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VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES
SPECIAL MEETING
TUESDAY NOVEMBER 23, 2009
Memorial Hall
7:30 p.m.**

Present: Chairman Williams, Trustee LaPlaca, Trustee Angelo, Trustee Schultz

Absent: None

Also Present: Village Manager Dave Cook, Police Chief Bradley Bloom, Fire Chief Michael Kelly, Acting Community Development Director Robert McGinnis

Chairman Williams called the meeting to order at 7:40 p.m.

Minutes – October 26, 2009

Trustee LaPlaca moved to approve the minutes as submitted for the October 26, 2009 meeting. Trustee Schultz seconded. The motion passed unanimously.

Monthly Reports -Police and Fire Departments - October, 2009

Chief Kelly reported that October was a busy month. The Department responded to 223 calls for service along with the activities the Department was involved with for Fire Prevention Week. The Department visited several schools and pre-schools during the month and had several school groups visit the firehouse as part of the educational activities around Fire Prevention Week. Chief Kelly also reported that although the total volume of calls are down approximately 200 compared to last year at this time, ambulance calls are up compared to this time last year. Chief Kelly informed the Committee that Channel 2 news did a story on their November 13th 10:00 newscast on CFL's (Compact Florescent Lights) that was based on an article the fire department had sent to the local media. The story featured interviews with a family from Hinsdale that experienced a fire that was linked to the use of this type of bulb in a dimmer controlled fixture. The story was a good opportunity to get important information out about the proper use of these bulbs. An article also appears in the winter edition of the Village Newsletter.

Chief Bloom asked if the Committee had any questions about the police monthly report. Chief Bloom stated that the police department had just finished putting together an educational video on pedestrian safety and how to safely cross in a crosswalk with the help of a volunteer Village resident. Chief Bloom stated that he was very happy with the production quality and that it should be on Channel 6 in the coming days.

Chief Bloom reported that a string of vandalism that involved 20 separate incidents occurring in the month of October is about to be brought to conclusion with the arrests of two adults and a juvenile.

Mr. McGinnis stated the Community Development department conducted 500 inspections during the month of October. 22 new single family homes have been built or are in the process of being built this year and the current turnaround time for permit review is around 3 weeks.

Request for Board Action

Recommend Approval of an Ordinance Amending Ambulance and Life Support Services Fees

Chief Kelly presented information to the Committee on this Ordinance that would increase the fee charged to non-residents who receive ambulance service and add two additional fees for non-residents for extrication services and to extinguish a vehicle fire.

Chief Kelly explained the current ambulance fee structure including the Medicare/ Medicaid reimbursement schedule. The fee increase recommended for non-resident ambulance transports was from \$200.00 to \$350.00. This fee would be in addition to the base ambulance fee.

Chief Kelly presented information on two new fees that are also recommended as part of this Ordinance. The fees would be for extrication services for non-residents and a fee for non-residents to extinguish a vehicle fire. Chief Kelly explained that a high percentage of these calls are for non-residents and this would be a method to be reimbursed for these services to non-residents. The dollar amount set for these new fees was based on a FEMA reimbursement schedule for fire department equipment along with a personnel cost that was based on an average hourly rate for a firefighter/paramedic. Chief Kelly answered questions from the Committee.

Trustee Schultz motioned to recommend the approval of an ordinance amending ambulance and life support services fees. Trustee LaPlaca seconded. The Committee voted unanimously to recommend to the Board of Trustees approval of this Ordinance.

Recommend Approval of an Ordinance and Agreement between the Village of Hinsdale and Hinsdale Management Corporation to Regulate and Enforce Parking and Traffic as Related to the Addition of a Drive-Thru Pharmacy for Walgreen's in Grant Square

Chief Bloom stated that the Village Board recently approved a plan to install a drive-through facility for the Walgreen's Pharmacy located in Grant Square contingent upon the approval of an agreement that would allow the Village to regulate parking and traffic and conduct enforcement on Chestnut Street between Vine Street and Lincoln St which is currently private property and part of Grant Square.

Under the terms of the agreement the Village will conduct parking and traffic enforcement and may recommend signage related to parking and turn restrictions that they determine necessary for the safe flow of traffic into and out of the Walgreen's Pharmacy drive-through lane that will be located on the south side of the existing Walgreen's with entrances and exits off of Chestnut. Chief Bloom stated that the private property portion of Chestnut Street located between Vine and Lincoln will remain as currently posted a 20 MPH zone. Any necessary traffic and parking signage will be at the expense of the property owner. The term of the agreement is 20 years.

Recommend Approval of an Ordinance to Consider a Parking Ticket Amnesty Program

Trustee Schultz motioned to recommend approval of an ordinance to consider a Parking Ticket Amnesty Program. Trustee LaPlaca seconded. The Committee voted unanimously to recommend to the Board of Trustees approval of this Ordinance.

Recommend Approval of an Ordinance to Consider Allowing for a Driver's License Suspensions for Ten or More Unpaid Parking Tickets

Chief Bloom stated the Illinois Statutes grant local municipalities the authority to enact an ordinance that would allow for drivers license suspensions for anyone having 10 or more unpaid parking tickets. Currently, the Village has over \$240K in outstanding unpaid parking tickets. We currently have 35 people that have 10 or more unpaid tickets cumulatively owing approximately \$52K. Of this group the highest amount owed is \$5500 and the lowest is \$625. Fifteen people owe more than \$1500 dollars. The list is primarily comprised of employees working in the downtown area, limousine companies, realtors and some local residents.

The Village has the authority to use vehicle immobilization devices such as the Denver boot to compel compliance but the majority of the people on the list no longer park in the business district part-time employees no longer working in the business districts.

Under the terms of the ordinance the following due process sequence will occur: Late notices will be sent to the registered owner; Notice is sent to the registered owner subject to suspension that they are subject to suspension for 10 or more unpaid parking tickets and they have 45 days to pay or request a hearing; If a hearing is requested, an independent hearing officer will conduct a hearing. If no response a hearing officer rules in favor of the Village; notice is sent by the Village to the Secretary of State. Secretary of State then provides notice of a pending drivers license suspension.

Chief Bloom noted that Hinsdale has one of the lowest parking meter fines and meter fees of any municipality. The vast majority of people pay their parking tickets. However, we do have a fraction of people who park in prime metered spots day after day and accumulate parking tickets with no intention of paying the tickets. We have had little success collecting unpaid parking tickets using a collection agency and immobilization devices. It is our belief that the prospect of a drivers license suspension coupled with the amnesty program will allow the Village to recover what is owed and will give the Village an additional tool to address parking scofflaws thus freeing up more spaces for shoppers. Chief Bloom stated that communities such as Clarendon Hills, Western Springs, LaGrange, Naperville, Highland Park already have similar ordinances in place.

Chief Bloom provided the Committee a listing of approximately 35 people who currently would be subject to a drivers license suspension.

Trustee Schultz moved to recommend that the Village Board approve an ordinance allowing drivers license suspensions for 10 or more unpaid parking tickets amending Chapter 6 of the Code of Hinsdale by adding section 6-6-7. Trustee Angelo seconded. Motion carried unanimously.

Recommend Approval of an Ordinance Amending Ordinance No. 02005-47 Regarding Site Plans and Exterior Appearance Plans for the Property Located at 112 S. Washington Street

Mr. McGinnis provided background information regarding this agenda item. He stated the reason for amending this ordinance was due to phrasing that was needed in the ordinance due to the opening of a new restaurant. Mr. Cook indicated the tenants of this property would need to go through Plan Commission for site plan and exterior appearance next year. Trustee LaPlaca motioned to recommend approval of an ordinance amending ordinance No. 02005-47 regarding site plans and exterior appearance plans for the property located at 112 S. Washington Street. Trustee Angelo seconded. The Committee voted unanimously to recommend to the Board of Trustees approval of this Ordinance.

DRAFT

Discussion Items

Review of Traffic Study at Seventh and Grant Streets for the Consideration of Installing Multi-way Stop Signs

Chief Bloom reviewed the findings and recommendations of a traffic study conducted at the intersection of Seventh and Grant. Historic collision data indicates that for the previous 5-year period we have experienced one (1) right-angle property damage collision at this intersection. Chief Bloom indicated that vehicle speeds were collected for a three-day period with the average speed recorded as 23.63 mph and the 85th percentile speed was 29 mph. A sight obstruction is located at the northeast corner but is remedied with by the existing stop sign at this corner. Traffic volumes for a 24 hour period were Seventh Street 628 vehicles and Grant Street had 2071.

Chief Bloom reviewed the warrant requirements based on our traffic study and a review of the above data the warrant necessary for a multi-way stop sign have not been met and therefore it is our recommendation that a multi-way stop not be installed. To address concerns over pedestrian traffic in relation to these intersections proximity to a park; we recommend the installation of yellow pedestrian warning signs on the Grant Street approaches north and south of the intersection.

A discussion was held over the Manual on Uniform Traffic Control Devices and that the Village had always used this as the basis or install regulatory signage. Trustee Angelo asked for more information on the MUTCD and that this matter appear on the upcoming Village Board agenda in case their was further discussion.

Discussion on Allowing/Banning Video Gaming Machines in the Village

Chief Bloom reviewed the ZPS Committee memo stating that Illinois Legislature passed the Video Gaming Act which was signed into law in July 2009 and is effective January 2010. The Video Gaming Act (230ILCS 40) allows for the installation video gaming terminals in establishments where alcoholic liquor is sold along with qualified fraternal organizations, veterans establishments and truck stops. The Video Gaming Act also provides restrictions on the use of these machines that include the number of machines allowed per establishment and that the terminals must be located in an area that is restricted to persons over 21 years of age (the entrance to that area must be in view of at least one employee.

The Video Gaming Act also allows municipalities to pass ordinances restricting their use. DuPage County, Elmhurst, Wheaton and Glen Ellyn have recently passed local ordinances prohibiting their use. Many other municipalities currently are reviewing this issue.

The Illinois Municipal League estimates that each video gaming terminal will generate approximately \$2,250 in municipal revenue annually.

Chief Bloom stated he was approached by Belloumini's Madison Liquors expressing interest in video gaming and they were invited to attend the ZPS Committee meeting, however, they did not attend due to a scheduling error. However, following the ZPS discussion of this item Chief Bloom reported the Village Attorney stated that the video gaming statute prohibits the use in establishments located within 100' of a school. Belloumini's/Madison Liquors would not be able to operate video gaming terminals. Chief Bloom indicated that it is probably a good idea to provide some direction to businesses that may be considering installing such machines before any expenditures are made to modify their businesses to allow for video gaming.

Trustee LaPlaca stated that video gaming is not something she supports and recommends that the Village Board consider an ordinance banning the use of video gaming machines. The Committee seemed to be in consensus with this recommendation.

Chairman Williams stated President Cauley was looking for discussion from each Committee regarding this agenda item. She stated this bill took roughly 11 years to pass and the State gave the right for each local government to decide if it should be banned. She discussed a decision on this topic should be made before business owners renovate commercial space to make room for video gaming machines.

Confirmation of December 28, 2009 Meeting

Chairman Williams asked the ZPS Committee regarding the next scheduled ZPS Committee meeting. General discussion took place over when the next scheduled ZPS Committee would take place. The ZPS Committee cancelled the December 28th, 2009 and scheduled tentatively the next meeting for January 4th, 2010.

Adjournment

With no further business to come before the Committee, Trustee LaPlaca motioned to adjourn. Trustee Angelo seconded. The meeting was adjourned at 8:51 p.m.

Respectfully Submitted,

DRAFT

Robert McGinnis
Acting Director of Community Development

REQUEST FOR BOARD ACTION

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| AGENDA | ORIGINATING DEPARTMENT |
| SECTION NUMBER | Community Development |
| ITEM Referral - Case A-37-2009 – Applicant: Raghuram Jagadam – Request: Text Amendment to Section 5-102 (Permitted Uses) and 12-206 (Definitions) of the Hinsdale Zoning Code to allow Professional, Home-Based, Supplemental Education Program Centers as Permitted Uses in the B-1, Community Business District. | APPROVAL |

The Applicant, Raghuram Jagadam, has submitted an application to amend Sections 5-102E and 12-206 of the Zoning Code to allow Professional, Home-Based, Supplemental Education Program Centers as Permitted Uses in the B-1, Community Business District for the purpose of operating a Kumon Math and Science Center within Gateway Square. Currently the Zoning Code does not have any allowances or provisions for this type of uses in this district however the applicant indicates in his application that his proposed use is more analogous with other uses that would be permitted in that district, such as an accountant or an architect, due to the fact that the student's presence at the facility is minimal. If approved, the text amendment would allow these types of uses in areas including Grant Square and Gateway Square, as well as a couple additional B-1 locations within the Village.

Below is draft language proposed by the applicant that would amend the Zoning Code so that Professional, Home-Based, Supplemental Education Program Centers would be Permitted Uses in the B-1, Community Business District:

Section 5-102 Permitted Uses**E. Services**

27. Professional, Home-Based, Supplemental Education Program Centers

B-1

B-2

B-3

P

Section 12-206 Definitions

Professional, Home-Based, Supplemental Education Program Centers - any business which seeks to supplement and not replace current local school programs through application by certified individuals of an established learning process which is primarily performed by the client off-site at the client's home.

MOTION: Move to recommend that the application be referred to the Plan Commission for review and consideration of a Text Amendment to Sections 5-102 (Permitted Uses) and 12-206 (Definitions) of the Hinsdale Zoning Code to allow Professional, Home-Based, Supplemental Education Program Centers as Permitted Uses in the B-1, Community Business District.

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COMMITTEE ACTION:

BOARD ACTION:

MEMORANDUM

To: President Cauley and Village Board Of Trustees
From: Raghuram Jagadam
Date: December 10, 2009
Subject: Requested Text Amendment
cc: Chairman Byrnes and Plan Commission Members

Introduction – The following provides a summary of the Requested Text Amendment as well as detailed information regarding why the Requested Text Amendment should be adopted and is made pursuant to the procedures outlines in Section 11-602 of the code.

Requested Text Amendment – Section 5-102 of the Zoning Code should be changed to allow a professional, home-based, supplemental education program center to be designated as a permitted use in B-1 zones.

In General – Laws are enacted to protect people. More specifically, laws are enacted for the common good of the people and not to adversely/negatively impact people for no significant reason.

The Village of Hinsdale Zoning Code is approximately 20 years old. In 1989, when it was originally approved, very few Kumon Math and Reading Centers existed in Illinois.

The laws governing our communities should be viewed as a “living animal” not a stagnant, written in stone tome. Things change, situations change, technology changes, mindsets change, etc. What was once considered good for the public does not necessarily mean it is good for the public today.

Kumon Math and Reading Centers – There are over 1,300 Kumon Centers throughout the United States and Canada. The owners of these centers are franchisee, similar to the way individuals own a McDonald’s or Egg Harbor restaurant.

Kumon Centers are not “Schools” nor do they offer “Tutoring Services.” Rather, Kumon Centers provide a service that supplements, not replaces, children’s schooling and the setting is NOT a traditional classroom setting. In fact, there is no “teacher” or “tutor.” Kumon Centers are places that offer professional, home-based, supplemental math and reading programs to children. A Kumon Center is only open to the public two or three days a week, with after school hours not exceeding four hours each day. During those times, each client is dropped off by his parent or caretaker and is present at the center only thirty minutes per subject

greater Chicagoland area. Up to this point, Hinsdale has not had the opportunity to offer a supplemental education program which is both home-based and extremely affordable.

Summary – The adoption of the proposed text would:

- **Create** no issues.
- Be consistent with the public good
- **Enhance** Hinsdale's reputation as a community that emphasizes education
- **Enable** Hinsdale to enjoy affordable, home-based educational programs
- **Encourage** greater direct and indirect shopping opportunities within Hinsdale.
- **Prevent** loss of business opportunities to other communities with such centers.
- **Create** occupancy for space that has been vacant for over a year.

Bottom line, granting the requested text amendment is a win for everyone, the children of Hinsdale, the parents of Hinsdale children, the businesses of Hinsdale, and Hinsdale itself. This recommendation does not hurt anyone but potentially could help a lot of residents and businesses. **It is consistent with the public good.**



**VILLAGE
OF HINSDALE** FOUNDED IN 1872

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

GENERAL APPLICATION

I. GENERAL INFORMATION

Please Note: You MUST complete and attach all appropriate applications and standards applicable to your specific request to this application.

Applicant

Name: **Raghuram Jagadam** _____
Address: **1757 Trevino Circle** _____
City/Zip: **Bolingbrook, IL 60490** _____
Phone/Fax: **(630) 779-5894/(630) 839-9013** _____
E-Mail: _____

Owner

Name: **N/A** _____
Address: _____
City/Zip: _____
Phone/Fax: () _____ / _____
E-Mail: _____

Others, if any, involved in the project (i.e. Architect, Attorney, Engineer)

Name: **Albert C. Bettuzzi** _____
Title: **Attorney** _____
Address: **1021 Vine Ave** _____
City/Zip: **Park Ridge, IL 60068** _____
Phone/Fax: **(847) 867-0365** _____
E-Mail: **acbettuzzi@comcast.net** _____

Name: **Mike Woldman** _____
Title: **Commercial Real Estate Agent** _____
Address: **64 W. Seegers Road. Suite 201** _____
City/Zip: **Arlington Heights, IL 60005** _____
Phone/Fax: **(815) 739-6013 / (815) 407-2274** _____
E-Mail: **mike@acre.net** _____

Disclosure of Village Personnel: (List the name, address and Village position of any officer or employee of the Village with an interest in the owner of record, the Applicant or the property that is the subject of this application, and the nature and extent of that interest)

- 1) **Not Applicable** _____
2) _____
3) _____

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.
- B. The applicant understands that an incomplete or nonconforming application will not be considered. In addition, the applicant understands that the Village may require additional information prior to the consideration of this application which may include, but is not limited to, the following items:
1. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 2. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
 3. All existing and proposed surface and subsurface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines and easements and all other utility facilities.
 4. Location, size, and arrangement of all outdoor signs and lighting.
 5. Location and height of fences or screen plantings and the type or kind of building materials or plantings used for fencing or screening.
 6. A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.
 7. A traffic study if required by the Village Manager or the Board or Commission hearing the application.
- C. The Applicants shall make the property that is the subject of this application available for inspection by the Village at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicants shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten days following the change, and that failure to do so shall be grounds for denial of the application; and
- E. The Applicant understands that he/she is responsible for all application fees and any other fees, which the Village assesses under the provisions of Subsection 11-301D of the Village of Hinsdale Zoning Code as amended April 25, 1989.
- F. THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER HAS AGREED TO PAY SAID FEE, AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST SUBJECT PROPERTY FOR THE FEE PLUS COSTS OF COLLECTION, IF THE ACCOUNT IS NOT SETTLED WITHIN THIRTY (30) DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

On the 11th day of December, 2009, I/We have read the above certification, understand it, and agree to abide by its conditions.

Raghuram Jagadam
Signature of applicant or authorized agent

Signature of applicant or authorized agent

Raghuram Jagadam
Name of applicant or authorized agent

Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this 11th day of
December, 2009.

Khuram R. Gaba
Notary Public



Khuram R. Gaba
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
April 17, 2011

VILLAGE OF HINSDALE

CERTIFICATION OF PROPER NOTICE

REGARDING APPLICATION FOR PUBLIC HEARINGS AND
MEETINGS

I, _____, being first duly sworn on oath, do hereby
certify that I caused written notice of the filing of my application for a public hearing and or meeting to
be given to owners of record of property within 250 feet of any part of the subject property. I further
certify that I gave such notice in the form required by the Village (Certified Mail) and that I gave such
notice on _____.

Attached is a list of all of the addresses of property to whom I gave such notice and the
receipts of mailings.

By: **Not Applicable**_____

Name: _____

Address: _____

Subscribed and sworn to before me

This _____ day of _____, _____.

By: _____

Notary Public



**VILLAGE
OF HINSDALE** INCORPORATED 1837

**COMMUNITY DEVELOPMENT
DEPARTMENT
ZONING CODE TEXT AND MAP
AMENDMENT APPLICATION**

Must be accompanied by completed Plan Commission Application

Address of the subject property or description of the proposed request: **Not Applicable**

REVIEW CRITERIA

Section 11-601 of the Hinsdale Zoning Code regulates Amendments. The amendment process established is intended to provide a means for making changes in the text of the Zoning Code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of the Zoning Code and the zoning map in light of changing, newly discovered, or newly important conditions, situations, or knowledge. The wisdom of amending the text of the Zoning Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board of Trustees should weigh, among other factors, the below criteria.

Below are the 14 standards for amendments that will be the criteria used by the Plan Commission and Board of Trustees in determining the merits of this application. Please respond to each standard as it relates to the application. Please use an additional sheet of paper to respond to questions if needed. If the standard is not applicable, please mark N/A.

1. The consistency of the proposed amendment with the purpose of this Code.

Please refer to the attached accompanying Memorandum to President Cauley and Village Board Trustees, dated December 11, 2009

2. The existing uses and zoning classifications for properties in the vicinity of the subject property.

Not Applicable

3. The trend of development in the vicinity of the subject property, including changes, if any, such trend since the subject property was placed in its present zoning classification.

10. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

The subject property and the adjacent properties would have the same or lesser impact if the units were leased to a typical retailer permitted under the current zoning ordinance.

11. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under the present zoning classification.

Utilities and public services are adequate for the subject property under the current zoning classification.

12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

This unit within the subject property has been vacant for nearly one year with four new vacancies within the complex since we have gone under lease. There are currently very few opportunities for development in today's current economic climate within the vicinity of the subject property.

13. The community need for the proposed amendment and for the uses and development it would allow.

Hinsdale has long been known for the emphasis on education and the viability one's future holds based on that education. This use would further emphasize Hinsdale's commitment to education and would provide additional venues for parents to further that very important role education has at an affordable price.

14. The reasons, where relevant, why the subject property should be established as part of an overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.

There are several reasons why this permitted use would be positive for the overlay district and the surrounding residents in the area. First would be that the subject property would benefit from having this type of mix of tenants to provide a more frequent trip pattern to the center so people would rely on the center for more of their short trip and frequent needs. This saves on gas and helps them plan their shopping. The residents in the area that use this service would have an opportunity to do more of their shopping at the subject property on a regular basis at the center providing a repeat business atmosphere for the current tenants that are at the subject property. The

DATE: January 5, 2010

REQUEST FOR BOARD ACTION

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| AGENDA SECTION NUMBER | ORIGINATING DEPARTMENT Community Development |
| ITEM A-30-2009 - 920 N. York Road – The Doings – Design Review Permit for Site Plan and Exterior Appearance Review – Signage and Exterior Appearance Approval | APPROVAL |

REQUEST

The petitioner is requesting design review approval, to allow for the installation of a wall sign for The Doings at 920 N. York Road, which is located in the O-2 Limited Office District. The building is located on the west side of York Road, just north of Ogden, and is located within the "Historic Graue Mill Gateway" Design Overlay District, which requires a public hearing for any exterior alteration to the property. Article VIII of the Zoning Code provides information regarding the purpose of the district and Section 11-605 provides additional information for procedures and review criteria.

The Doings Newspaper has relocated to the second floor of the building at 920 N. York and the petitioner is proposing to install a new wall sign to identify their business.

SIGN PERMIT REVIEW

Subsection 9-106J of the Zoning Code provides the requirements for signage in the O-2 Limited Office District and allows two signs at a maximum square footage for all signs of "one square foot per foot of building frontage, up to a maximum of 100 square feet". The maximum overall height of a wall sign is not more than 20 feet or no higher than the bottom of any second floor window, whichever is less. As such, the proposed signage meets the requirements of Section 9-106-Signs of the Zoning Code.

At the December 9, 2009 Plan Commission meeting the commission reviewed the application submitted by The Doings, and unanimously recommended approvals (8-0, 1 absent) of the requests for site plan and exterior appearance for the requested wall sign with the following condition:

1. The applicant shorten the proposed sign to fit within the projecting wall element on the façade.

Review Criteria

In review of the application submitted the Commission must review the following criteria as stated in the Zoning Code:

1. Subsection 11-604F pertaining to Standards for site plan disapproval; and
2. Subsection 11-606E pertaining to Standards for building permits (exterior appearance review), which refers to Subsection 11-605E Standards and considerations for design review permit.

Attached are the draft findings and recommendation from the Plan Commission and the draft ordinance.

MOTION: Move that the request be forwarded to the Board of Trustees to approve an "Ordinance Approving a Design Review Permit for Site Plan and Exterior Appearance Plan Modifications at 920 N. York Road."

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COMMITTEE ACTION:

BOARD ACTION:

DRAFT

HINSDALE PLAN COMMISSION

RE: 920 N. York Road – The Doings – Design Review Permit for replacement of signage

DATE OF PLAN COMMISSION REVIEW: December 9, 2009

DATE OF ZONING AND PUBLIC SAFETY REVIEW: January 5, 2010

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. White Way Sign (the “Applicant”) submitted an application on behalf of The Doings, to the Village of Hinsdale for a Design Review Permit to allow for the installation of a wall sign at 920 N. York Road (the “Subject Property”).
2. The Subject Property is zoned in the O-2 Limited Office District and in the Design Review Overlay District.
3. The petitioner is proposing to install a new wall sign.
4. The Plan Commission expressed concerns with the scale of the sign and the way it was positioned on the façade. The Commission recommended shortening the sign to fit within the projecting wall element on the façade.
5. The Plan Commission finds that the application complies with the standards set forth in Section 9-106 of the Hinsdale Zoning Code governing signage.
6. The Plan Commission finds that the application complies with the standards set forth in Section 11-605 of the Hinsdale Zoning Code pertaining to the Design Overlay District.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, on a vote of eight “Ayes,” zero “Nays,” and one “Absent” recommends that the President and Board of Trustees approve the site plan and exterior appearance plans for 920 N. York, The Doings, with the following condition:

1. The applicant shorten the proposed sign to fit within the projecting wall element on the façade.

THE HINSDALE PLAN COMMISSION

By: _____
Chairman

Dated this _____ day of _____, 2010.

VILLAGE OF HINSDALE

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A DESIGN REVIEW PERMIT FOR SITE
PLAN AND EXTERIOR APPEARANCE PLAN MODIFICATIONS AT 920
NORTH YORK ROAD**

WHEREAS, White Way Signs (the "Applicant") filed an application for site plan approval and exterior appearance approval (the "Application") to authorize the installation of a new wall sign at 920 North York Road in the Village of Hinsdale ("Subject Property"); and

WHEREAS, the Subject Property is zoned O-2 Limited Office District and is located in the Design Review Overlay District; and

WHEREAS, the Applicant proposes to install a new wall sign for The Doings Newspaper; and

WHEREAS, the Hinsdale Plan Commission conducted a public hearing to consider the Application on December 9, 2009; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees of the Village of Hinsdale ("Zoning and Public Safety Committee"), at a public meeting on January 5, 2010, considered the Application and the recommendation of the Plan Commission; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have determined that the Application satisfies the standards established in Sections 11-604 and 11-606 of the Hinsdale Zoning Code governing site plans and exterior appearance plans, subject to the conditions stated in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Approval of Site Plans and Exterior Appearance Plans. The Board of Trustees, acting pursuant to the authority vested in it by laws of the State of Illinois and Sections 11-604 and 11-606 of the Hinsdale Zoning Code, approves the site plans and exterior appearance plans attached to and, by this reference, incorporated into this Ordinance as Exhibit A (the "Approved Plans"), subject to the conditions stated in Section 3 of this Ordinance.

Section 3. Conditions. The approvals granted in Section 2 of this Ordinance are expressly subject to all of the following conditions:

- A. **Compliance with Plans.** All work on the Subject Property shall be undertaken in strict compliance with the Approved Plans.
- B. **Compliance with Codes, Ordinances, and Regulations.** Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern all development on, and improvement of, the Subject Property. All such development and improvement shall comply with all Village codes, ordinances, and regulations at all times.
- C. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- D. **Ground Monument Sign.** The Applicant shall install the replacement ground monument sign without the cap as reflected in Option B presented to the Plan Commission.

Section 4. Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 5. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance, and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____ 2010.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2010.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Deputy Village Clerk

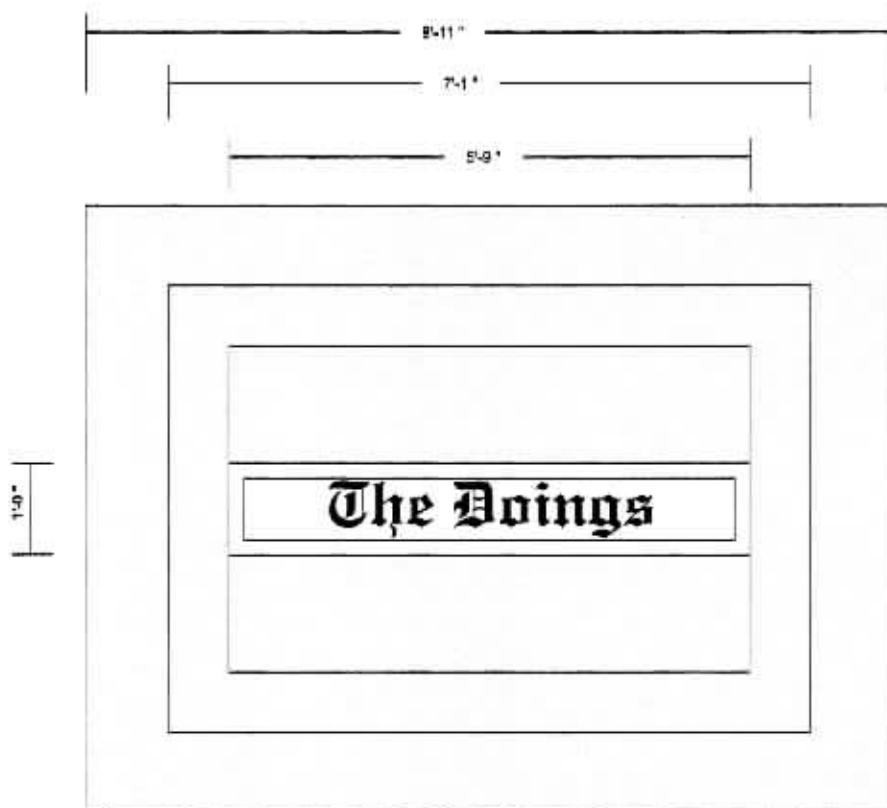
**ACKNOWLEDGEMENT AND AGREEMENT BY THE APPLICANT TO THE
CONDITIONS OF THIS ORDINANCE:**

By:

Its:

Date: _____, 2010

Z:\PLS\Village of Hinsdale\Ordinances\2009\09-xx 920 North York Road 04-20-09.doc



DRYVIT WALL

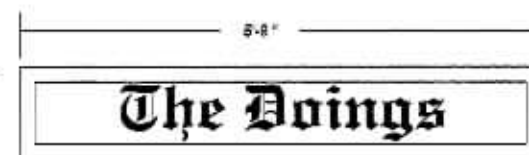
RELOCATE EXISTING INT ILLUM SIF DISPLAY
1' = 1'-0"

TAKE DOWN EXISTING INT ILLUM DISPLAY W/ LEXAN FACE
AND VDC COPY READING "THE DOINGS" AT 440 E. OGDEN AVE.,
HINSDALE, IL AND RELOCATE TO NEW LOCATION AT
823 N. YORK RD., HINSDALE, IL.

PATCH AND REPAIR HOLES AT TAKE DOWN LOCATION.

COLOR PRINTS MAY NOT ACCURATELY REPRESENT
SPECIFIED COLORS.
FOR ACCURATE COLOR ASSESSMENT, REFER TO
COLOR SPECIFICATIONS AND UTILIZE STANDARD
VINYL AND PANTONE COLOR CHARTS.

PHOTO RENDERINGS MAY NOT
REFLECT SCALE ACCURATELY.
REFER TO SPECIFIED DIMENSIONS
FOR CORRECT SIZES.



SIGN DEPTH
10"

| Customer Name | Production No. 3386 | Accepted By/Revised By | Date in File | NOTE: The representation on this drawing are for presentation purposes only and subject to final approval by the client. Dimensions MAY change from those indicated herein. Changes in scope should not be considered as the nature of display capacity. All graphics are laid out for information and any other information identified on this drawing are subject to change. | WHITE WAY SIGN COMPANY 461 KINGSTON CT. MOUNT PROSPECT, IL 60558 847/391-1100 FAX 847/391-2288 | <div> CAMERA READY ART REQUIRED </div> <div> FIELD SURVEY REQUIRED </div> | <table border="1"> <tr> <th>LETTER</th> <th>REVISION</th> <th>DATE</th> <th>APPROVAL</th> </tr> <tr> <td>B</td> <td>RESIZED LENGTH OF SIGN</td> <td>12-14-08</td> <td>RB</td> </tr> <tr> <td>A</td> <td>ADDED SURVEY DIMENSIONS</td> <td>5-24-09</td> <td>RB</td> </tr> </table> | LETTER | REVISION | DATE | APPROVAL | B | RESIZED LENGTH OF SIGN | 12-14-08 | RB | A | ADDED SURVEY DIMENSIONS | 5-24-09 | RB |
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| A | ADDED SURVEY DIMENSIONS | 5-24-09 | RB | | | | | | | | | | | | | | | | |
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REQUEST FOR BOARD ACTION

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| AGENDA SECTION NUMBER | ORIGINATING DEPARTMENT Community Development |
| ITEM 48 S. Washington Street – John Cahill – Site Plan and Exterior Appearance Review and Signage – Façade Modifications | APPROVAL |

REQUEST

The applicant is requesting approval of exterior appearance and site plans to allow for a building façade improvement. The site is improved with a two-story commercial building in the B-2 Central Business District. On, October 8th, 2008 the Plan Commission recommended approval of the application for site plan and exterior appearance review at 48 S. Washington Street, to allow for the requested façade improvements. Since that approval, the applicant has decided to split the tenant space to allow for two new tenants. Because the tenant space has been divided, the applicant is requesting minor façade alterations from the original approvals to accommodate two tenants rather than one.

The applicant is proposing the following changes to the approved building façade elevations:

- The shutters have been removed from both sets of windows.
- A minor alteration to the separation of the front entrance to accommodate separate entrances for each tenant.
- Window trim/treatment has been raised to accommodate new tenant signage for both tenants as opposed to the single tenant signage above the main entrance.
- Removal of the wall sconces on either side of the entrance.
- The gooseneck lighting above the main entrance to be removed and three new goose neck lights are proposed for each tenant sign. The petitioner has been informed and has confirmed that no portion of the goose neck lights, or their standards, may extend from the façade of the building more than 18".

In addition, to the aforementioned physical alterations, the petitioner is also proposing a new wall signs for each tenant. While tenants have not yet been determined for the retail spaces, the petitioner would like to get the wall sign approved for the building under the agreement that the new tenant would utilize the approved backing and the prospective tenants will utilize similar font, color and general text size as the previous "Schoen's" sign. General compliance to these design standards can be approved by the Zoning Administrator. Should the Zoning Administrator determine that the sign fails to meet general compliance, the petitioner shall be required to reappear in front of the Plan Commission for sign approval.

Subsection 9-106J of the Zoning Code provides the requirements for wall and window signage in the B-2 District "one square foot per foot of building frontage, up to a maximum of 100 square feet" for the entire building.

At the December 9, 2009 Plan Commission meeting the commission reviewed the application submitted for 48 S. Washington, and unanimously recommended approvals (8-0, 1 absent) of the requests for site plan and exterior appearance for the requested façade modifications.




Review Criteria

In review of the application submitted the Commission must review the following criteria as stated in the Zoning Code:

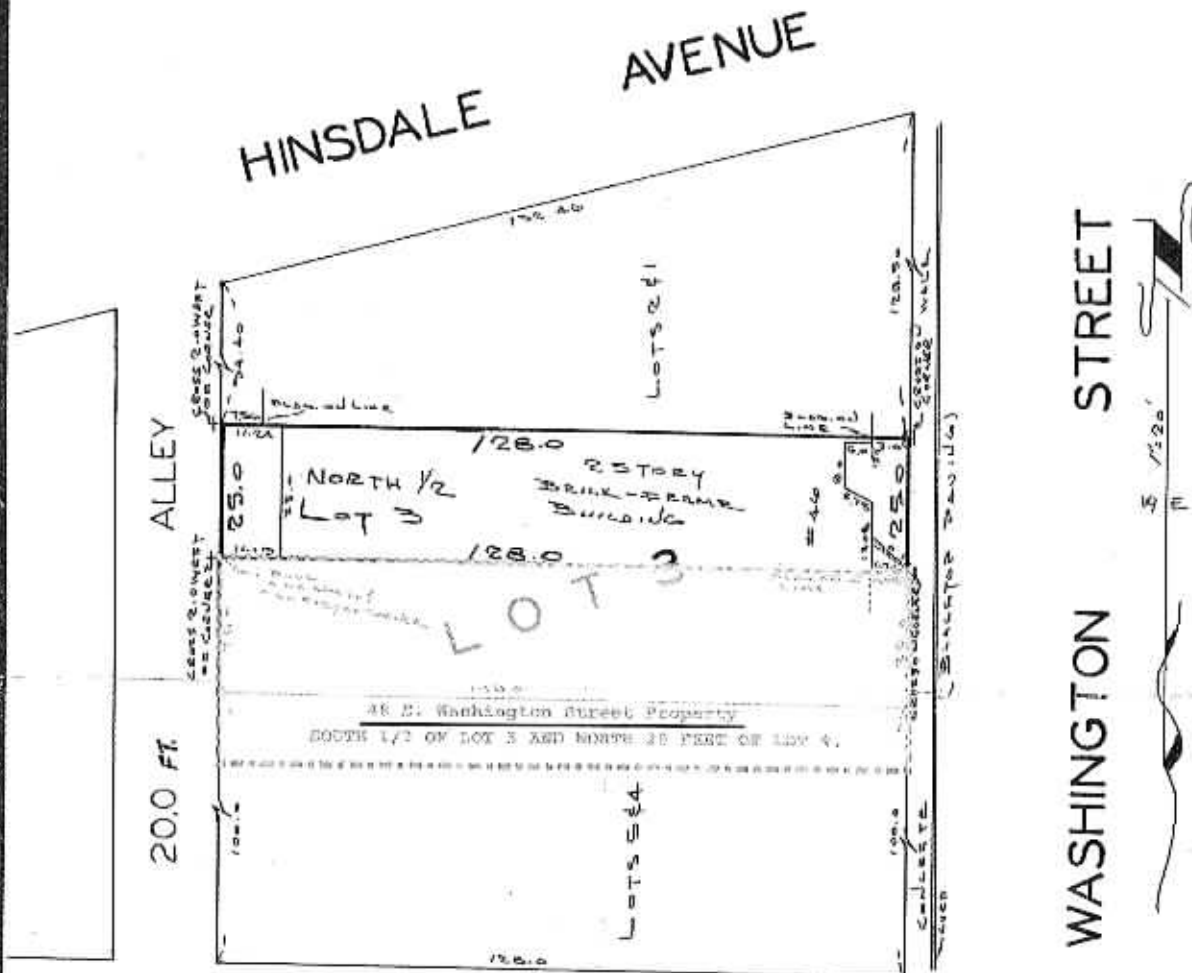
1. Subsection 11-604F pertaining to Standards for site plan disapproval; and
2. Subsection 11-606E pertaining to Standards for building permits (exterior appearance review), which refers to Subsection 11-605E Standards and considerations for design review permit.

Attached are the draft findings and recommendation from the Plan Commission and the draft ordinance.

MOTION: Move that the request be forwarded to the Board of Trustees to approve an "Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 48 S. Washington Street."

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| APPROVAL  | APPROVAL  | APPROVAL | APPROVAL | MANAGER'S APPROVAL  |
| COMMITTEE ACTION: | | | | |
| BOARD ACTION: | | | | |

OF THE NORTH HALF OF LDT 3 IN GEORGE'S RESUBDIVISION OF BLOCK 3 IN THE TOWN OF HINSDALE,
A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GEORGE'S RESUBDIVISION
RECORDED NOVEMBER 28, 1871, AS DOCUMENT 14624, IN DUPAGE COUNTY, ILLINOIS.



FIRST

STREET



STATE OF ILLINOIS 1-2
COUNTY OF DUKE

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTION(S) AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS _____

1ST DAY, APRIL 11, A.D. 1913

ILLINOIS LAND SURVEYOR NO. 2502

REFER TO DEED OR GUARANTEE POLICY FOR BUILDING LINE RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY

GLEN D. KRISCH

LAND SURVEYOR

555 SOUTH EDISON AVENUE

PHONE 677-5589

Order No. 77486-83

● **Fixed-Term Stake**

File No. 12939

© Diana Lee Stone

For ~~TERRACE~~, ~~SEMPER~~ ~~PARVA~~ All Dimensions Given in Feet and Decimals Thereof

Name: E. Hulse Scale of Plot: 20 Feet to the inch

Checked.....

Stressors: 0 1 2 3 4 5 6 7 8 9 10



THIS SURVEY AND PLAT OF SURVEY
ARE VOID WITHOUT OUR EMBOSSED
SURVEYOR SEAL HEREON.

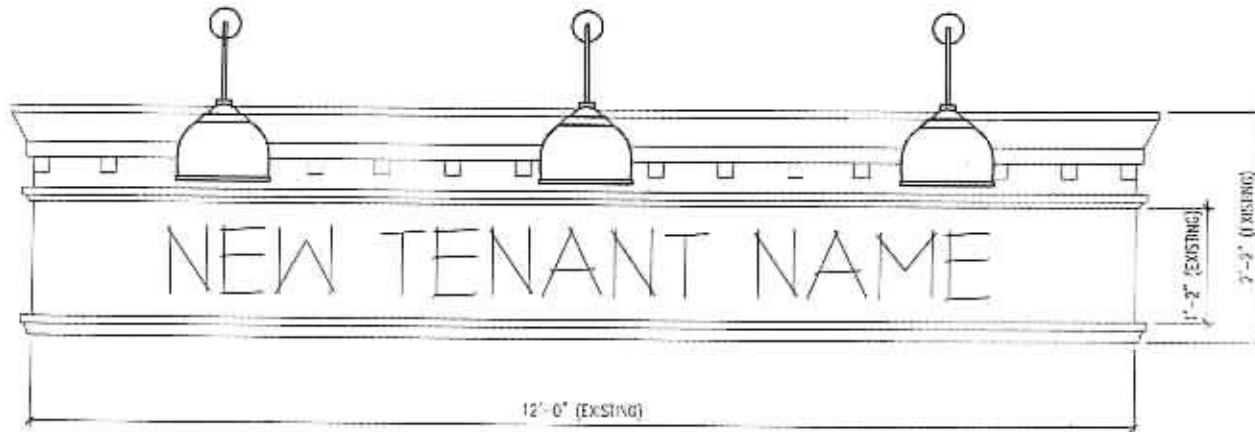
BUILDINGS LOCATED AS SHOWN ON THIS

1st DAY OF April, A.D. 1923.

ILLINOIS LAND SURVEYOR NO. 00

COMPARE DESCRIPTION AND POINTS BEFORE BUILDING AND REPORT ANY APPARENT DIFFERENCE TO THE SURVEYOR.

- PROVIDE (3) NEW GOOSE-NECK TYPE SIGNAGE LIGHTS, MODEL 4 MAKE T.B.D.
- SIGN LETTERS ARE TO BE COLOR "GOLD".
- SIGN COLOR IS TO BE "BLACK".
- TOTAL SF OF USABLE SIGN AREA: 14 SF
- SIGN APPLICATION TO BE SUBMITTED SEPARATELY.



DRAFT

HINSDALE PLAN COMMISSION

RE: 48 S. Washington Street – John W. Cahill – Exterior Appearance/Site Plan Review

DATE OF PLAN COMMISSION REVIEW: December 9, 2009

DATE OF ZONING AND PUBLIC SAFETY REVIEW: January 5, 2010

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. John W. Cahill, (the “Applicant”) submitted an application to the Village of Hinsdale for exterior appearance and site plan review at 48 S. Washington (the “Subject Property”).
2. The Subject Property is located in the B-2 Central Business District and is improved with a multiple-story commercial building.
3. The applicant received Site Plan/Exterior Appearance approval on October 8th, 2008.
4. The applicant is proposing several changes to the approved plans including the following:
 - The shutters have been removed from both sets of windows.
 - A minor alteration to the separation of the front entrance to accommodate separate entrances for each tenant.
 - Window trim/treatment has been raised to accommodate new tenant signage for both tenants as opposed to the single tenant signage above the main entrance.
 - Removal of the wall sconces on either side of the entrance.
 - The gooseneck lighting above the main entrance to be removed and three new goose neck lights are proposed *for each* tenant sign. The petitioner has been informed and has confirmed that no portion of the goose neck lights, or their standards, may extend from the façade of the building more than 18”.
5. The petitioner shall be required to reappear in front of the Plan Commission for sign approval.
6. 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.

7. The Plan Commission finds that the plan submitted by the Applicant complies with the standards set forth in Section 11-606 of the Zoning Code governing exterior appearance review.

II. RECOMMENDATION

The Village of Hinsdale Plan Commission, on a vote of eight (8) "Ayes," zero (0) "Nays," and one (1) "Absent" recommends that the President and Board of Trustees approve the site plan and exterior appearance plans for 48 S. Washington Street.

THE HINSDALE PLAN COMMISSION

By:

Chairman

Dated this _____ day of
_____, 2010.

DRAFT

VILLAGE OF HINSDALE

ORDINANCE NO. _____

**AN ORDINANCE APPROVING SITE PLANS
AND EXTERIOR APPEARANCE PLANS FOR MODIFICATIONS
TO A COMMERCIAL BUILDING AT 48 S. WASHINGTON STREET**

WHEREAS, John W. Cahill (the "Applicants") filed an application for site plan approval and exterior appearance approval (the "Application") to authorize exterior modifications to the commercial building located on the property commonly known as 48 S. Washington Street in the Village of Hinsdale (the "Subject Property"); and

WHEREAS, the Hinsdale Plan Commission conducted a public meeting to consider the Application on December 9, 2009, and, after considering all of the matters related to the Application, recommended approval of the Application; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees of the Village of Hinsdale, at a public meeting on January 5, 2010, considered the Application and the recommendation of the Plan Commission and made its recommendation to the Board of Trustees; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have determined that the Application satisfies the standards established in Sections 11-604 and 11-606 of the Hinsdale Zoning Code governing site plans and exterior appearance plans, subject to the conditions stated in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Approval of Site Plans and Exterior Appearance Plans. The Board of Trustees, acting pursuant to the authority vested in it by laws of the State of Illinois and Sections 11-604 and 11-606 of the Hinsdale Zoning Code, approves the site plans and exterior appearance plans attached to and, by this reference, incorporated into this Ordinance as Exhibit A (the "Approved Plans"), subject to the conditions stated in Section 3 of this Ordinance.

Section 3. Conditions. The approvals granted in Section 2 of this Ordinance are expressly subject to all of the following conditions:

- A. **Compliance with Plans.** All work on the Subject Property shall be undertaken in strict compliance with the Approved Plans.
- B. **Compliance with Codes, Ordinances, and Regulations.** Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern all development on, and improvement of, the Subject Property. All such development and improvement shall comply with all Village codes, ordinances, and regulations at all times.
- C. **Building Permits.** The Applicants shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.

Section 4. Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 5. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance, and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____ 2010.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2010.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Deputy Village Clerk

**ACKNOWLEDGEMENT AND AGREEMENT BY THE APPLICANT TO
THE CONDITIONS OF THIS ORDINANCE:**

By:

Its:

Date: _____, 2010

- THE SHUTTERS ON EITHER SIDE OF THE WINDOWS WERE OMITTED.
- THE DOUBLE ENTRANCE DOOR HAS BEEN REPLACED WITH (2) SEPERATE ENTRANCE DOORS FOR TWO TENANT SPACES.
- THE TRIM OVER THE WINDOWS HAS INCREASED IN HEIGHT TO ACCOMODATE FUTURE INDIVIDUAL TENANT SIGNAGE.
- THE (5) GOOSENECK LIGHTS OVER THE MAIN ENTRANCE HAVE BEEN ELIMINATED.
- (3) GOOSENECK LIGHTS HAVE BEEN PROPOSED OVER EACH STOREFRONT WINDOW.
- (2) SCONCES WERE ELIMINATED BY THE ORIGINAL ENTRANCE DOORS IN ORDER TO ACCOMODATE THE (2) NEW TENANT ENTRANCE DOORS.

NOTE: THE BUILDING WAS DEVIDED INTO TWO SEPERATE TENANT SPACES AFTER THE INITIAL PLAN COMMISSION REVIEW APPROVAL.



Exhibit "A"