom – Special Use to allow a Private Middle School at 125 S. Vine Street (Zion Lutheran Church)**

Chairman Byrnes stated this public hearing would be scheduled for June 13, 2012.

**Public Hearings**

**A-11-2012 – 777 N. York Road (Fox's Pizza) – Design Review Overlay Permit, Special Use for Live Entertainment and Exterior Appearance/Site Plan Review for a New Restaurant (Transcript of the following Public Hearing on file).**

Chairman Byrnes opened the public hearing, introduced the case and asked if the applicant was present.

Mr. Fox, owner and operator of Fox's Pizza introduced himself and summarized the request and specifically what the nature of the live entertainment would be.

Chairman Byrnes confirmed the location with Mr. Fox.

Mr. Fox confirmed the location and explained how the restaurant would be laid out.

Chairman Byrnes asked the applicant to summarize the exterior changes.

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The applicant's architect introduced himself and summarized the exterior modifications which included a stairwell on the north side of the building for second floor egress and improvements to the railing on the south side of the space, both of which were required by the building code. The architect also identified several aesthetic improvements also proposed for the second level overlooking the courtyard.

Chairman Byrnes confirmed that signs were also being considered as part of the proposal.

Mr. Gascoigne confirmed and indicated that while they would normally be subject to administrative approval, staff felt it was appropriate to have them reviewed as part of the overall request.

The Commission discussed the specifics regarding the proposed railing and the second level improvements, including the sign proposed to be laser cut into the railing.

Commissioner Brody asked Mr. Fox if his other facilities were stand alone with his concern being the live entertainment and its impact on the neighborhood.

Mr. Fox explained his intentions regarding the live entertainment and indicated that noise shouldn't be an issue.

Discussion ensued amongst the Commissioners regarding the live entertainment and Mr. Fox confirmed that all music would be inside. They then discussed whether other venues in town contained live entertainment and whether they had restrictions to indoor entertainment only.

Mr. Gascoigne identified those that he knew of and said it was typically protocol, as it was with these examples, that they be limited to indoors only.

Mr. Fox described the music that would be brought in as well as the times he would expect to have them.

Discussion ensued regarding the requested signage, its proposed location and whether any other businesses had signs on both sides of the building. The Commission indicated that certain stores had signage facing both the parking lot and the courtyard and confirmed that in addition to the two wall signs, the applicant would only put signage on the first floor valance.

Mr. Fox confirmed and explained how the pick-up and carry-out would work on the north side of the building.

Commissioner Stifflear questioned whether there were any concerns regarding the use of the north side of the building.

Mr. Gascoigne indicated that when Mr. Scott first started working with Mr. Fox, he confirmed with both the Police and Fire Department that they had no concerns with this configuration.

General discussion ensued regarding the north parking lot and how the circulation would work.

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Chairman Byrnes asked if anyone was in the audience that would like to speak.

Resident Rodger Howell introduced himself and summarized his concerns regarding noise, the live entertainment and circulation issues with the increased traffic around the north side of the building.

General discussion ensued as to how the existing and proposed circulation patterns work. The Commission then discussed specifics regarding business at Mr. Fox's other restaurants and how those projections could impact this site specifically.

Enrique Castel, the architect representing Inland who owns the shopping center, responded to the comments regarding the circulation and parking and provided an explanation as to how it is configured now and what is proposed.

The Commission continued discussions regarding the impact of the existing and proposed site changes on the north side of the building. They then went on to discuss the proposed changes as they relate to the existing residences in the area and more specifically Mr. Howell's property.

Commissioner McMahon confirmed that the music relative to the live entertainment permit would be entirely indoors and would be individual musicians.

Mr. Fox confirmed and provided examples of singers and events at their other locations.

Commissioner Stifflear expressed his concerns and comments with the issues brought forward, including the increased traffic and circulation around the north side of the building and its impact on the residential neighborhood.

General discussion ensued regarding Commissioner Stifflear's comments and asked staff when a traffic study was generally required.

Mr. Gascoigne indicated that requiring a traffic study was at the Commission's discretion. He indicated that they are generally requested on new developments or if the Commission felt the site plan and traffic patterns were being altered significantly enough to warrant one.

General discussion ensued and the Commissioner commented and discussed the surrounding land uses and the existence of a solid 8 foot fence along the east property line.

Commissioner Cashman asked Mr. Fox if he could make do without the pick-up and delivery component being on the north side of the building and doing it from the main entrance.

Mr. Fox indicated it would definitely impact their business.

Commissioner Brody motioned to approve case A-11-2012 – 777 N. York Road (Fox's Pizza) – Special Use to Allow Live Entertainment. Commissioner Nelson seconded. Chairman Byrnes listed the standards and offered his thoughts on how they relate to the existing proposal. He stated that while he could not ignore the fact that there would be some increase in traffic, this

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proposal is in an existing shopping center with houses nearby that knew that the shopping center existed. The Commission clarified that they were only voting for the approval of the live entertainment and the motion passed unanimously.

Commissioner Brody motioned for the approval of Exterior Appearance for Façade Improvements (including two wall signs and an awning sign) at 777 N. York Road (Fox's Pizza). Commissioner Nelson seconded. The motion passed unanimously.

Commissioner Nelson motioned to disapprove the Site Plan for Façade Improvements at 777 N. York Road (Fox's Pizza). Commissioner Brody seconded. Chairman Byrnes summarized the standards and discussion ensued regarding additional screening. Commissioner Stifflear offered some final thoughts and concerns regarding the change in circulation and his desire to see a traffic study. Commissioner Nelson offered his final thoughts stating that he agreed with the Chairman that this is a shopping center and everyone knows that it's there. He then stated that he felt the changes to the site actually improved the circulation. The remaining Commissioners generally agreed and offered some final thoughts. Commissioner Cashman asked Mr. Fox his thoughts on how well the pick-up complimented the delivery in terms of timing and traffic. Mr. Fox offered his final thoughts and the site plan was approved with the following vote: Ayes: Commissioner Stifflear. Nays: Chairman Byrnes, Commissioner Nelson, Commissioner Cashman, Commissioner McMahon and Commissioner Brody

Commissioner Nelson motioned for the approval of a Design Review Permit at 777 N. York Road (Fox's Pizza). Commissioner Cashman seconded. The motion passed unanimously.

**A-12-2012 – Craig Ross – Special Use Permit to allow Real Estate Offices, with a Maximum of 4 Agents, at 23 N. Lincoln (Transcript of the following Public Hearing on file).**

Chairman Byrnes asked if the applicant was present and he was not.

Mr. Gascoigne indicated that he was informed and was not sure why he was not there.

The Commission confirmed that the applicant should be present.

Mr. Gascoigne indicated that they should, especially if the Commission had specific questions.

Commissioner Stifflear stated that in light of the continuation, he would like to request that the applicant provide a landscape plan for the next meeting.

The remaining Commissioners disagreed and stated that because this was just the use and nothing on the exterior was changing, there was no need to require a landscape plan.

Commissioner Stifflear provided his position as to why he felt it should still be required.

The Commission questioned if this case could be continued.

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Mr. Gascoigne indicated it absolutely could.

Chairman Byrnes reiterated that he did not feel a landscape plan was necessary and that he didn't see how they could require it.

Commissioner Nelson motioned to continue Case A-12-2012 – Craig Ross – Special Use Permit to allow Real Estate Offices, with a Maximum of 4 Agents, at 23 N. Lincoln to the June 13 meeting. Commissioner Brody seconded. The motion passed unanimously.

**Adjournment**

Commissioner Brody moved to adjourn. Commissioner Cashman seconded and the meeting adjourned at 8:28 p.m. on May 9, 2012.

Respectfully Submitted,

Sean Gascoigne  
Village Planner