

**DRAFT MINUTES  
VILLAGE OF HINSDALE  
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES  
MONDAY, April 25, 2011  
MEMORIAL HALL  
7:30 p.m.**

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

**Absent:** None

**Also Present:** Dave Cook, Village Manager, Robert McGinnis, Community Development Director/Building Commissioner, Bradley Bloom, Chief of Police, Mike Kelly, Fire Chief

Trustee Williams called the meeting to order at 7:33 p.m.

**Minutes – March , 2011**

Trustee LaPlaca moved to approve the minutes for March 28, 2010 meeting. Trustee Angelo seconded. The motion passed unanimously.

**Monthly Reports – March 2011**

**Police Department**

Chief Bloom briefed the Committee on recent Police Department activities that included the recent on-site evaluation by the Commission on Accreditation for Law Enforcement Agencies. Chief Bloom stated that the assessment team was here from April 2-6, 2011 to verify compliance with the over 450 CALEA standards. The assessment team also held a public hearing and a call-in session where they took public comment on the Police Department. A report on the assessment teams finds is forthcoming in the near future. The final report is then reviewed by the Commission and a hearing is conducted where the Commission will vote on re-accrediting the agency.

Chief Bloom stated that a mock crash was conducted at the High School for the entire senior class with the fire and police departments. The crash, using role players simulates an alcohol related crash involving a student attending the prom. The mock crash is done in conjunction with the Hinsdale Central prom. Additionally, a canine search of lockers was conducted at Hinsdale Central at their request. The annual canine search is done in conjunction with a lockdown and meant to dissuade students from bringing drugs to school. Chief Bloom reported that the dogs did not find any illegal substances.

Chief Bloom stated that on Saturday, April 30 from 10:00 am to 2:00 pm the Police Department is the designated drop-off spot to turn in any unwanted or outdated pharmaceuticals under the DEA's National Pharmaceutical turn-in day.

Chief Bloom briefed the Committee on the success of using drivers license suspensions to collect unpaid parking tickets. This practice is a result of a newly enacted ordinance that allows for a drivers license suspension for 10 or more unpaid parking citations. Chief Bloom stated that as a result of the ordinance that many people have come forward to satisfy unpaid parking tickets despite repeated attempt to collect in the past.

Chief Bloom stated that the West Hinsdale Depot pay box is set for installation on April 27, 2011.

## **Fire Department**

Chief Kelly informed the Committee that the Village recently hired FF/PM Jared Skibbens to fill the vacancy in the fire department. Jared has been assigned to day training and will be evaluated for proficiency prior to being assigned a shift position. Chief Kelly also informed the Committee that several of the paramedics were recently recognized by Hinsdale Hospital for their pre-hospital care of a heart attack patient. The Hospital awarded the crew their STEMI (ST elevation myocardial infarction) award for their quick recognition of this type of condition and their rapid treatment and transport to the hospital for advanced care. Chief Kelly provided information on the live burn training that has been scheduled for May. This training was originally scheduled for last year but circumstances prevented the training from being conducted then. Chief Kelly will provide additional information and an invitation for the Trustees.

## **Community Development**

Robert McGinnis reported that the hospital was moving along quickly and that they were on schedule to be substantially complete within the 18 month term of the permit issued. He also mentioned that the owners of the Hamptons of Hinsdale project were in the process of having their architect do a code analysis on the architectural drawings and hoped to be in to renew the permits in May.

## **Referral to Plan Commission**

**Case A-11-2011 - Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Article III (Single-Family Residential Districts), Section 3-110 (Bulk, Space and Yard Requirements) of the Hinsdale Zoning Code, as it Relates to Eliminating the Maximum Floor Area Ratio for New Single-Family Residences that Receive Design Review Approval from the Design Review Commission.**

Robert McGinnis introduced this item and reminded the Commissioners that this was discussed at the Village Board after a presentation by the Design Review Commission on 2/15/11. At that time the Village Board felt that the draft guidelines and associated process had merit and that it be appropriate to forward the request to the Plan Commission for deliberation on the proposed text amendment.

Trustee Schultz questioned the need for this process and voiced his concerns over the cost benefit and the potential demands it would likely place on staff. Robert McGinnis stated that he shared similar concerns, but could not address the demand question until the program is actually implemented.

Trustee LaPlaca motioned to recommend the application be referred to the Plan Commission for Review and Consideration of a Text Amendment to Article III (Single-Family Residential Districts), Section 3-110 (Bulk, Space and Yard Requirements) of the Hinsdale Zoning Code, as it Relates to Eliminating the Maximum Floor Area Ratio for New Single-Family Residences that Receive Design Review Approval from the Design Review Commission. Trustee Angelo seconded. The motion passed 3-1.

### **Request for Board Action**

#### **Recommend Approving a Permit for Temporary Use at 120 S. Washington Street for the Period of 6/1/11 thru 12/31/11 Subject to any Conditions Set Forth by the Building Commissioner**

Matt Fiascone of Inland Real Estate addressed the Committee and discussed the request. The desire is to operate a sales and design center at 120 S. Washington for a period of six months while the condominiums are completed at the Hamptons of Hinsdale. Once the condominiums are completed, they will relocate the sales and design center to the site.

There was discussion on a complaint received regarding the request for temporary use and whether or not the owner was willing to cooperate with local real estate brokers. Trustee Angelo asked whether or not real-estate offices were permitted on the first floor of the B-2 zoning district and expressed concerns over allowing a temporary use to occupy a first floor when not specifically listed as a permitted use.

Trustee Schultz motioned to Recommend Approving a Permit for Temporary Use at 120 S. Washington Street for the Period of 6/1/11 thru 12/31/11. Trustee LaPlaca seconded the motion subject to further discussion at Village Board. The motion passed 3-1.

#### **Recommend Approving a Resolution for Improvement by Municipality Under the Illinois Highway Code**

Due to the fact that MFT funds are being used for design engineering, IDOT requires that the appropriation of funds being used be approved by resolution.

Trustee LaPlaca motioned to recommend Approving a Resolution for Improvement by Municipality Under the Illinois Highway Code. Trustee Angelo seconded. The motion passed unanimously.

#### **Recommend Adoption of An Ordinance Vacating the West Half of Public Alley Right-of-Way and Adjoining 746 South Thurlow Street for the Purchase Price of \$16,000.**

Trustee LaPlaca motioned to recommend Adoption of An Ordinance Vacating the West Half of Public Alley Right-of-Way and Adjoining 746 South Thurlow Street for the Purchase Price of \$16,000. Trustee Angelo seconded. The motion passed unanimously.

**Recommend Adoption of Ordinance Amending Article VI (Office Districts), Section 6-106 (Special Uses), Subsection A (Finance, Insurance and Real Estate) of the Village of Hinsdale Zoning Code, to Add Real Estate Offices as a Special Use in the O-1 Specialty Office District. And; Ordinance Approving a Special Use Permit for a Real Estate Office, with a Maximum of Thirteen (13) Personnel, at the Property Located at 22 North Lincoln Street.**

Trustee LaPlaca asked Staff to verify that the Ordinance specifically permitted the applicant up to 13 personnel on site at any one time. Dave Cook verified that this was in fact the case.

Trustee Schultz motioned to Recommend Adoption of Ordinance Amending Article VI (Office Districts), Section 6-106 (Special Uses), Subsection A (Finance, Insurance and Real Estate) of the Village of Hinsdale Zoning Code, to Add Real Estate Offices as a Special Use in the O-1 Specialty Office District. And; an Ordinance Approving a Special Use Permit for a Real Estate Office, with a Maximum of Thirteen (13) Personnel, at the Property Located at 22 North Lincoln Street. Trustee LaPlaca seconded. The motion passed unanimously.

**Recommend Approval of an Ordinance Amending Title 6 (Motor Vehicles and Traffic), Chapter 6 (Stopping, Standing and Parking), Section 6-6-5 (Village Permit Lots) of the Village Code to Allow for the Use of a Pay Box at the West Hinsdale Commuter Parking Area.**

Chief Bloom stated that the ordinance changes allow for the newly approved pay box in West Hinsdale Commuter lot and allows for the collection of a daily fee and restricts future permits to Hinsdale residents only.

Trustee LaPlaca moved to recommend that the Village Board approve an ordinance amending Title 6, Section 6-6-4 to allow the collection of a daily parking fee of .25 per hour and restricting the sale of permits in the West Hinsdale commuter lot to Village residents only. Seconded by Trustee Angelo. Motion passed unanimously.

**Recommend Approval of a Request for Street Closure (Hillgrove Avenue and County Line Road between Walnut and Hillgrove) on May 14-15, 2011 to Accommodate the Hinsdale Wellness House 3K and 5K Race.**

Trustee Schultz moved to recommend that the Village Board approve a request to close Hillgrove Ave and County Line Road between Hillgrove and Walnut Street from May 14, 2011 through May 15, 2011. Seconded by Trustee Angelo. Motion passed unanimously.

**Recommend Approval of an Ordinance Declaring Certain Personal Property of the Village as Surplus (Police Vehicles and Seized Vehicles).**



Trustee LaPlaca moved to recommend that the Village Board approve an ordinance declaring property as surplus and approving the sale of the surplus property at the Internet website E-bay by public auction. Seconded by Trustee Angelo. Motion passed unanimously.

### **Discussion Items**

#### **Memorandum Regarding Changes to Village Liquor Ordinance.**

A brief discussion was held amongst the Committee members and Chief Bloom regarding the memo on changes to the liquor ordinance. The Committee asked that the matter be brought back to the next meeting due to two of the committee members being replaced.

### **Adjournment**

With no further business to come before the Committee, Trustee Williams adjourned the meeting at 8:25 p.m.

Respectfully Submitted,



Robert McGinnis, MCP  
Director of Community Development/Building Commissioner

## Memorandum

To: Chairman Saigh and Public Safety Committee

From: Robert McGinnis MCP, Community Development Director/Building Commissioner 

Date: May 10, 2011

Re: **Community Development Department Monthly Report-April 2011**

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In the month of April the department issued 109 permits and conducted 242 inspections. Revenue for the month came in at just over \$45,750.00. As is typical for this time of year, permit requests for accessory structures and appurtenances have picked up as the warmer weather sets in. As such, plan review is currently running about three weeks for the larger projects as we try to get the smaller jobs (irrigation, fences, driveways, landscaping, patios, etc.) issued.

The department finished the fiscal year with permit revenues of approximately \$1,220,000. During this period 1,213 permits were issued and 4,123 inspections were performed by the department. By comparison, in fiscal year 2009-2010 the department posted revenues of approximately \$810,500, issued 1,164 permits, and performed 3,994 inspections; an increase in activity of almost 5%. The number of new single family starts was also up going from 22 in 2009-2010 to 33 in fiscal year 2010-2011.

There are approximately 57 applications in house including 11 single family homes and 8 commercial alterations. There are 15 permits ready to issue at this time.

The Engineering Division has continued to work with the Building Division in order to complete site inspections, monitor current engineering projects, support efforts to obtain additional state and federal funding, and respond to drainage complaint calls. In total, 129 inspections were performed for the month of April by the division.

We currently have 44 vacant properties on our registry list. The department continues to pursue owners of vacant and blighted properties to either demolish them and restore the lots or come into compliance with the property maintenance code.

**COMMUNITY DEVELOPMENT MONTHLY REPORT - April 2011**

<b>PERMITS</b>	<b>THIS MONTH</b>	<b>THIS MONTH LAST YEAR</b>	<b>FEEs</b>	<b>FY TO DATE</b>	<b>TOTAL LAST FY TO DATE</b>
New Single Family Homes	0		\$ -		
New Multi Family Homes	0	0	\$ -		
Residential Addns./Alts.	21		\$ 21,933.00		
Commercial New	0	0	\$ -		
Commercial Addns./Alts.	2		\$ 400.00		
Miscellaneous	43		\$ 15,114.06		
Demolitions	0	0	\$ 3,000.00		
<b>Total Building Permits</b>	<b>66</b>	<b>0</b>	<b>\$ 40,447.06</b>	<b>\$ 918,142.81</b>	<b>\$ 634,793.40</b>
<b>Total Electrical Permits</b>	<b>17</b>		<b>\$ 2,265.00</b>	<b>\$ 134,646.70</b>	<b>\$ 65,559.99</b>
<b>Total Plumbing Permits</b>	<b>26</b>		<b>\$ 3,075.00</b>	<b>\$ 166,731.85</b>	<b>\$ 110,250.70</b>
<b>TOTALS</b>	<b>109</b>	<b>0</b>	<b>\$ 45,787.06</b>	<b>\$ 1,219,521.36</b>	<b>\$ 810,604.09</b>

<b>Citations</b>			<b>\$750</b>		
<b>Vacant Properties</b>	<b>44</b>				

<b>INSPECTIONS</b>	<b>THIS MONTH</b>	<b>THIS MONTH LAST YEAR</b>		<b>FY TO DATE</b>	<b>TOTAL LAST FY TO DATE</b>
Building Insp.	57	159			
Electric Insp.	9	32			
Plumbing Insp.	6	24			
Property Maint./Site Mgmt.	41	91			
Engineering Insp.	129	176			
<b>TOTALS</b>	<b>242</b>	<b>482</b>			

**REMARKS:**

# VILLAGE OF HINSDALE - APRIL 19, 2011 COURT CALL/RESULT

Name	Ticket NO.	Location	Violation	
534 Chestnut Corp	9578	Kelly	534 Chestnut	Violation of work hours
Chigurupati, Rajababu	9572	Kelly	645 N Washington	Failure to maintain a fence
Chigurupati, Vijayalakshi	9573	Kelly	645 N Washington	Failure to maintain a fence
Christina Properties LLC	9575	Kelly	313 Radcliffe Way	Failure to maintain a fence
Dillon, Patrick J	9576	Kelly	723 S. Stough	Counts 1 & 2 Building code violations
				250
				Cont 5-17
				Cont 5-17
				250
				250 Plea agreement

Fines assessed:

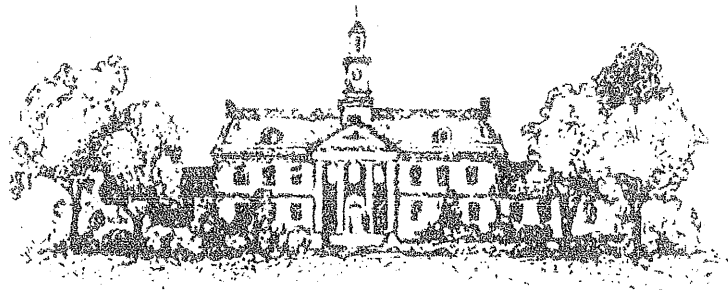
## STOP WORK ORDERS ASSESSED

Date SWO Issued to Address Reason

SWO assessed:

MONTHLY TOTAL:

750



**VILLAGE  
OF HINSDALE** FOUNDED IN 1873

POLICE DEPARTMENT 789-7070  
FIRE DEPARTMENT 789-7060  
121 N. M. SYMONDS DRIVE

**FIRE AND POLICE  
SERVICES**

**MONTHLY REPORT**

**April 2011**



# **POLICE SERVICES MONTHLY REPORT**

**April 2011**

# **PRESENTATIONS**

**APRIL 2011**

## **D.A.R.E. (DRUG ABUSE RESISTANCE EDUCATION)**

April 4, 11	6 classes	St. Isaac Jogues
April 8, 15, 22, 29	16 classes	Monroe School
April 5, 12, 19, 26	4 classes	Madison School
April 6, 13, 20, 27	8 classes	Madison School
April 7, 14, 21, 28	4 classes	Madison School
April 4, 11, 18, 25	12 classes	Oak School
April 8, 15, 22, 29	4 classes	Hinsdale Adventist Academy

A 13-week D.A.R.E. Program is presented in all fifth grade classrooms in Hinsdale Public Schools and in sixth grade classrooms in the Hinsdale Parochial Schools. Topics include making good decisions, consequences and alcohol, drug, tobacco awareness and resistance.

On April 6, 2011, Officers Coughlin and Rauen participated in a mock car crash at HCHS. The crash was designed to make students aware of the consequences that can happen when they drink and drive. Officer Rauen was the responding officer who assisted with the crash investigation.

On April 6, 2011, Officer Rauen attended the DJOA Board Meeting in Wheaton. We discussed upcoming training ideas as well as past meetings.

On April 7, 2011, Officer Coughlin held the DARE Luncheon and DARE Graduation at The Lane School for the fifth graders. Students read their essays, and a video presentation was given, Deputy Chief Wodka addressed the graduates and all received certificates. Officer Rauen was also in attendance for the graduation.

On April 11, 2011, Officers Coughlin and Rauen participated in a K-9 drug sweep of Hinsdale Central High School. No drugs were found by the various K-9s and officers.

On April 11, 2011, Officer Coughlin spoke to one class of seventh grade students at Hinsdale Middle School about the Bill of Rights. Students asked questions about the first 10 amendments and how they affect them and law enforcement.

On April 12, 2011, Officer Coughlin spoke to six classes of seventh grade students at Hinsdale Middle School about the Bill of Rights. Students asked questions about the first ten amendments and how they affect them and law enforcement.

On April 12, 2011, Officer Rauen attended the Cook County Children's Advocacy Center quarterly meeting. We discussed current procedures for referring cases, as well as upcoming changes.

On April 13, 2011, Officer Coughlin attended the DJOA board meeting in Wheaton. Topics covered were the April meeting/training, upcoming trainings and board meetings, membership, website and topics for the fall conference training.

On April 13, 2011, Officer Coughlin attended the annual Faculty versus Eighth Graders basketball game at Hinsdale Middle School. The faculty won!

On April 13, 14, 2011, Officer Coughlin had a college student police intern shadow him. Officer Coughlin spoke with him about the duties and responsibilities of Crime Prevention, DARE and the Juvenile Officer. The intern also accompanied him to numerous schools and watch the DARE program and then interact with DARE students.

On April 18, 21, 2011, Officer Rauen attended Computer Forensic Training in St. Charles. One class was train the trainer for Identifying and Seizing Electronic Media, and the second class was learning a new computer previewing tool by the National White Collar Crime Center.

On April 18, 2011, Officer Coughlin spoke to three classes of seventh grade students at Hinsdale Middle School about the Bill of Rights. Students asked questions about the first ten amendments and how they affect them and law enforcement.

On April 18, 2011, Officer Coughlin met with a third grade student and checked the safety of his bike and observed his riding of it so he could ride his bike to Madison School. The student passed with flying colors.

On April 20, 2011, Officer Coughlin attended the District 181 Safety Committee Meeting at Burr Ridge Police Department. Topics covered were Earthquake Preparedness Drills, Walker School Lockdown and the future of Safety & Crisis committee.

On April 20, 2011, Officer Coughlin attended the DARE Region III Fundraiser at BW3 in Willowbrook. Officer Coughlin spoke with many DARE students and their families and handed out DARE pencils to the students.

On April 22, 2011, Officer Coughlin gave a station tour to a group of DARE students and their parents from Monroe School. Officer Coughlin answered many questions and also gave them safety tips.

On April 27, 2011, Officer Rauen attended the monthly DJOA general meeting at Aurora Police Department. The topic was on the new K2 drug and was presented by a member of DUMEG.



On April 27, 2011, Officer Rauen attended the quarterly FIAT Meeting as the team leader for the Computer Forensic Unit. Officer Rauen presented the Computer Forensic Budget request for the upcoming year.

Officer Coughlin spoke to six classes of seventh grade students at Hinsdale Middle School about the Bill of Rights. Students asked questions about the first ten amendments and how they affect them and law enforcement.

On April 27, 2011, Officer Coughlin and Officer Rauen attended the DJOA meeting at the Aurora Police Department. The training topic was "What's up with K2?" (the synthetic marijuana trend) which was presented by Master Sgt. Steve Loan who is the Director of DUMEG. Following the training, a tour of the new Aurora Police Department was given.

On April 8, 15, 21, 29, 2011, Officer Coughlin walked the Business District monitoring the behavior of middle school students. Officer Coughlin spoke with teens, shoppers, business owners and handled any incidents related to the students.

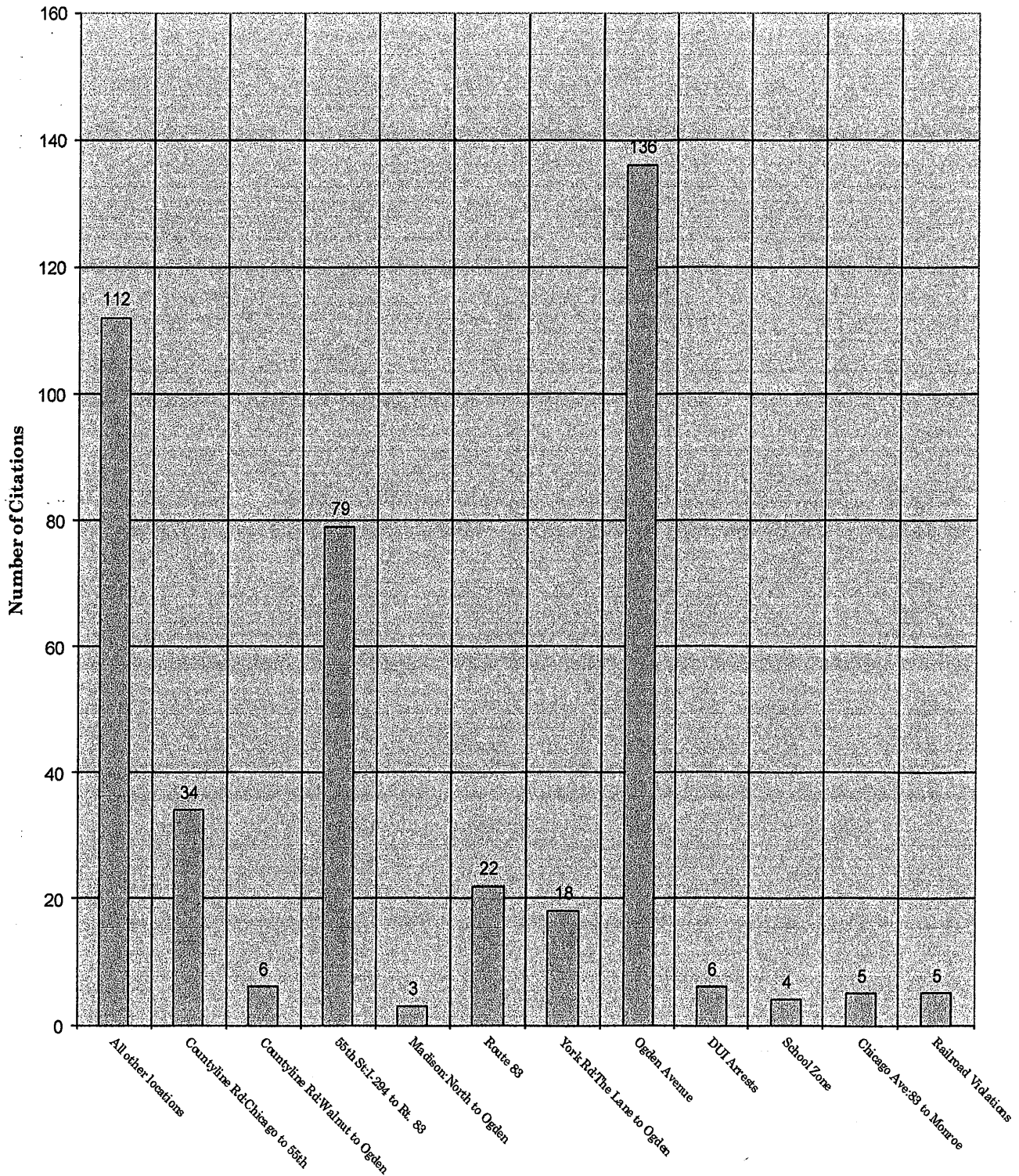
On April 1, 8, 19, 21, 22, 27, 28, 2011, Officer Coughlin supervised three high school students completing community service work.

Submitted by:

Michael Coughlin  
*Crime Prevention/DARE/Juvenile Officer*

Joseph Rauen  
*Detective/Juvenile Officer*

Hinsdale Police Department  
**Selective Enforcement Citation Activity**  
 April 2011



# TRAFFIC ENFORCEMENT

April 2011

\* Includes Citations and Warnings

	This Month	This Month Last Year	Year to Date	Last Year to Date
<b>Speeding</b>	138	131	677	598
<b>Disobeyed Traffic Control Device</b>	39	26	117	145
<b>Improper Lane Usage</b>	45	44	180	131
<b>Insurance Violation</b>	14	27	67	87
<b>Registration Offense</b>	21	24	104	70
<b>Seatbelt Violation</b>	56	25	161	58
<b>Stop Signs</b>	48	30	167	158
<b>Yield Violation</b>	8	9	36	42
<b>No Valid License</b>	4	6	19	17
<b>Railroad Violation</b>	3	4	9	8
<b>Suspended/Revoked License</b>	5	4	20	14
<b>Other</b>	98	127	401	475
<b><i>Totals</i></b>	<b>479</b>	<b>457</b>	<b>1,958</b>	<b>1,803</b>

# Investigations Division Summary

April 2011

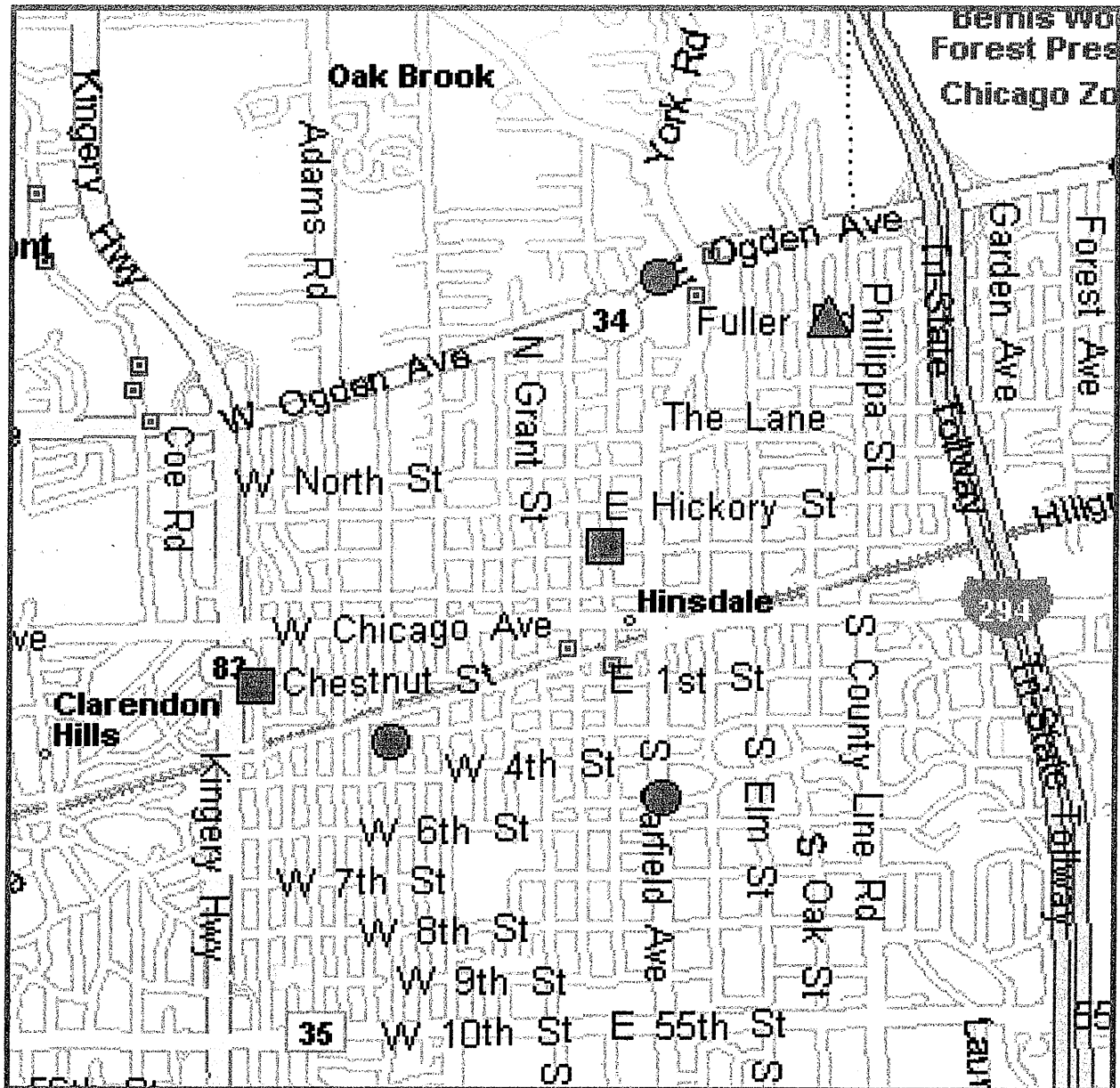
- On April 15, 2011, a 31-year-old Clarendon Hills man was charged with one count of **Attempt Identity Theft**. Hinsdale investigators were notified by Bolingbrook Police Department of a possible identity theft. Hinsdale investigators were told that a fast food employee in Hinsdale was using the personal information of a burglary victim in Bolingbrook for employment purposes. Hinsdale investigators worked with the employer, to determine if the documents provided by the employee were legitimate. The employee's file turned up missing, but when confronted and fingerprinted, admitted to using someone else's identification. The male was released after posting bond.
- On April 29, 2011, a 56-year-old Hinsdale man was charged with one count of **Criminal Trespass to Residence**. The homeowners were out of town and had a friend checking on the residence. When the friend entered the home, he discovered the male inside the house. The male is known to the family that was out of town, but had no reason to be inside their residence. The male was released after posting bond.
- On April 29, 2011, a 48-year-old Chicago woman was charged with one count of **Harassment Through Electronic Communication**. The female is alleged to have sent the victim numerous email messages that were threatening in nature. The female was released after posting bond.
- On April 29, 2011, a 26-year-old Hinsdale man was charged with one count of **Criminal Trespass to Motor Vehicle**. The male was seen in the area of 58<sup>th</sup> and Garfield riding his bicycle with another male. The witness then observed the Hinsdale male enter an unlocked vehicle, which was parked in a driveway. Officers apprehended the male a short distance away. The male was released after posting bond.

Submitted by:

Erik Bernholdt  
*Detective Sergeant*

# BURGLARIES

APRIL 2011



- ▲ Residential Burglaries
- Burglaries
- Burglaries from Motor Vehicles

# MONTHLY OFFENSE REPORT

APRIL 2011

CRIME INDEX	This Month	This Mo. Last Yr.	Yr. to Date	Last Yr. to Date
1. Criminal Homicide	0	0	0	0
2. Criminal Sexual Assault/Abuse	0	0	1	0
3. Robbery	0	0	0	1
4. Assault and Battery, Aggravated	0	0	0	1
5. Burglary/Residential	3	1	7	11
6. Theft	22	17	51	61
7. Auto Theft	0	0	1	1
8. Arson	0	0	0	0
TOTALS	25	18	60	75

## SERVICE CALLS SUMMARY — APRIL 2011

	This Month	This Month Last Year	This Year to Date	Last Year to Date	% CHANGE
Sex Crimes	0	0	1	0	100
Robbery	0	0	0	0	0
Assault/Battery	1	2	10	4	150
Domestic Violence	11	6	37	29	28
Burglary	2	1	3	3	0
Residential Burglary	1	0	4	3	33
Burglary from Motor Vehicle	3	6	6	17	-65
Theft	21	15	45	44	2
Retail Theft	1	2	3	6	-50
Identity Theft	4	5	10	10	0
Auto Theft	0	0	1	3	-67
Arson/Explosives	0	0	0	0	0
Deceptive Practice	1	1	4	2	100
Forgery/Fraud	4	5	9	10	-10
Criminal Damage to Property	9	9	24	23	4
Criminal Trespass	3	0	4	12	-67
Disorderly Conduct	1	4	4	20	-80
Harassment	9	12	25	43	-42
Death Investigations	0	0	0	6	-100
Drug Offenses	2	4	7	18	-61
Minor Alcohol/Tobacco Offenses	0	0	2	7	-71
Juvenile Problems	17	28	67	87	-23
Reckless Driving	3	2	5	12	-58
Hit and Run	3	6	23	21	10
Traffic Offenses	8	9	31	22	41
Motorist Assist	28	8	176	73	141
Abandoned Motor Vehicle	0	1	8	6	33
Parking Complaint	13	24	47	74	-36
Auto Accidents	40	34	195	186	5
Assistance to Outside Agency	20	16	103	59	75
Child Seat Inspections	0	1	0	8	-100
Traffic Incidents	0	6	2	28	-93
Well-being Check	0	3	0	27	-100
Noise complaints	5	4	48	12	300
Vehicle Lockout	38	31	127	104	22
Fire/Ambulance Assistance	139	91	620	353	76
Alarm Activations	108	104	333	354	-6
Open Door Investigations	4	4	14	18	-22
Lost/Found Articles	15	11	54	33	64
Runaway/Missing Persons	5	8	11	14	-21
Suspicious Auto/Person	53	45	201	176	14
Disturbance	5	12	35	48	-27
911 hangup/misdialed	0	19	0	96	-100
Animal Complaints	39	22	105	104	1
Citizen Assists	28	16	164	66	148
School Crossings	1	41	11	204	-95
Solicitors	1	4	2	12	-83
Community Contacts	5	16	11	100	-89
Curfew/Truancy	2	5	8	13	-38
Other	113	39	393	165	138
<b>TOTALS</b>	<b>766</b>	<b>682</b>	<b>2993</b>	<b>2735</b>	<b>9</b>

Hinsdale Police Department

## **Training Summary April 2011**

- ☆ All officers completed their monthly legal update. Topics included: **Obstructing Justice; Arson Investigations; Home Invasion, and Public Employees Official Misconduct.**
- ☆ **April 5 & 19, 2011**—Officers Hayes and Lillie attended the monthly **SWAT Training**. Also on **April 3, 4, 5, 7, 2011**, both officers participated as instructors for a basic SWAT training class.
- ☆ **April 11-14, 2010**—Officer Lillie attended a 32-hour seminar entitled **Controlled F.o.r.c.e.**, sponsored by the Westmont Police Department.
- ☆ **April 13, 2011**—Officer Krefft attended a seminar on **Hazardous Materials – Awareness**, offered by the Northeastern Illinois Public Safety Training Academy.
- ☆ **April 15, 2011**—Officer Maraviglia attended the **National Academy Police Driving One Day Refresher** training offered by Intergovernmental Risk Management Agency.
- ☆ **April 18-24, 2011**—Sergeant Bernholdt attended the **Annual Negotiators Conference**.
- ☆ **April 20-21, 2011**—Deputy Chief Wodka attended a two-day seminar entitled **Internal Affairs** sponsored by NEMRT.

Submitted by:

Mark Mandarino, Sergeant  
*Training Coordinator*



## April 2011 Collision Summary

All Collisions at Intersections			
LOCATION	This Month	Last 12 Months	Last 5 Years
County Line & Pamela Ct.	1	1	1
Lincoln & Chicago	1	1	9
Monroe & Chestnut	1	2	11
Oak & Ogden	1	3	13
Rt. 83 & 55th	1	5	66
<b>TOTALS</b>	<b>5</b>	<b>12</b>	<b>100</b>

Right-Angle Collisions at Intersections <i>Collisions of this type are considered when reviewing MUTCD Warrants</i>			
LOCATION	This Month	Last 12 Months	Last 5 Years
County Line & Pamela Ct.	1	1	1
Lincoln & Chicago	1	1	6
Monroe & Chestnut	1	2	8
Rt. 83 & 55th	1	3	24
<b>TOTALS</b>	<b>4</b>	<b>7</b>	<b>39</b>

Contributing Factors and Collision Types			
<b>Contributing Factors:</b>		<b>Collision Types:</b>	
Failure to yield	6	Private property	7
Improper backing	7	Hit and run	2
Failure to reduce speed	10	Crashes at intersections	5
Following too closely	1	Personal injury	2
Driving skills/ knowledge	3	Pedestrian	0
Improper passing	0	Bicyclist	0
Too fast for conditions	0	Other	17
Improper turning	1		
Disobeyed traffic control device	0		
Improper lane usage	2		
Had been drinking	1		
Weather related	0		
Vehicle equipment	0		
Unable to determine	1		
Other	1		
<b>TOTALS</b>	<b>33</b>	<b>TOTAL CRASHES</b>	<b>33</b>

# Manual on Uniform Traffic Control Devices Warrants

April 2011

The following warrants should be met prior to installation of a **two-way** stop sign:

1. Intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;
2. Street entering a through highway or street;
3. Unsignalized intersection in a signalized area; and/or
4. High speeds, restricted view, or crash records indicate a need for control by the STOP sign (defined by 5 or more collisions within a 12-month period).

The following warrants should be met prior to the installation of a **Multiway** stop sign:

1. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
2. A crash problem, as indicated by 5 or more reported crashes in a 12-month period, that is susceptible to correction by a multiway stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.
3. Minimum volumes:
  - a. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and
  - b. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but
  - c. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.
4. Where no single criterion is satisfied, but where Criteria 2, 3.a, and 3.b are all satisfied to 80 percent of the minimum values. Criterion 3.c is excluded from this condition.

## Option:

Other criteria that may be considered in an engineering study include:

1. The need to control left-turn conflicts;
2. The need to control vehicle/pedestrian conflicts near locations that generate high-pedestrian volumes;
3. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop; and
4. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection.

The following warrants must be met prior to the installation of a **Yield** sign:

1. On a minor road at the entrance to an intersection where it is necessary to assign right-of-way to the major road, but where a stop sign is not necessary at all times, and where the safe approach speed on the minor road exceeds 10 miles per hour;
2. On the entrance ramp to an expressway where an acceleration ramp is not provided;
3. Within an intersection with a divided highway, where a STOP sign is present at the entrance to the first roadway and further control is necessary at the entrance between the two roadways, and where the median width between the acceleration lane; and
4. At an intersection where a special problem exists and where an engineering study indicates the problem to be susceptible to correction by use of the YIELD sign.

# PARKING CITATIONS—APRIL 2011

## PARKING CITATIONS BY LOCATION

		This Month	This Month Last Year	YTD	Last YTD
<b>Chestnut Lot</b>	<i>Commuter Permit</i>	30	31	90	120
<b>Highland Lot</b>	<i>Commuter Permit</i>	18	7	34	37
<b>Village Lot</b>	<i>Commuter Permit</i>	32	32	140	122
<b>Washington Lot</b>	<i>Merchant Permit</i>	69	73	167	100
<b>Hinsdale Avenue</b>	<i>Parking Meters</i>	306	346	991	968
<b>First Street</b>	<i>Parking Meters</i>	378	342	1,110	969
<b>Washington Street</b>	<i>Parking Meters</i>	387	439	1,226	1,217
<b>Lincoln Street</b>	<i>Parking Meters</i>	26	38	117	62
<b>Garfield Lot</b>	<i>Parking Meters</i>	150	142	460	436
<b>Other</b>		395	397	1,442	1,454
<b>TOTALS</b>		1,791	1,847	5,777	5,485

## VIOLATIONS BY TYPE

	This Month	This Month Last Year	YTD	Last YTD
<b>Parking Violations</b>				
METER VIOLATIONS	1,283	1,339	3,882	5,359
HANDICAPPED PARKING	1	11	14	28
NO PARKING 7AM-9AM	16	19	93	97
NO PARKING 2AM-6AM	92	106	415	401
PARKED WHERE PROHIBITED BY SIGN	67	69	218	245
NO VALID PARKING PERMIT	45	58	170	234
<b>TOTAL PARKING VIOLATIONS</b>	1,504	1,602	4,792	6,364
<b>Vehicle Violations</b>				
VILLAGE STICKER	94	63	264	249
REGISTRATION OFFENSE	55	38	276	205
VEHICLE EQUIPMENT	56	20	170	53
<b>TOTAL VEHICLE VIOLATIONS</b>	205	121	710	507
<b>Animal Violations</b>	8	16	42	29

## Youth Bureau Summary

### April 2011

On April 3, 2011, at approximately 12:55am, a patrol officer observed a dark colored SUV driving west on Eighth Street from Madison Street. The officer noticed the vehicle made a right turn and failed to activate its turn signal. The officer stopped the vehicle and approached the front passenger side of the vehicle. When the officer spoke with all four occupants, he confirmed they were all juveniles. The officer also noticed a strong odor of burnt cannabis emitting from the vehicle. The officer had the driver step out of the vehicle and speak with him towards the rear of the car. He asked the driver if he had anything in the car that he shouldn't have. The driver admitted to having cannabis within the vehicle and that they all had smoked it earlier. The officer placed the driver under arrest along with the other three passengers. The officer located a small baggie of cannabis as well as a glass pipe used to ingest the marijuana. They were all transported to the police department and charged under local ordinance with possessing cannabis and drug paraphernalia.

On April 8, 2011, at approximately 11:30pm, officers were dispatched to a residence for a report of juvenile misconduct. The officer arrived at the house and spoke with the juvenile's mother. The mother stated her 12-year-old son has been pulling down her 6-year-old's pants and spanking her on her butt while she was sleeping with a stuffed animal. The 12-year-old has allegedly done this a few times. The initial officer referred this to the department's Juvenile Officer. The Juvenile Officer met with all parties who live in the house and came up with a safety plan for the family. The 12-year-old stated he knew what he did was wrong and just wanted to mess with his little sister. They were sent home and DCFS was notified regarding the incident.

On April 9, 2011, at approximately 4:40pm, a parent reported her son was missing. The responding officer spoke with the juvenile's mother who stated her son ran away from home and is refusing to come home. The officer drove through the business district and located the juvenile; he was returned to his house.

On April 20, 2011, a patrol officer was stopped by an employee at Cosi Restaurant. The manager stated he observed a male juvenile scratching something into one of their tables. When the juvenile left the store, the manager went up to the table he was sitting at and noticed the juvenile scratched "Penis" and "Homo" into the table. The officer located the juvenile and he admitted to doing it. The juvenile was charged and he was given Peer Jury for being a first time offender.

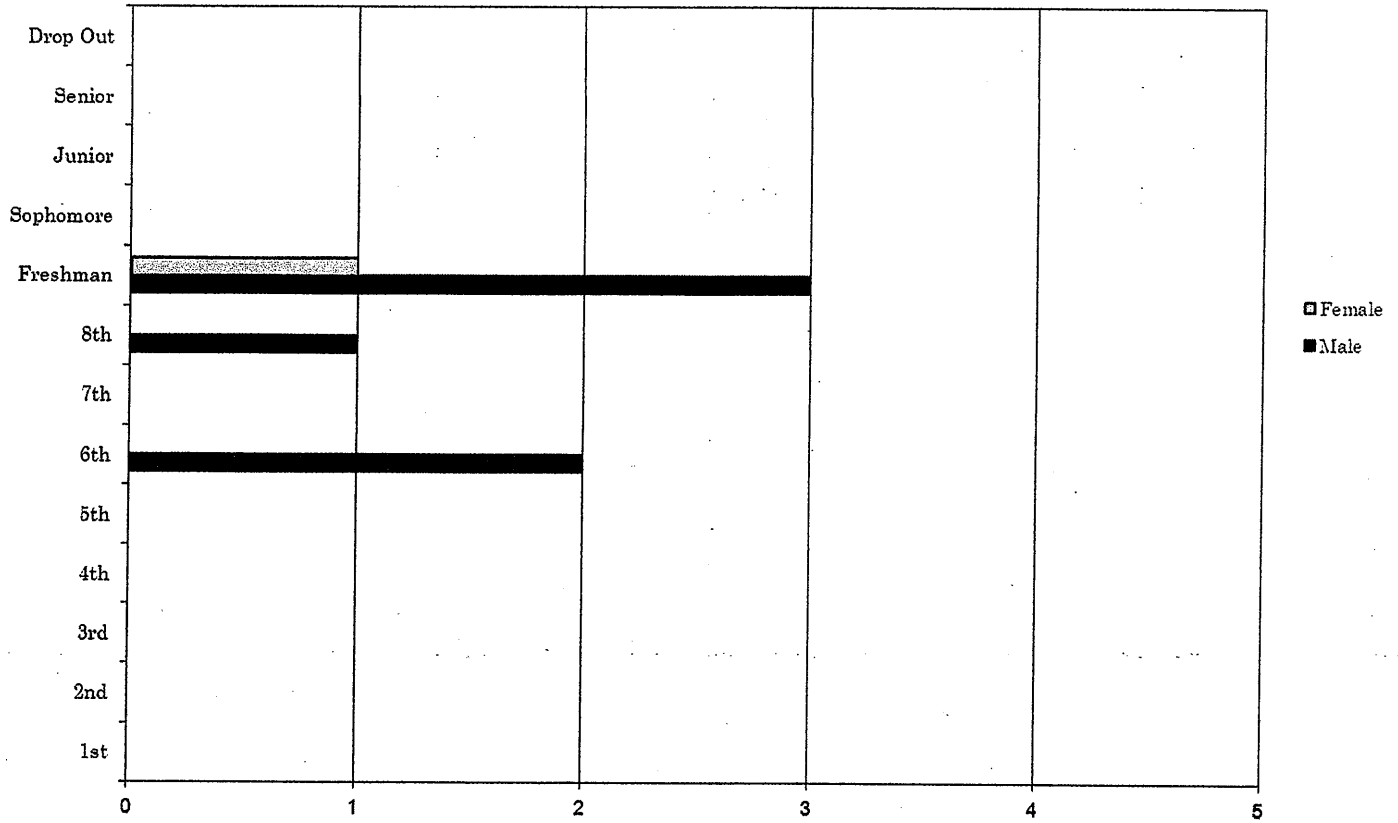
On April 25, 2011, the School Resource Officer arrested two students for stealing sandwiches from the food line in the cafeteria. They were both referred to Peer Jury as first time offenders.

Submitted by:

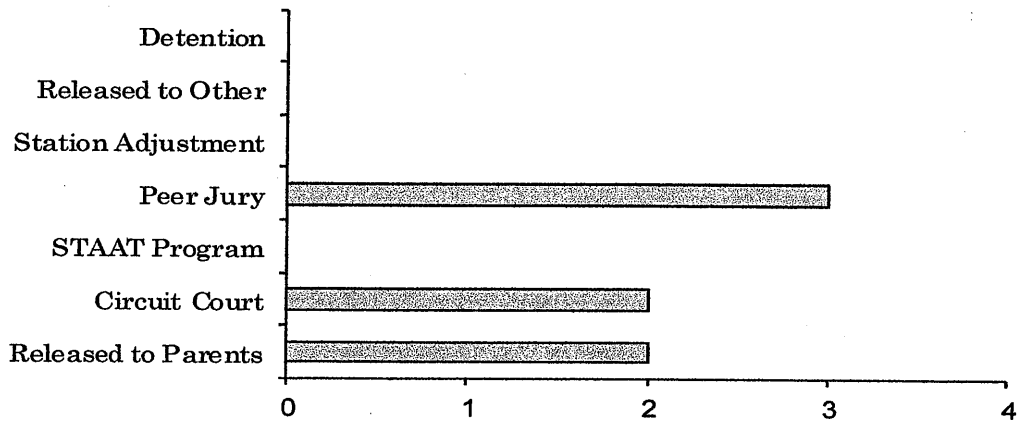
Joseph Rauen  
*Detective/Youth Officer*

# Hinsdale Police Department Juvenile Monthly Report April 2011

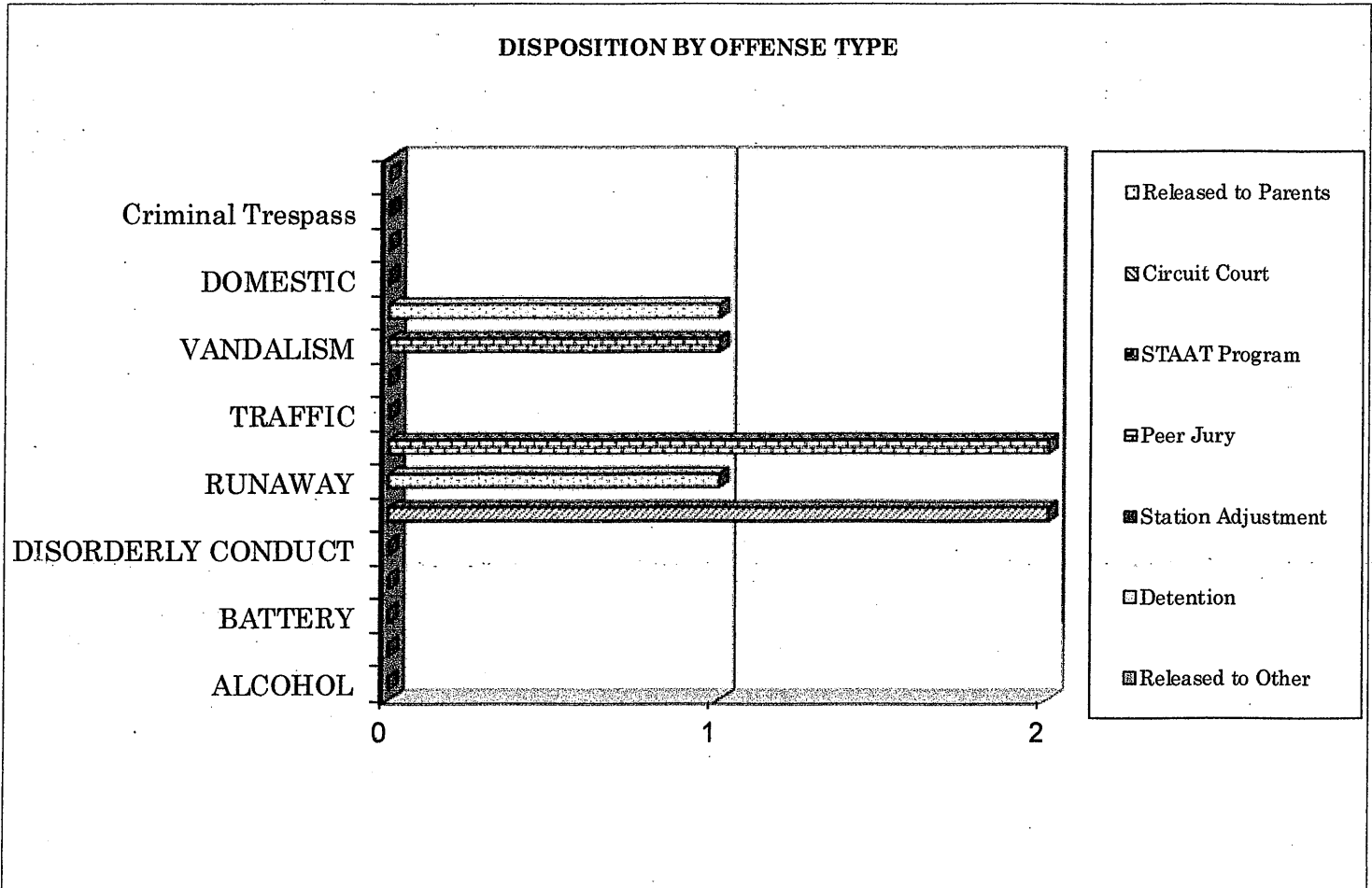
## AGE AND SEX OF OFFENDERS



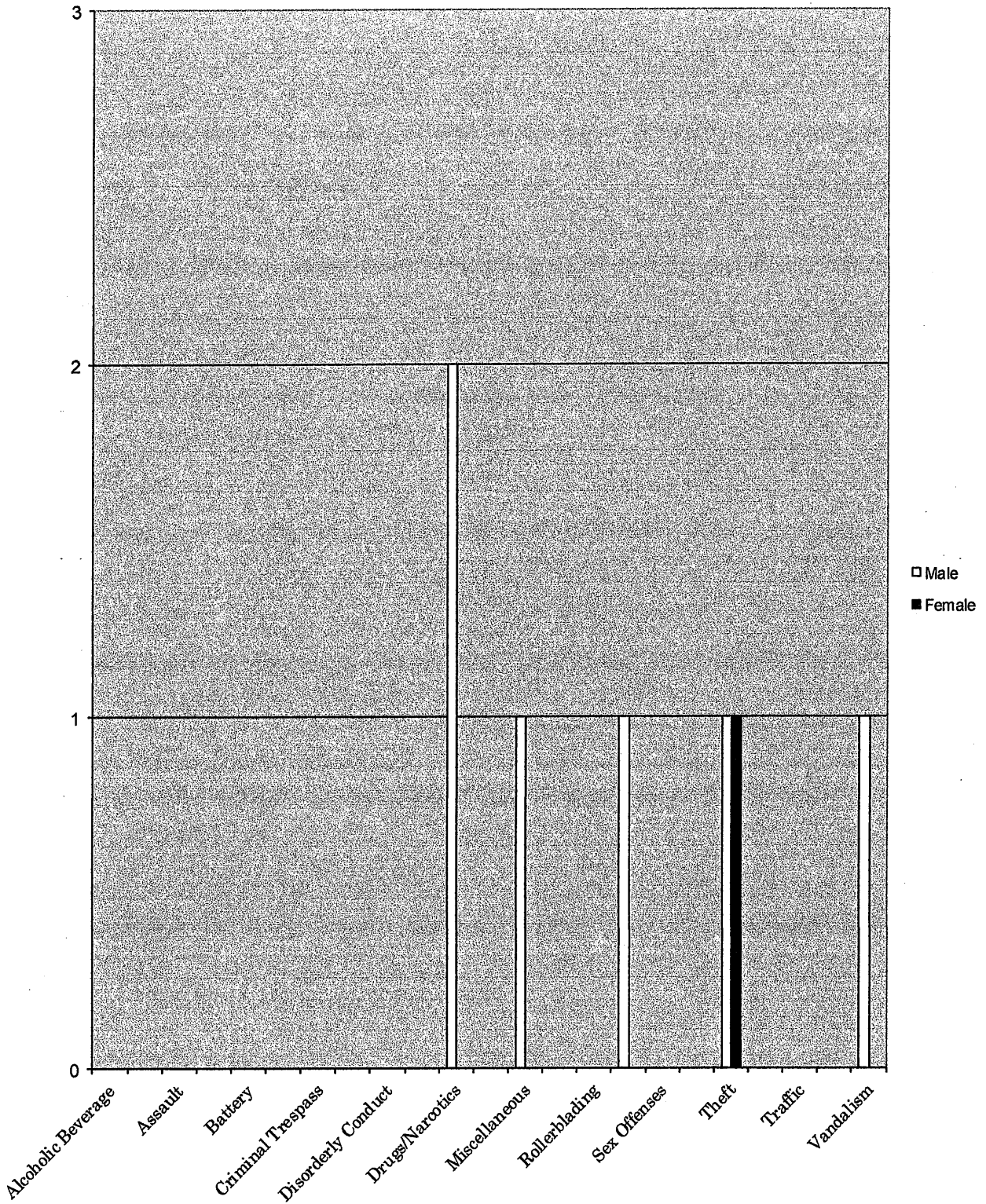
## DISPOSITION OF CASES



**Hinsdale Police Department  
Juvenile Monthly Report  
April 2011 (continued)**



Hinsdale Police Department  
**Juvenile Monthly Offenses Total Offenses by Offense Type**  
 April 2011





***Hinsdale Fire Department  
Monthly Report  
April 2011***



***Emergency Response***

In April, the Hinsdale Fire Department responded to a total of 171 requests for assistance for a total of 803 responses this calendar year. There were 31 simultaneous responses and 1 train delays this month. The responses are divided into three (3) basic categories as follows:

<b><i>Type of Response</i></b>	<b><i>April 2011</i></b>	<b><i>% of Total</i></b>	<b><i>April 2010</i></b>
<b>Fire:</b> (Includes activated fire alarms, fire and reports of smoke)	<b>49</b>	<b>28.7%</b>	<b>63</b>
<b>Ambulance:</b> (Includes ambulance requests, vehicle accidents and patient assists)	<b>89</b>	<b>52%</b>	<b>83</b>
<b>Emergency:</b> (Includes calls for hazardous conditions, rescues, service calls and extrications)	<b>33</b>	<b>19.3%</b>	<b>50</b>
<b>Simultaneous:</b> (Responses while another call is on- going. Number is included in total)	<b>31</b>	<b>18.1%</b>	<b>44</b>
<b>Train Delay:</b> (Number is included in total)	<b>1</b>	<b>0.6%</b>	<b>2</b>
<b>Total:</b>	<b>171</b>	<b>100%</b>	<b>196</b>

***Year to Date Totals***

**Fire: 318**

**Ambulance: 359**

**Emergency: 126**

**2011 Total: 803**

**2009 Total: 749**



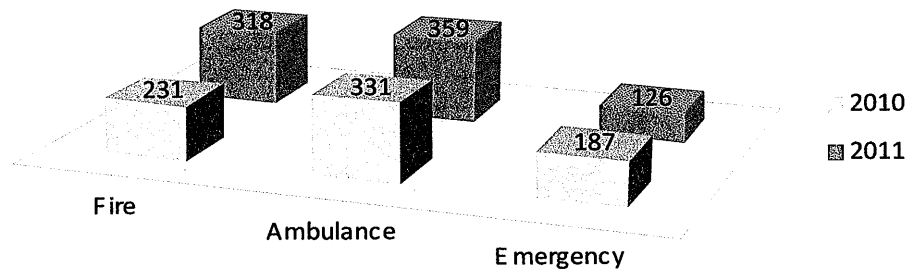


# *Hinsdale Fire Department Monthly Report April 2011*

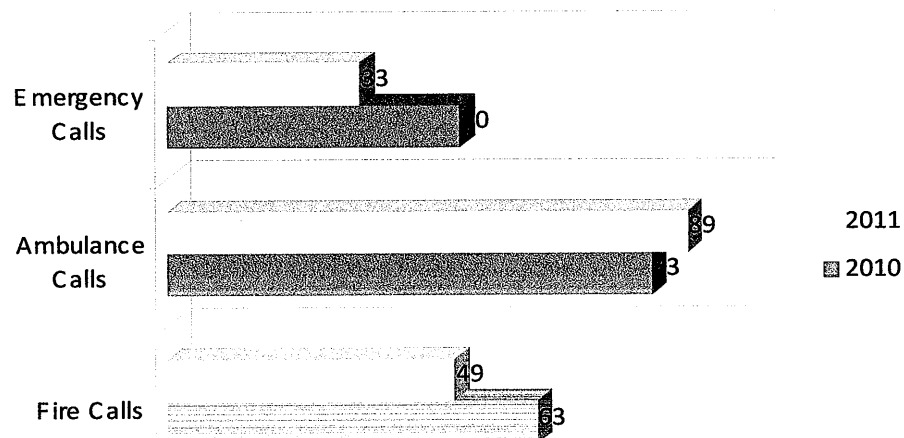


## *Emergency Response*

### **Type of Responses Year to Date**



### **Total Calls for April**



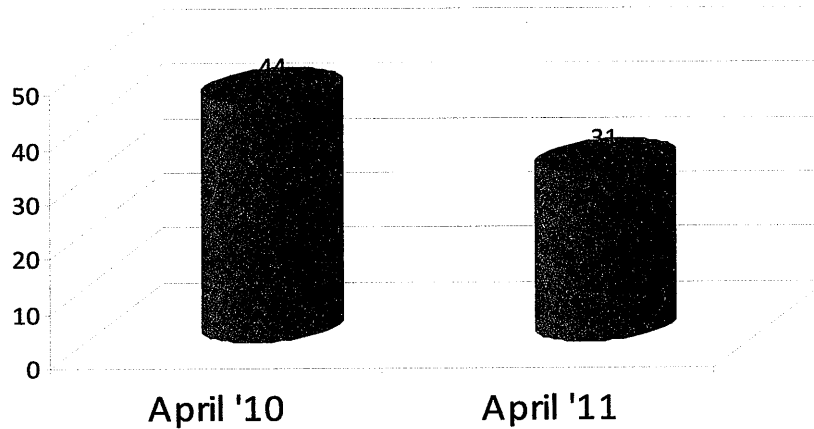


***Hinsdale Fire Department  
Monthly Report  
April 2011***

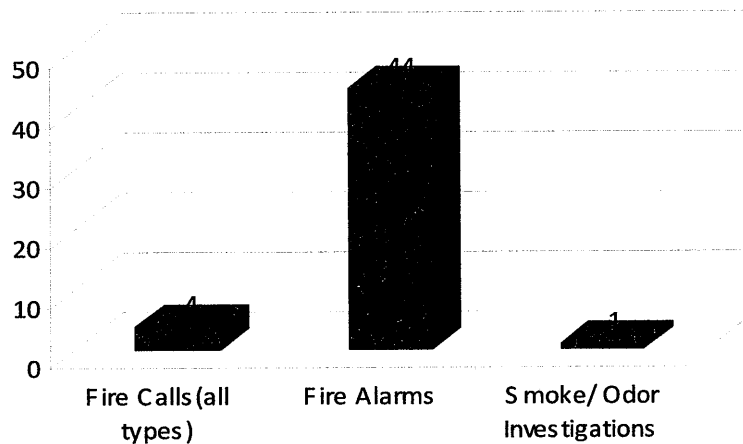


***Emergency Response***

**Simultaneous Calls**



**Distribution of Fire Related Calls**



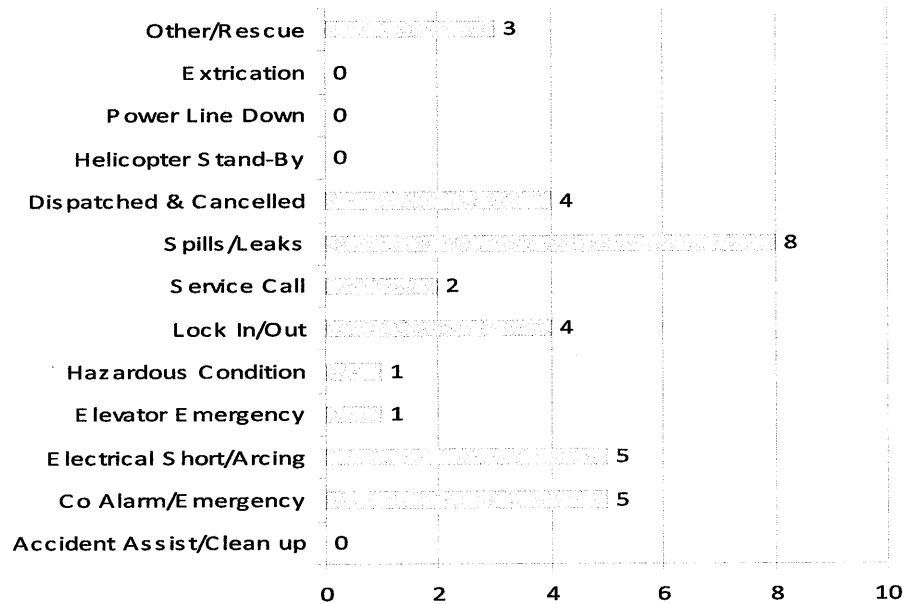


## *Hinsdale Fire Department Monthly Report April 2011*

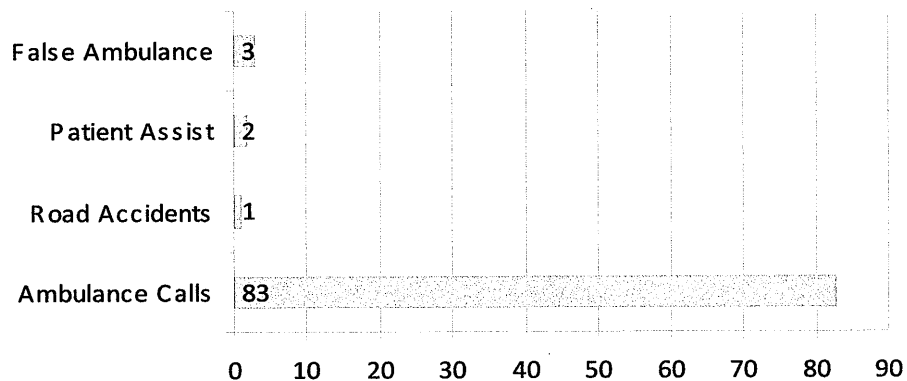


### *Emergency Response*

#### **Distribution of Emergency Related Calls**



#### **Distribution of EMS Related Calls**





## *Hinsdale Fire Department Monthly Report April 2011*



### *Incidents of Interest*

- On April 3<sup>rd</sup>, the Department responded with an engine to assist the Western Springs Fire Department with their house fire. Members assisted in providing a water supply and with personnel to assist in extinguishing the fire
- On April 16th, the Department responded to a report of an electrical problem in a residence. Members used the thermal imaging camera to detect an electrical short inside a wall in the home. Members removed power to the area and checked for any extension of the heat.
- On April 18th, the Department responded to the report of a kitchen fire. Members found a fire on the oven due to items left in the oven and it was turned on. Members extinguished the fire and removed smoke from the residence. One resident was treated on the scene for smoke inhalation, but not transported to the hospital.
- On April 25th and 26th, the Department responded to the alley between Washington and Lincoln off of First St. for the report of an oil spill. Members found discarded oil was placed in a dumpster in the alley and due to the wet weather it had leaked out onto the pavement. Members worked to clean up the area.
- On April 29, the Department responded with an engine to assist the OakBrook Fire Department with a large residential fire. Members provided a water supply to a ladder truck from OakBrook Terrace and assisted in the extinguishment of the fire.



## ***Hinsdale Fire Department Monthly Report April 2011***



### ***Training/Events***

In April, the members of the Hinsdale Fire Department continued their scheduled fire and EMS training.

Training highlights for the month of April consisted of:

- FF/PM McCarthy received his certification from the State Fire Marshal's Office for *Instructor I*.
- Chief Kelly and FF/PM Tullis attended a seminar on firefighter health and fitness.
- Several firefighters attended the annual Division 10 live burn training at the Chicago Fire Academy
- Members reviewed the requirements for conducting a confined space rescue and then performed a practical evolution.
- All Department members had their breathing apparatus face pieces fit tested. This is an annual requirement.
- Department paramedics completed the required monthly continuing education on the treatment of burn victims and completed the monthly quiz.
- Members reviewed the requirements for the precautions needed to prevent the spread of infectious disease.
- Members conducted drills on engine company proficiencies that involved flowing water from multiple hose lines.



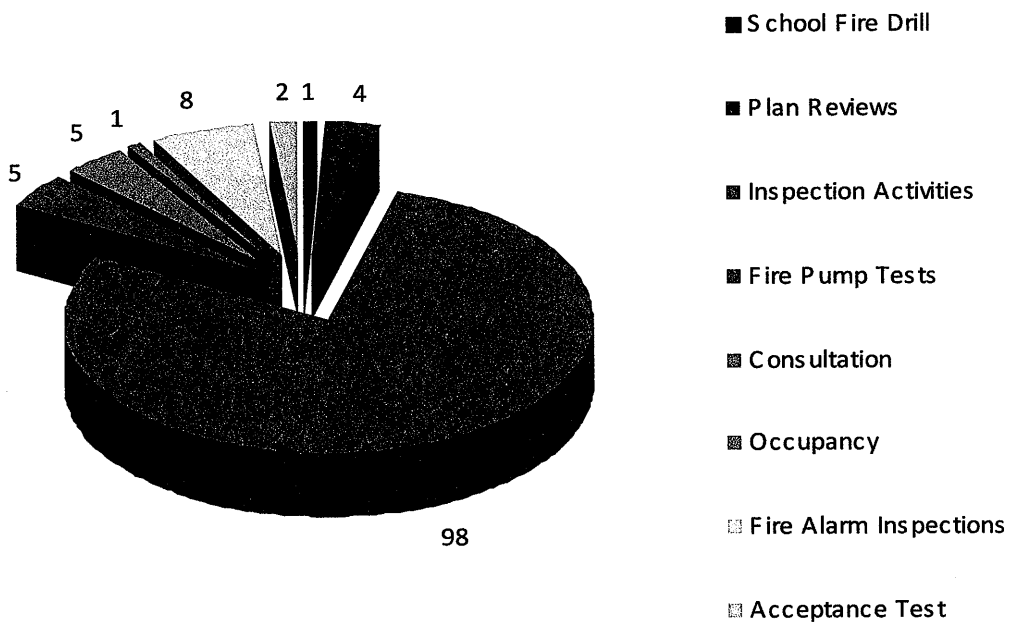
## ***Hinsdale Fire Department Monthly Report April 2011***



### ***Prevention Activities***

The fire prevention bureau is responsible for conducting a variety of activities designed to educate the public, to prevent fires and emergencies, and to better prepare the public in the event a fire or medical emergency occurs.

#### **Prevention Activities in April**



#### ***Fire Prevention/Safety Education:***

- Don Gay was hired as one of the part-time fire inspectors for the Department. Don has many years of experience in the fire service and in fire prevention/inspections. Don is a Captain with the LaGrange Fire Department.
- A/C McElroy attended the IRMA Fire Steering Committee meeting
- Members assisted St. Issac Jogues with their student career day
- Total inspection fees forwarded to the finance department for billing totaled \$8,650.00 for the month.



***Hinsdale Fire Department  
Monthly Report  
April 2011***



***The Survey Says...***

Each month, the department sends out surveys to those that we provide service to. These surveys are valuable in evaluating the quality of the service we provide and are an opportunity for improvement.

***Customer Service Survey Feedback:***

We received 17 responses in the month of April with the following results:

***Were you satisfied with the response time of our personnel to your emergency?***

***Yes- 17/17***

***Was the quality of service received-***

***"Higher" than what I expected- 11/17***

***"About" what I expected- 6/17***

***Miscellaneous Comments:***

***"They were very careful in handling my husband. Thank you to all."***

***"The only problem was the bumpy ride and I think it is Hinsdale's streets"***

***"All personnel were polite, concerned and calming. Excellent service and well trained personnel."***

***"The paramedics should pay better attention to what the patient is saying to them. Having to repeat myself when I am not feeling well is not very reassuring."***

DATE: May 23, 2011

**REQUEST FOR BOARD ACTION**

<b>AGENDA</b>	<b>ORIGINATING DEPARTMENT</b>
<b>SECTION NUMBER</b> Zoning and Public Safety Committee	<b>Community Development</b>
<b>ITEM</b> Case A-05-2011 - Applicant: Eden Supportive Living - Location: 10 N. Washington Street: Special Use Permit for a Planned Development and a Personal Care Facility, as well as Site Plan/Exterior Appearance approval at 10 N. Washington Street.	<b>APPROVAL</b>

The Applicant, Eden Supportive Living, has submitted an application for a Special Use Permit to operate a Personal Care Facility with a Planned Development at 10 N. Washington Street. As indicated in the attached memo from the applicant, Eden Supportive Living provides assisted living for adults with disabilities, ages 22-64. In previous presentations to the ZPS and Village Board the applicant had indicated the desire to accept individuals living with Autism or Asperger's Syndrome. While they intend to maintain these services at their other facilities, they have since opted to eliminate offering these services at the proposed Hinsdale location. Additionally, the applicant has determined they would maintain the Hinsdale model as 100% private pay and has decided to pursue licensing that would only permit 20% or 14, residents to be under the age of 55.

**ZONING HISTORY/CHARACTER OF AREA**

The Subject Property is zoned R-5 (east portion) and O-1 (parking lot). The property to the west is zoned O-1 and improved with businesses, north is zoned IB improved with a religious building; to the east is zoned IB and contains the Village Library and Village Hall, to the south is the B-1 and is improved with a bank.

**GENERAL STAFF COMMENTS**

**Planned Development and Special Use Request**

Due to the fact that Washington Square was a Senior Living Facility and the current request is for a Personal Care Facility, a new Special Use is required for the change in use. In addition to the requested Special Use, a new Planned Development is requested to modify or obtain specific waivers that differ from those required/allowed as a Senior Living Facility.

**Zoning criteria**

As referenced in the attached correspondence, Washington Square was originally approved in 1975 as senior citizen housing. In 1993, they came back to the Village to request the addition of an exterior walk-in freezer/cooler. It was at this time that they also requested a Planned Development which included several waivers to attempt to bring as many existing conditions as possible, into compliance. The Planned Development was established and in 2002, the applicant returned again proposing an adjustment to the Planned Development to construct an approximately 1,000 square foot atrium that connected the two wings. Washington Square functioned until 2009 when according to the applicant's correspondence, the facility closed down. Since then staff has met with several groups interested in redeveloping the property but due to various circumstances, nothing concrete has been proposed. Recently, members from the Board at Washington Square approached the ZPS and Village Board, bringing along Eden Supportive Living with what they felt was a viable proposal and a positive reuse of the site which kept the existing facility intact. The applicant is now requesting a Major Adjustment/Reinstatement of a Planned Development and a Special Use for a Personal Care Facility that would allow them to operate their facility maintaining all of the physical aspects of the existing property.



## Waivers

While the applicant is not proposing any physical alterations to the exterior of the existing structures, the Zoning Code provided certain allowances and exceptions for Washington Square as a Senior Living Facility that would not be afforded to Eden Supportive Living as a personal care facility. As such, the applicant will be requesting several waivers to make the existing building code compliant as a Personal Care Facility. Those waivers would include waivers previously approved as part of the original Planned Development, as well as additional waivers required to operate the proposed Personal Care Facility. They include:

### Existing Conditions Previously Waived

- F.A.R of 1.16 in lieu of .45.
- Total building coverage of 43.816% in lieu of 35%.
- Rear yard setback of 14'-0" in lieu of 25'-0".

### Existing Conditions Requiring Waivers

- A total of 83 units in lieu of the 24 allowed. The facility only contains 71 individual rooms, however for the purpose of calculating density and parking, the code requires you count each bed as a unit and the facility contains 12 two-bedroom units which would total 83.
- To allow an overall height of 34'-0" and 3 stories in lieu of 30'-0" and 2 stories.
- To allow a personal care facility across the street or contiguous to an R-4 District.
- A front yard setback of 9.78' in lieu of 14.5'.
- A corner side yard setback of 0'-0" in lieu of 18.5'.
- A side yard setback of 1.74' in lieu of 8'.
- A waiver from Section 4-110 as it relates to any required buffers or landscaping of existing primary or accessory structures or uses.

## Other

On April 13<sup>th</sup>, as part of discussions regarding the public hearing for Eden Supportive Living, the Commission agreed that the appropriate course of action would be to consider this current request a new Planned Development. As a result, several comments and concerns were discussed regarding the standards of the Planned Development process and what, if anything, the applicant should be required to provide to satisfy these standards. In addition to the information already provided, it was requested that the applicant provide the following information, which the Commission agreed would satisfy the standards for the requested application:

- Landscape Plan
- Parking lot striping plan
- Elevations (while the Commission agreed that photos of the building would suffice, staff was able to locate reasonable elevations)
- Site Plan/Exterior Appearance Application, and;
- Draft ordinance

At the May 11, 2011 Plan Commission meeting the commission reviewed the application submitted by Eden Supportive Living and recommended approval, on a 4-3 vote (2 absent), the approval for a special use for a Personal Care Facility at 10 N. Washington Street and a special use for a Planned Development as detailed in the draft ordinance, and as amended. In addition the Plan Commission recommended, on a 5-2 vote (2 absent), approval for Exterior Appearance and Site Plan approval, subject to the approved landscape plan and the parking plan option using all 45 degree spots, with the inclusion of one additional handicap parking space.




**Review Criteria**

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

1. Subsection 11-602E pertaining to Standards for special use permits; and
2. Subsection 11-603E pertaining to Standards for planned developments; and
3. Subsection 11-604F pertaining to Standards for site plan disapproval; and
4. Subsection 11-606E pertaining to Standards for exterior appearance review

Attached are the draft findings and recommendations from the Plan Commission and the draft ordinances.

**MOTION: Move that the request be forwarded to the Board of Trustees to approve an "Ordinance Approving a Special Use Permit for a Planned Development, a Special Use Permit for a Personal Care Facility, and Site Plan and Exterior Appearance Plan for the Property Located at 10 North Washington Street."**

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

## HINSDALE PLAN COMMISSION

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

**DATE OF PLAN COMMISSION REVIEW: April 13, 2011 and May 11, 2011**

**DATE OF ZONING AND PUBLIC SAFETY REVIEW: May 23, 2011**

### FINDINGS AND RECOMMENDATION

#### I. FINDINGS

1. Eden Supportive Living (the "Applicant") 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 and Site Plan/Exterior Appearance Approval (the "Application") for the existing property located at 10 N. Washington Street (the "Property").
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 22-64.
4. The Plan Commission determined that a previous Planned Development granted for the Property had expired and the current request should be for a new Planned Development.
5. The Plan Commission expressed concerns regarding the use, more specifically the current proposals ability to satisfy all the standards and criteria for a new Planned Development, including open space contributions, as well as the lack of available information for the existing facility required to make the application complete.
6. Residents presented both concerns and support regarding the proposed use.
7. On April 13<sup>th</sup>, the Plan Commission requested that the applicant provide the following information:
  - Landscape Plan
  - Parking lot striping plan
  - Elevations (while the Commission agreed that photos of the building would suffice, staff was able to locate reasonable elevations)
  - Site Plan/Exterior Appearance Application, and;
  - Draft ordinance
8. On May 11, 2011, the Applicant appeared before the Plan Commission with the requested information, and while the Commission generally approved of the information provided, certain Commissioners still felt that the Applicant had not sufficiently satisfied all of the standards and

criteria required for a new planned development, given the degree of waivers required for the existing structures.

9. The Commission requested that certain language be a part of the draft ordinance granting the requested zoning relief to reflect the Applicant's willingness to pursue a license for assisted living. These matters included limiting the overall number of individuals below the age of 55 to 20%, a 100% private pay model and not accepting or treating individuals with Autism or Asperger's Syndrome.
10. 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 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 Personal Care Facility at 10 N. Washington Street and a Special Use Permit for a Planned Development, as detailed in the draft ordinance, including the requested modifications of certain Zoning Code regulations for the Planned Development reflected in the draft ordinance, and as amended.

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 subject to the landscape plan and the parking lot striping plan which included all parking spaces at 45 degrees and a second handicap spot, for the existing facility located at 10 N. Washington Street.

### **THE HINSDALE PLAN COMMISSION**

By: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

VILLAGE OF HINSDALE

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT, A SPECIAL USE PERMIT FOR A PERSONAL CARE FACILITY, AND SITE PLAN AND EXTERIOR APPEARANCE PLAN FOR THE PROPERTY LOCATED AT 10 NORTH WASHINGTON STREET (Plan Commission Case No. A-05-2011)**

WHEREAS, Eden Supportive Living (the "Petitioner") is the legal title owner of the parcels of property generally located at 10 North Washington Street (the "Subject Property"), which Subject Property is legally described in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, the Petitioner has applied for a planned development, which is required to be processed as a special use in the R-5 Multi-Family District; and

WHEREAS, the Petitioner has also applied for a special use permit to operate a personal care facility at the Subject Property (the "Application"); and

WHEREAS, a planned development was originally approved for the Subject Property in 2002 for senior citizen housing, and that facility ceased operations in 2009; and

WHEREAS, the Petitioner proposes to operate a personal care facility at the Subject Property to provide assisted living for adults with disabilities, ages 22-64 ("Facility"), and seeks the approval of a new planned development for the Subject Property; and

WHEREAS, the Hinsdale Plan Commission conducted a public hearing and deliberated on the Application on April 13, 2011 and on May 11, 2011, pursuant to notice thereof properly published in the *Hinsdalean* on March 24, 2011, and, after considering all of the testimony and evidence presented at the public hearing, the Plan Commission recommended approval of the Application subject to numerous conditions and recommendations, all as set forth in the Plan Commission's Findings and Recommendations for Plan Commission Case No. A-05-2011; and

WHEREAS, the Hinsdale Plan Commission, at a regular meeting on June 8, 2011, approved its Findings and Recommendations for Plan Commission Case No. A-05-2011; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have reviewed the recommendation of the Zoning and Public Safety Committee, the

Findings and Recommendation of the Plan Commission, and all of the materials, facts, and circumstances related to the Application, and they find that the Application satisfies the standards set forth in the Hinsdale Zoning Code relating to the requested approvals, but only subject to the conditions set forth 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 by this reference as findings of the President and Board of Trustees.

Section 2. Approval of a Special Use Permit for a Planned Development. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 11-602 and 11-603 of the Hinsdale Zoning Code, approves a special use permit authorizing a Planned Development for the Subject Property, and approves the planned development detailed plan prepared by Burke Engineering Corp. dated September 9, 2009, in the form attached to, and by this reference incorporated into, this Ordinance as Exhibit B (the "Approved Detailed Plan"). The approval granted in this Section 2 is subject to the conditions set forth in Section 7 of this Ordinance.

Section 3. Approval of a Special Use Permit for a Personal Care Facility. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 4-107 and 11-602 of the Hinsdale Zoning Code, approves a special use permit for a personal care facility in the in the R-5 Multi-Family District for the Subject Property. The approval granted in this Section 3 is subject to the conditions set forth in Section 7 of this Ordinance.

Section 4. Modifications of Certain Zoning Code Regulations for the Subject Property. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Subsection 11-603H of the Hinsdale Zoning Code, modifies the following provisions of the Hinsdale Zoning Code for the Subject Property, subject to the conditions set forth in Section 7 of this Ordinance:

- A. The total floor to area ration shall be 1.16 in lieu of .45.
- B. The total building coverage of 43.816% in lieu of 35%.
- C. The rear yard setback shall be 14' in lieu of 25".

- D. The Petitioner shall be permitted to have a total of 84 units at the Facility at the Subject Property in lieu of the allowable 24 units.
- E. The overall height of the Facility located at the Subject Property shall be 34'-0" and three (3) stories in lieu of 30'-0" and two (2) stories.
- F. The personal care facility approved pursuant to this Ordinance shall be permitted to be located across the street or contiguous to an R-4 District.
- G. The front yard setback shall be 9.78' in lieu of 14.5'.
- H. The corner side yard setback for the Subject Property shall be 0'-0".
- I. The side yard setback shall be 1.74' in lieu of 8'.
- J. The requirements of Section 4-110 of the Zoning Code shall be waived as it relates to any required buffers or landscaping of existing primary or accessory structures or uses.

Section 5. Approval of Site Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-604 of the Hinsdale Zoning Code, hereby approves the site plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit C (the "Approved Site Plan"), subject to the conditions set forth in Section 7 of this Ordinance.

Section 6. Approval of Exterior Appearance Plans. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-606 of the Hinsdale Zoning Code, hereby approves the exterior appearance plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit D (the "Approved Exterior Appearance Plans"), subject to the conditions stated in Section 7 of this Ordinance.

Section 7. Conditions on Approvals. The approvals granted in Sections 2 through 6 of this Ordinance are granted expressly subject to all of the following conditions:

- A. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind

shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

B. Engineering Plans. Prior to the issuance of any building permit for any work on the Subject Property, the Applicant shall submit to the Village Engineer detailed final engineering plans (the "Engineering Plans"). After approval by the Village Engineer, the Engineering Plans shall, automatically and without further action by the Village, be deemed to be incorporated in and made a part of the Approved Site Plan.

C. 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 the development of the Subject Property. All such development shall comply with all Village codes, ordinances, and regulations at all times.

D. Compliance with Approved Plans. All development within the Subject Property shall be undertaken only in strict compliance with the Village-approved planned development plans, including without limitation the Approved Site Plans, the Approved Exterior Appearance Plans, and other Village-approved plans.

E. 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.

F. Services Provided at the Facility. The Petitioner has determined to not accept residents or treat individuals with Autism and Asperger's Syndrome at the Facility.

G. Age of Residents. The Petitioner has determined that no more than 20% of Petitioner's residents at the Facility, or 14 in total, shall be under the age of 55.

H. License for Facility. The Petitioner shall pursue assisted living licensing for the Subject Property that shall provide that its Facility shall be 100% private pay and that its license shall be subject to the restrictions set forth in subsections 9(F)-(G) above.

Section 8. Violation of Condition or Code. Any violation of (i) any term or condition stated in this Ordinance or (ii) 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 9. 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 10. 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 \_\_\_\_\_ 2011.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2011.

---

Thomas K. Cauley, Jr., Village President

ATTEST:

---

Christine M. Bruton, Village Clerk

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

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_, 2011  
Its:

## EXHIBIT A

### LEGAL DESCRIPTION

PARCEL 1: THE NORTH 82½ FEET OF LOT 1 BLOCK 4 IN STOUGH'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1868 AS DOCUMENT 9593, IN DUPAGE COUNTY, ILLINOIS. AND;

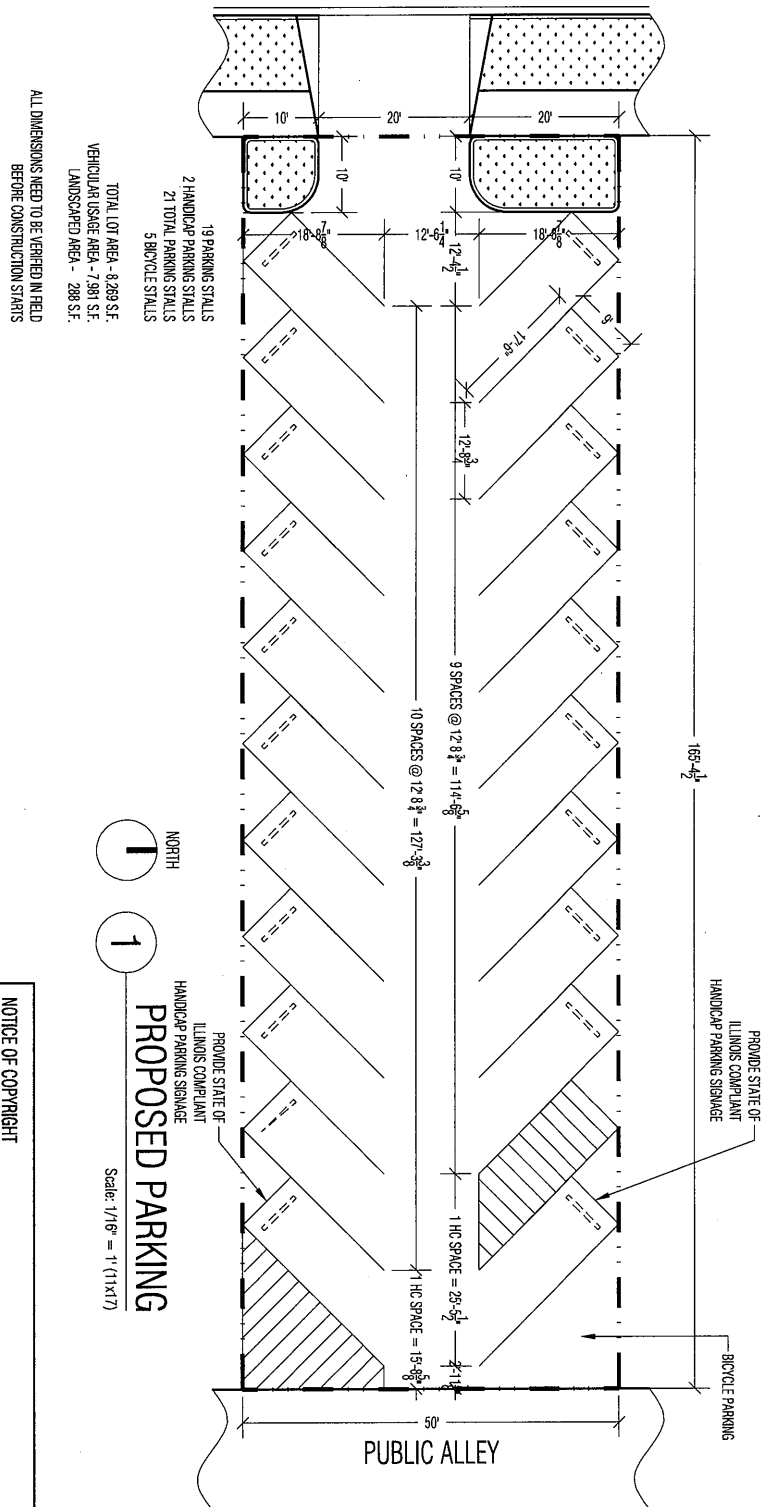
PARCEL 2: THE SOUTH ¼ OF LOT 1 AND THE NORTH ½ OF LOT 2 IN BLOCK 4 IN STOUGH'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1868 AS DOCUMENT 9593, IN DUPAGE COUNTY, ILLINOIS. AND;

PARCEL 3: THE NORTH ½ OF THE SOUTH ½ OF LOT 1 IN BLOCK 4 IN STOUGH'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1868 AS DOCUMENT 9593, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4: THE NORTH 50 FEET OF THE SOUTH 100 FEET OF LOT 4 IN STOUGH'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1868 AS DOCUMENT 9593, IN DUPAGE COUNTY, ILLINOIS.



LINCOLN AVE.



**NOTICE OF COPYRIGHT**

YOU ARE HEREBY ADVISED THAT THESE DOCUMENTS WERE PREPARED BY THE DESIGN PROFESSIONAL, IDENTIFIED HEREIN, AND ARE TO BE CONSIDERED INSTRUMENTS OF SERVICE FOR YOUR PROJECT. THE DESIGN PROFESSIONAL, AS THE AUTHOR AND OWNER OF THESE INSTRUMENTS OF SERVICE, AND HEREINAfter, ALL COMMON LAW, STATUTORY AND OTHER CREATED RIGHTS, INCLUDING COPYRIGHTS, APPROPRIETY, AND REPRODUCTION IN USE OF THESE INSTRUMENTS OF SERVICE FOR THE PURPOSES OF FACILITATING THE BUILDING OR CONSTRUCTION OF THIS PROJECT BY ANYONE OTHER THAN THE DESIGN PROFESSIONAL, ITS ASSIGNEE OR BENEFICIARIES WITHOUT THE EXPRESS WRITTEN CONSENT OF THE DESIGN PROFESSIONAL, OR ITS ASSIGNEE, SHALL CONSTITUTE AN INJURY OF THE DESIGN PROFESSIONAL'S RESPECTFUL RIGHTS AND SHALL BE HELD TO RECOVER ALL DAMAGES AS ALLOWED FOR BY LAW OF THE DESIGN PROFESSIONAL'S RESPECTFUL JURISDICTION. THE DESIGN PROFESSIONAL'S USE, IN THE EVENT OF SUCH UNAUTHORIZED REPRODUCTION OR USE, OF THE DESIGN PROFESSIONAL OR ITS ASSIGNEE, SHALL NOT BE RESPONSIBLE FOR THE ACCORDING COMPLETENESS OR CONSISTENCY OF THE INSTRUMENTS OF SERVICE. ACCORDINGLY, IN THE EVENT OF SUCH UNAUTHORIZED REPRODUCTION OR USE, THE DESIGN OR BUILT REPRODUCTION OR USING THE INSTRUMENTS OF SERVICE WITHOUT WRITTEN AUTHORIZATION, AS SUCH, IS A VIOLATION OF THE DESIGN PROFESSIONAL'S RIGHTS. TO THE MAXIMUM EXTENT PERMITTED BY LAW, FROM ANY DAMAGES, LIABILITIES AND COSTS, INCLUDING REASONABLE A FORTNIGHT'S FEES AND COSTS, ARISING OUT OF ALLEGED OR ACTUAL VIOLATIONS OF SUCH UNAUTHORIZED REPRODUCTION OR USE.

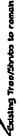
### PROPOSED PARKING FOR EDEN ASSSISTED LIVING

10 N. WASHINGTON  
HINSDALE, ILLINOIS

**ABSOLUTE**  
ARCHITECTURE PC  
914 GREEN BAY RD. SUITE 202  
WINNETKA, ILLINOIS 60093  
PH: 312.263.7345  
FAX: 312.263.1346

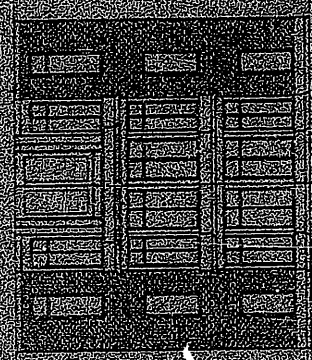
**PROPOSED PARKING  
PLAN  
45 DEG PARKING**

# A1.0



SK-3

EAST ELEVATION



02'-5"

**MATOCHE ASSOCIATES**  
 Architecture, Development, and  
 Program Management  
 12 W. 220 STREET, SUITE 200  
 HANBROOK TOWNE, ILLINOIS 60141-4401  
 PHONE 848-580-2300  
 FAX 848-580-2305

**WASHINGTON SQUARE**  
 RETIREMENT HOMES  
 HANBROOK, ILLINOIS  
 EAST ELEVATION

Project Number  
 1125-07  
 Date  
 01/25/01  
 Rev. 1/25/01

SK-3



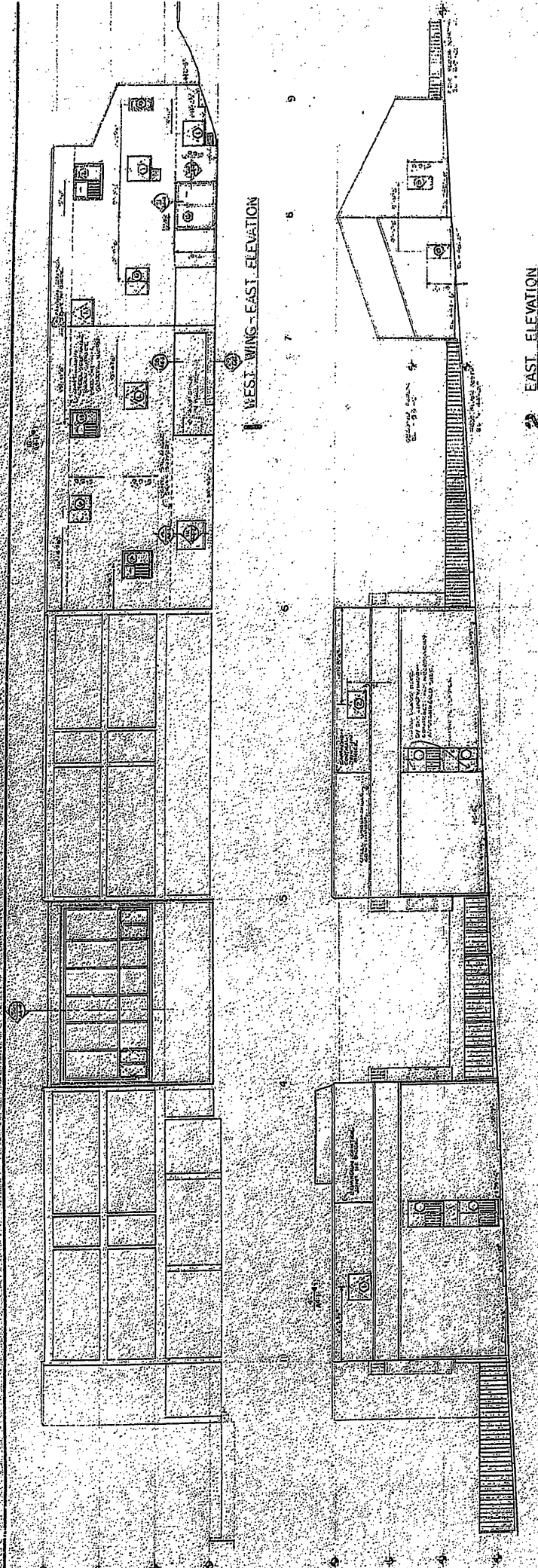
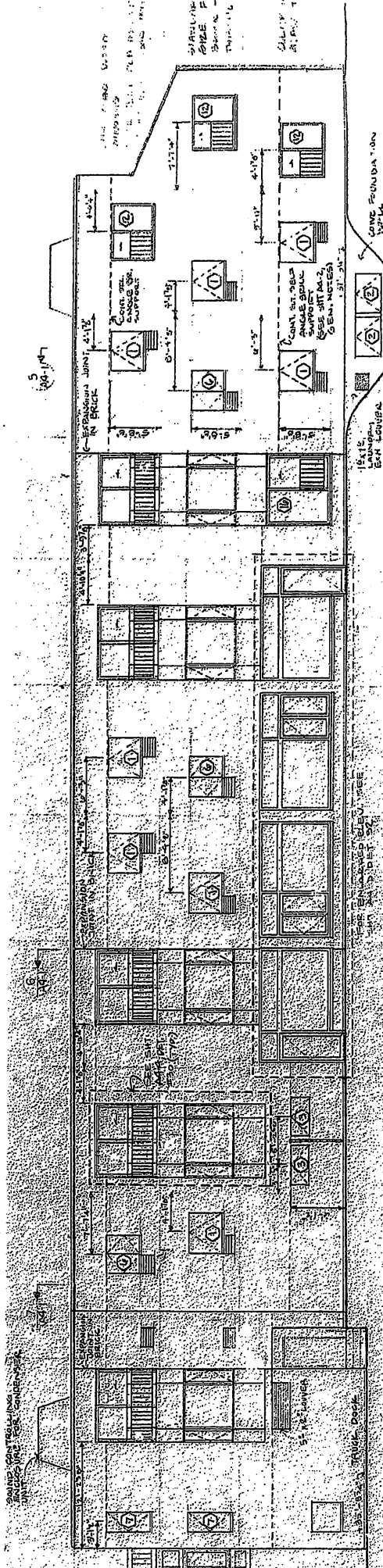


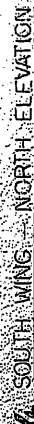
EXHIBIT "D"



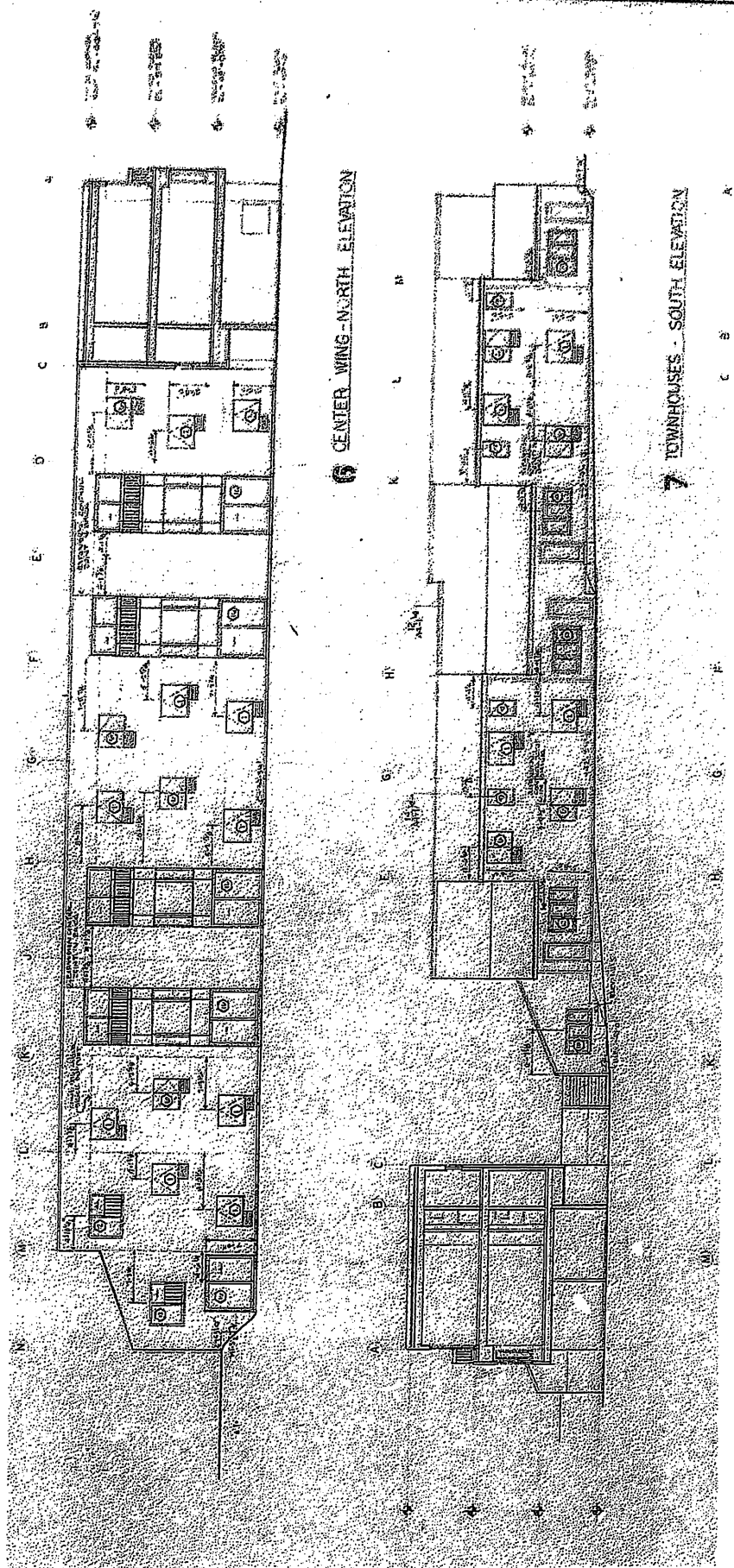
7 SOUTH WING - SOUTH ELEVATION

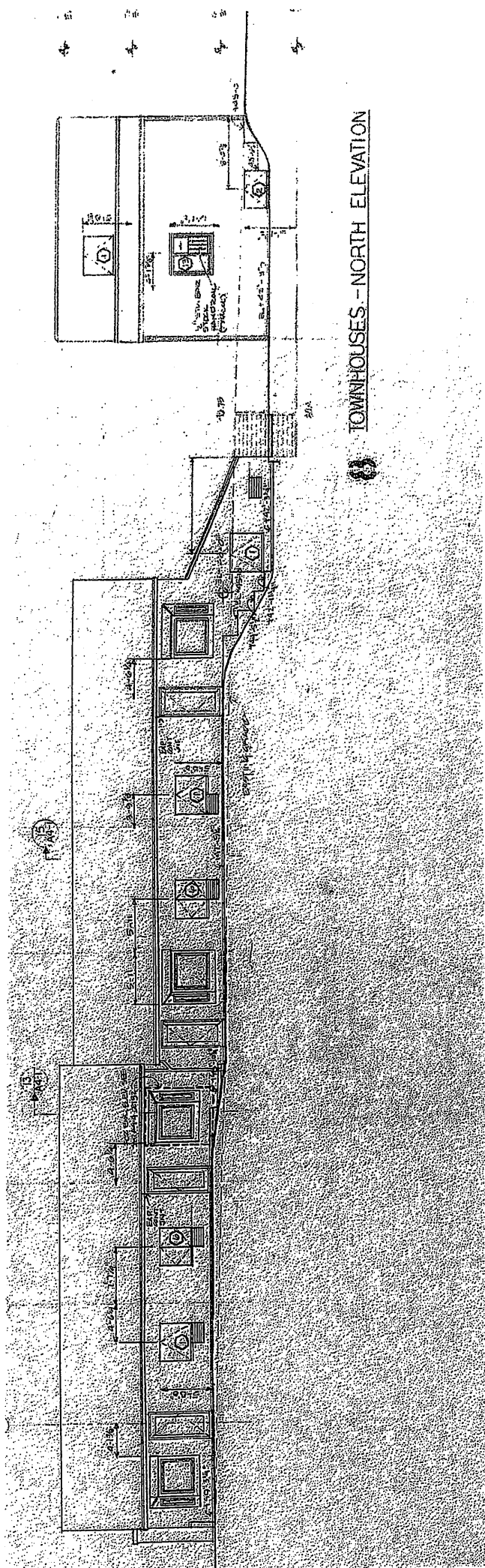


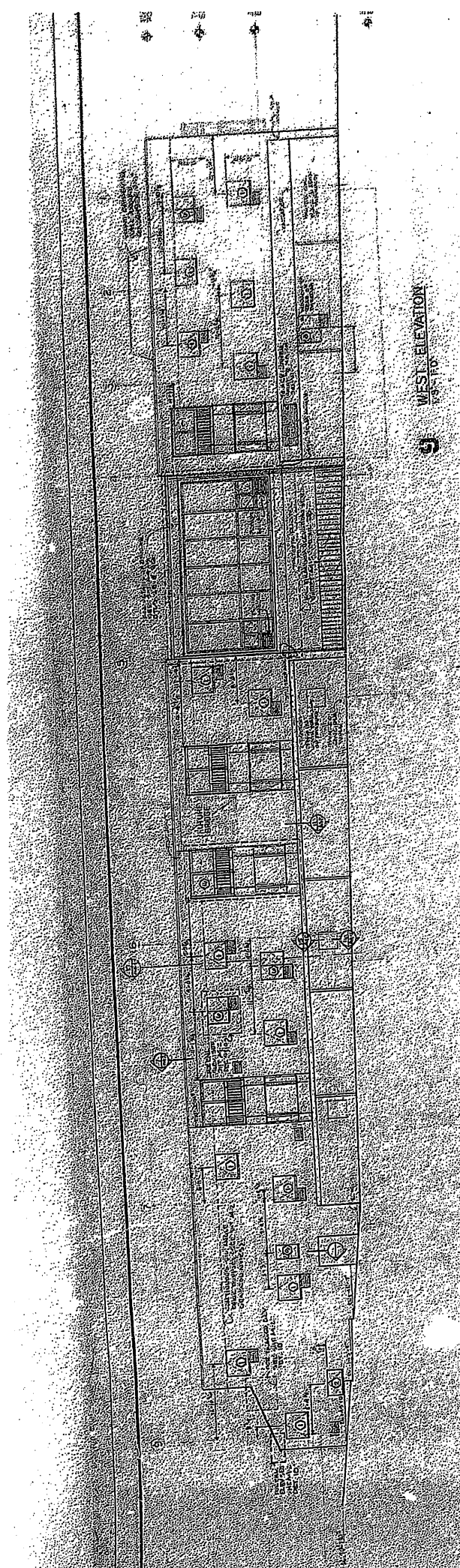
13



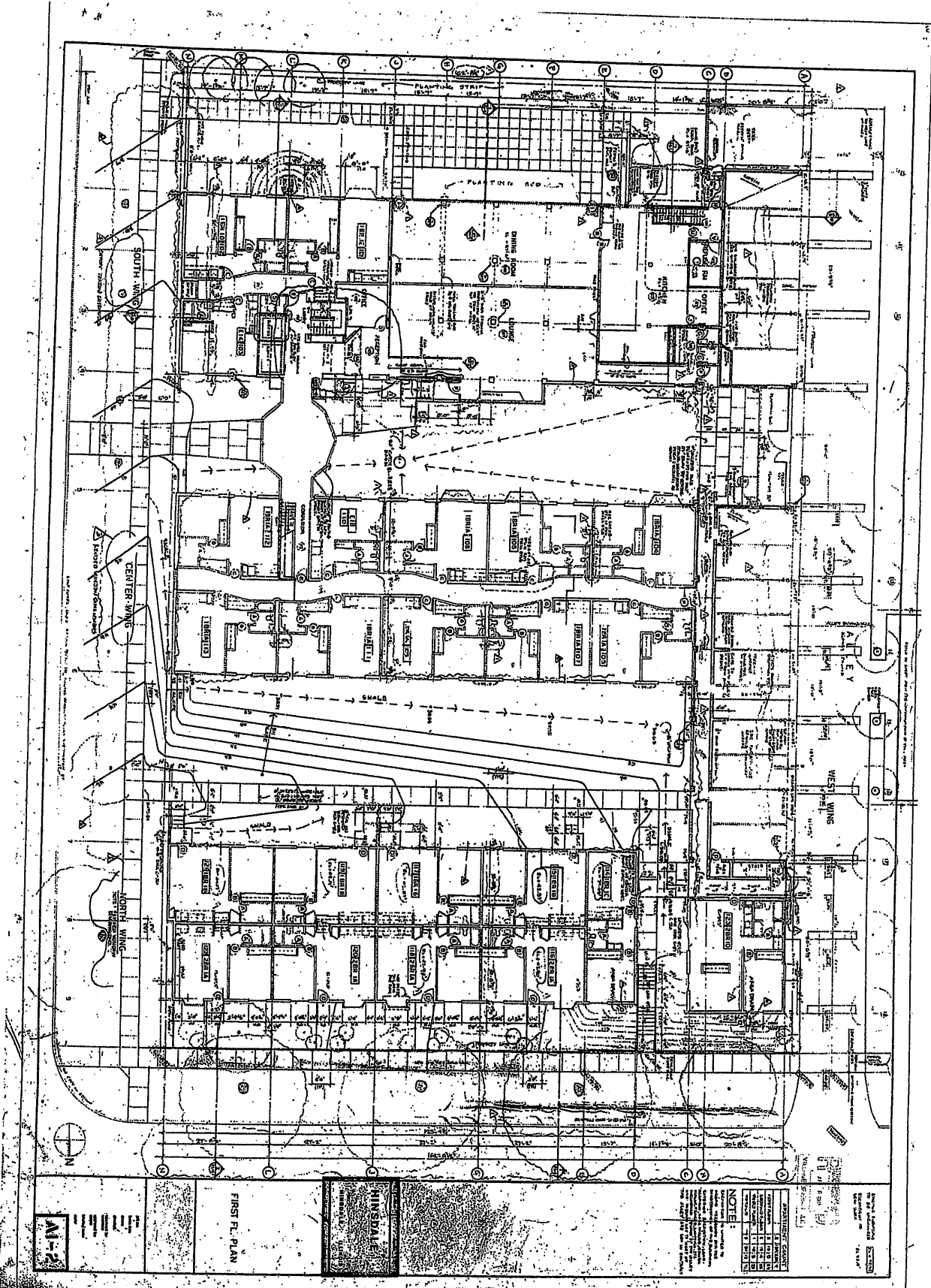
Architectural drawing of the 5th Center Wing - South Elevation. The drawing shows a long, rectangular building with a series of windows and doors. The elevation is divided into sections labeled A through N. The drawing includes dimensions and notes such as "NOT CHANGING", "SOUTH SIDE", and "SOUTH SIDE". The drawing is oriented vertically on the page.

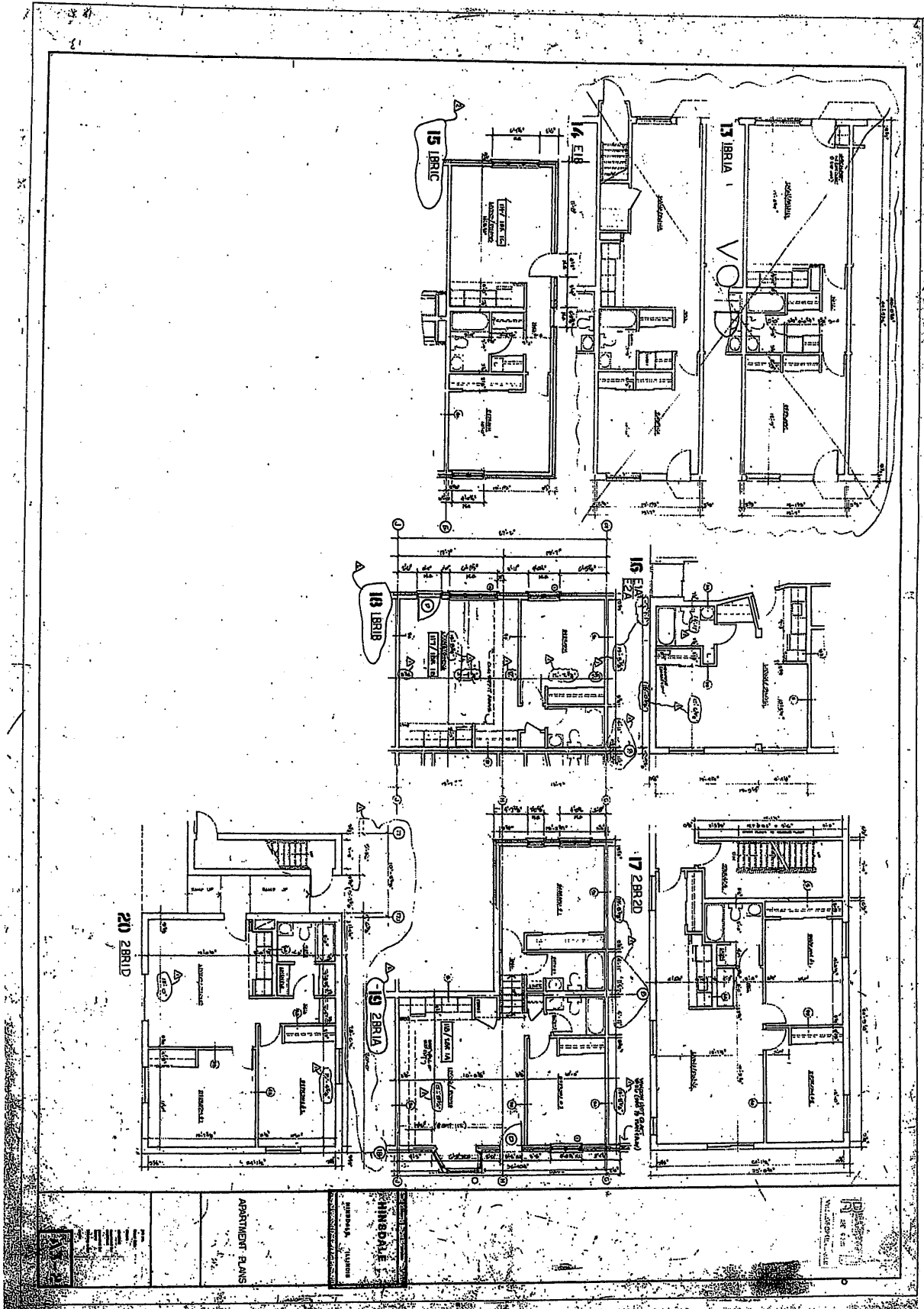


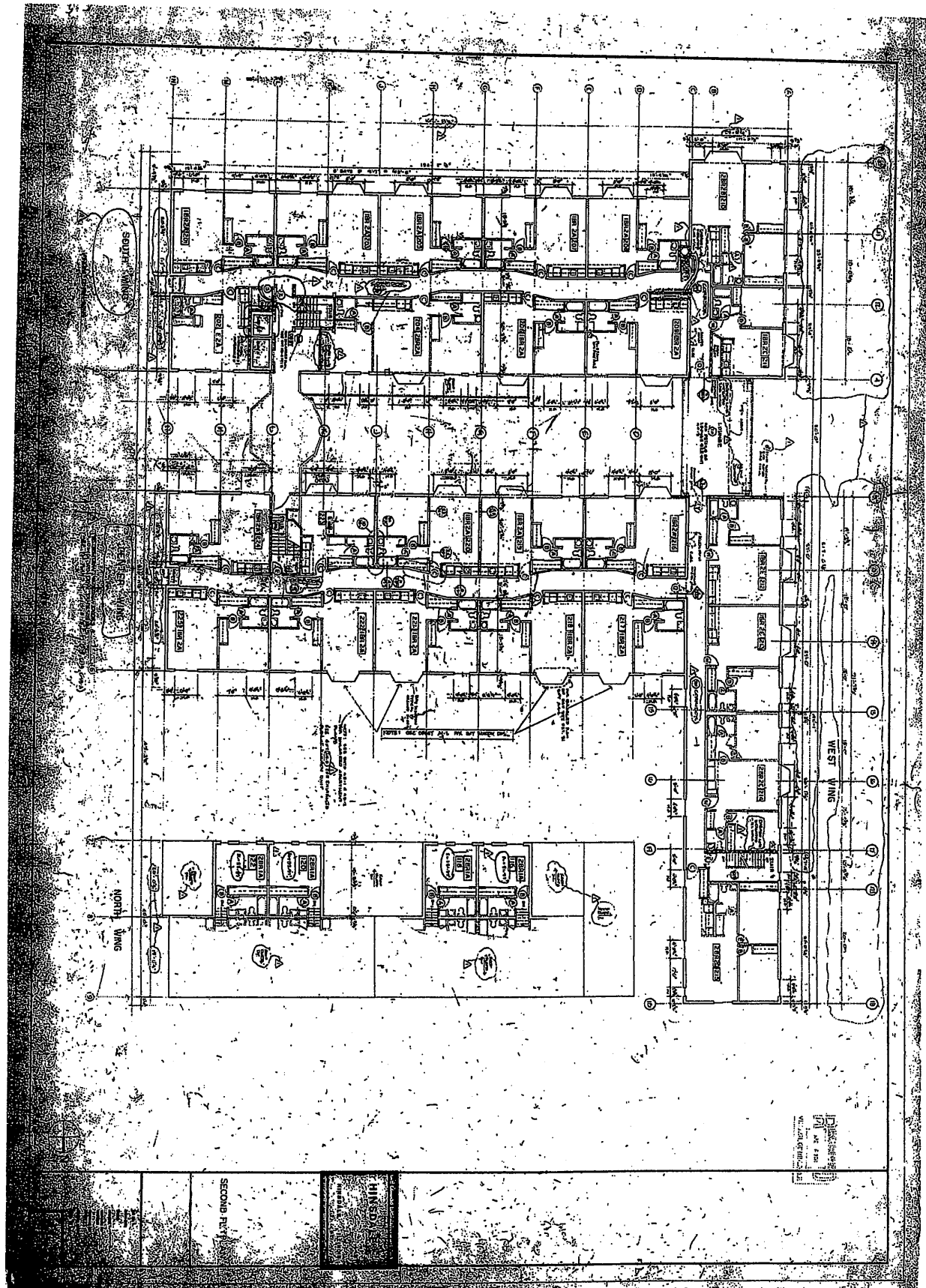




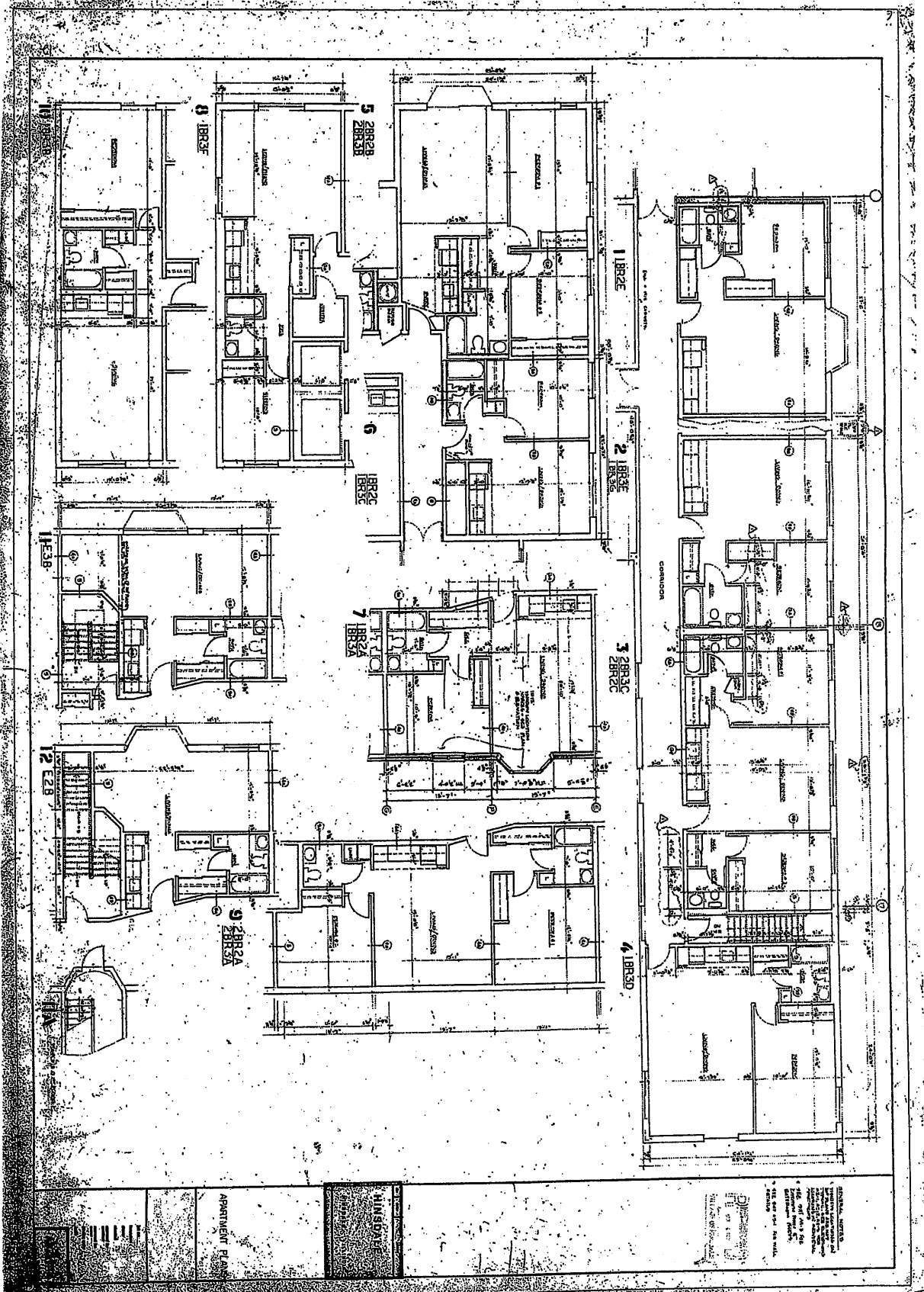


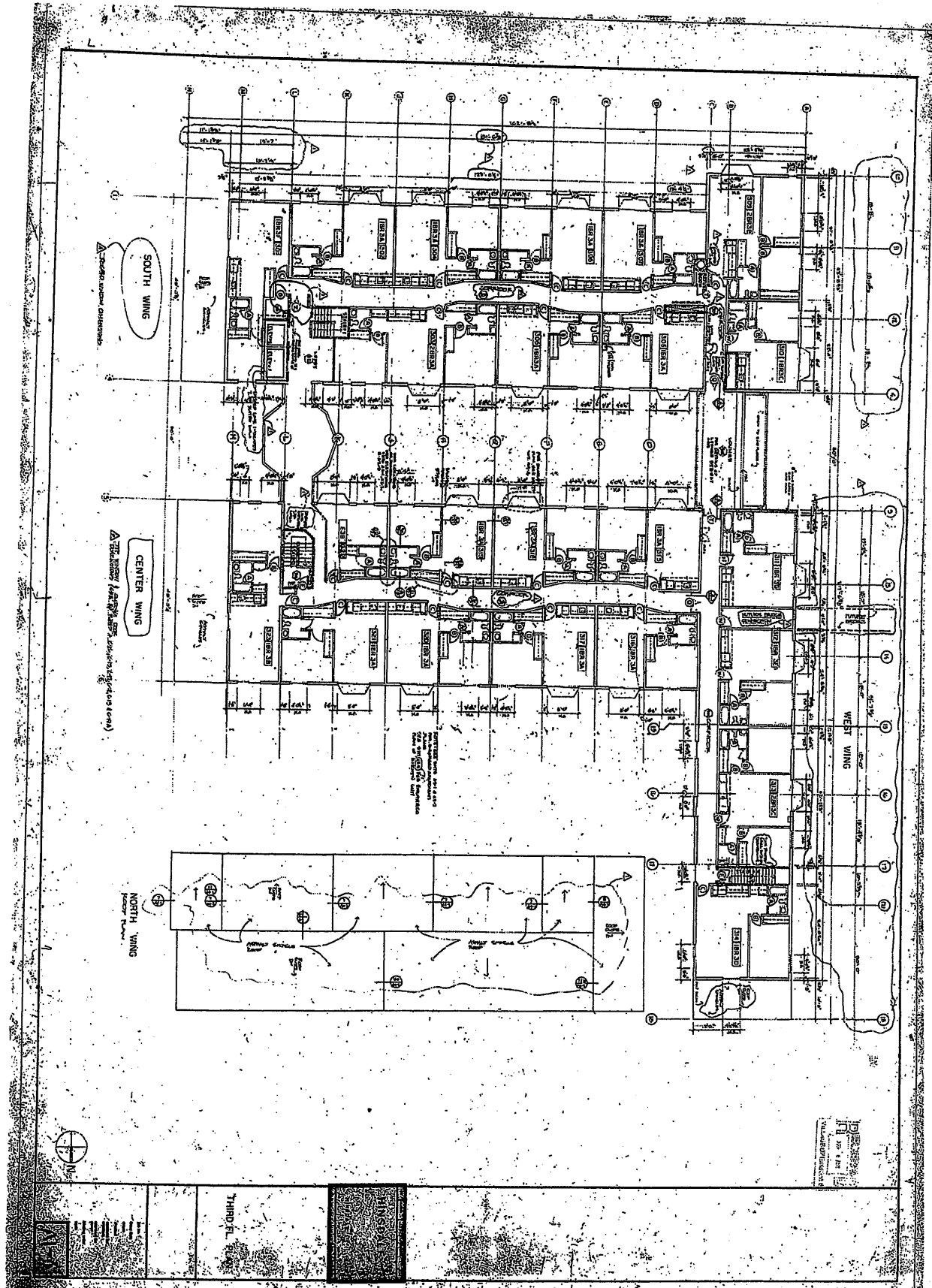






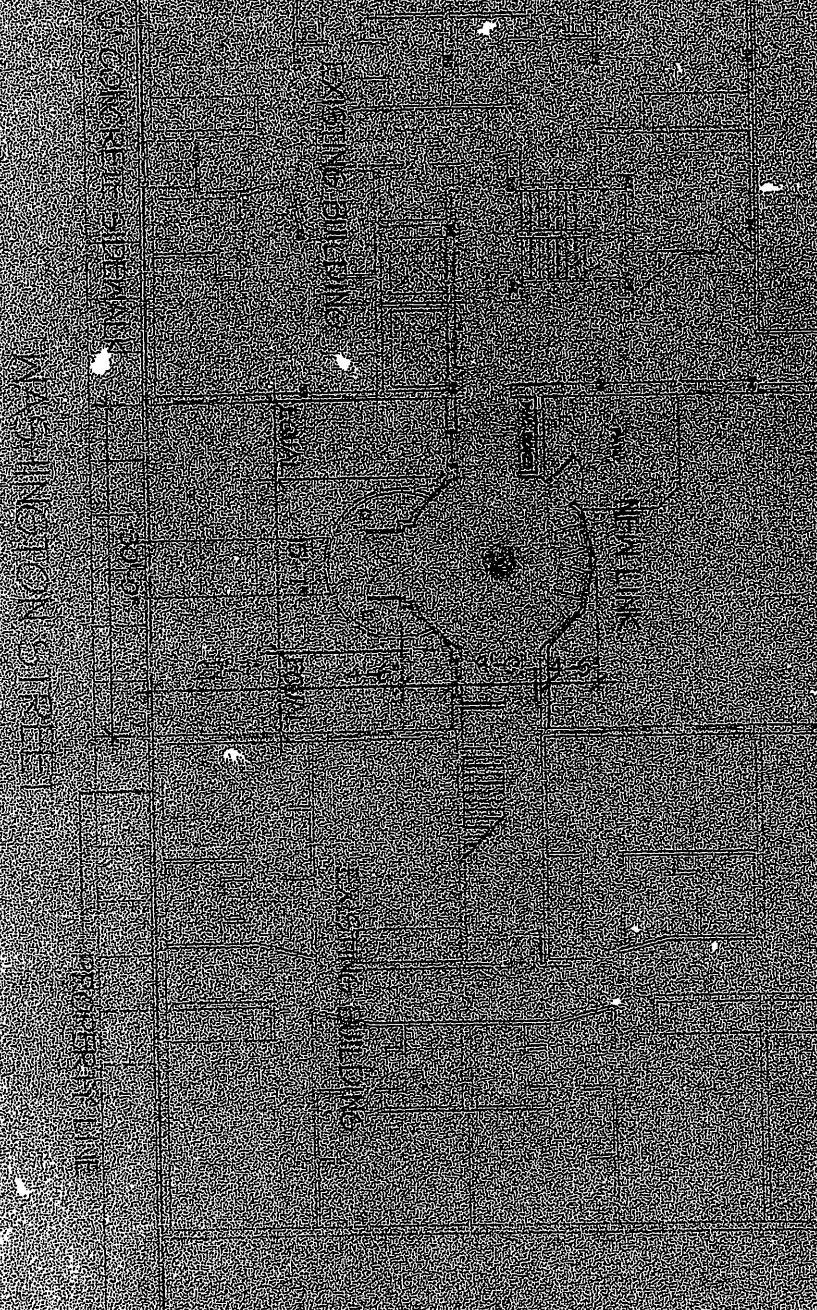
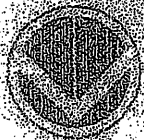








# PARTIAL FIRST FLOOR PLAN



**AAC CHA**

Architectural Development, Inc.  
 1774 JAY STREET, SUITE 200  
 NORTH BOSTON, MASS 02113  
 VOICE 617-451-2000  
 FAX 617-451-2001  
 E-MAIL aac@aaccha.com  
 WEB SITE www.aaccha.com

**WASHINGTON SQUARE**

RETIREMENT HOMES

HINSDALE, ILLINOIS

PARTIAL FIRST FLOOR PLAN

DATE: 01/25/01  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 APPROVED BY: [illegible]

**SK-1**

DATE: May 23, 2011

**REQUEST FOR BOARD ACTION**

<b>AGENDA</b>	<b>ORIGINATING DEPARTMENT</b>
<b>SECTION NUMBER</b> ZONING AND PUBLIC SAFETY	<b>Community Development</b>
<b>ITEM</b> Case A-08-2011 - Applicant: Parent Petroleum - Location: 149 E. Ogden: Design Review Permit for Exterior Improvements and a Special Use for a Carryout Facility	<b>APPROVAL</b>

The applicant, Parent Petroleum, is requesting design review approval and a special use permit for carryout, to allow for the construction and operation of a 700 square foot Quick Serve Restaurant (QSR) as well as additional site improvements to the gas station and mini-mart at 149 E. Ogden Road, which is located in the B-3 General Business District. The building is located on the corner of York Road, and Ogden Road, and is located within the "Historic Graue Mill Gateway" Design Overlay District, which, in addition to the special use request, 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.

**ZONING HISTORY/CHARACTER OF AREA**

The site is located in the B-3, General Business District and improved with a gas station and convenient store. The property to the east is zoned O-3, General Office District. To the north is O-2, Limited Office District. To the west are properties zoned O-2, Limited Office, while the south is B-3, General Business District.

**GENERAL STAFF COMMENTS**

**Special Use Permit for a Carryout Facility**

Currently the Zoning Code regulates carryout eating places as Special Uses in the B-3 District. The eating place independently is a permitted use however the carryout component would require a special use.

**Exterior Appearance/Site Plan Review**

As illustrated in the attached drawings, the petitioner proposes to construct the addition to the west of the existing convenient store to house a new America's Dog, QSR. Besides the addition, the scope of substantial site changes would include the addition of three new parking spaces (no longer proposed), updating the existing monument sign, two new wall signs and wrapping the existing canopy poles with decorative brick. It should be noted that the Plan Commission renders the final decision regarding signage and no further action is required for those items. In addition, the applicant is also proposing to install new lighting under the canopy that is more energy efficient and produces less spillover.

**Parking**

The applicant was originally proposing to add three additional parking spaces to the west of the addition however the Plan Commission recommended that the applicant eliminate those spots to preserve open space and alleviate concerns regarding traffic safety. The proposed parking spaces would have been immediately adjacent to the outdoor seating however the Commission found it appropriate to eliminate them to reduce the impact of traffic and improve safety around the outdoor seating area since the spaces weren't required. With the removal of the parking spaces, the applicant expressed concerns and requested to maintain at least the drive aisle for the garbage truck to access the dumpster enclosure at the rear of the property. The Commission agreed and gave the applicant the option to do either. As illustrated in the attached site plan, the applicant has opted to preserve the open space and eliminate the drive aisle. The applicant will still be required to obtain a variation from the requirement to provide a loading space as the site has never had one and does not support a suitable location that would meet the requirements of the zoning code.

At the May 11, 2011 Plan Commission meeting the commission reviewed the application submitted by Parent Petroleum and unanimously recommended approval (7-0, 2 absent) of the request for a Special Use Permit for a carryout facility and Design Review Permit Approval for the construction of a Quick Serve Restaurant , subject to the following modifications:

1. The applicant shall remove the three parking spaces proposed for the west side of the parking lot.
2. A loading space shall be provided on the west side of the parking lot, if necessary.
3. A decorative barrier shall be provided, separating the outdoor seating from the parking lot.
4. The proposed modifications to the existing sign shall include the removal of the identification for “diesel” and “beer and wine” being for sale and shall not exceed the existing height of the current sign.




**Review Criteria**

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

1. Subsection 11-602E pertaining to Standards for special use permits;
2. Subsection 11-604F pertaining to Standards for site plan disapproval; and
3. 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 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 Special Use Permit for a Carryout Eating Facility, A Design Review Permit for the Construction of a Quick Serve Restaurant and the Site Plan and Exterior Appearance Plan for the Property Located at 149 E. Ogden Avenue.”**

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

**DRAFT**

**HINSDALE PLAN COMMISSION**

**RE: Case A-08-2011 - Applicant: Parent Petroleum - Location: 149 E. Ogden:  
Design Review Permit for Exterior Improvements and a Special Use for a  
Carryout Facility**

**DATE OF PLAN COMMISSION REVIEW: May 11, 2011**

**DATE OF ZONING AND PUBLIC SAFETY REVIEW: May 23, 2011**

**FINDINGS AND RECOMMENDATION**

**I. FINDINGS**

1. Parent Petroleum submitted an application to the Village of Hinsdale for design review approval and a special use permit for carryout, to allow for the construction and operation of a 700 square foot Quick Serve Restaurant (QSR) as well as additional site improvements to the gas station and mini-mart for the property located at 149 E. Ogden Road (the "Application").
2. The property is located within the B-3 General Business District and improved with a gas station and mini-mart.
3. The applicant is proposing to construct the addition to the west of the existing convenient store to house a new America's Dog, QSR. Besides the addition, the scope of substantial site changes included the addition of three new parking spaces, updating the existing monument sign, two new wall signs and wrapping the existing canopy poles with decorative brick. In addition, the applicant is also proposing to install new lighting under the canopy that is more energy efficient and produces less spillover.
4. The Plan Commission expressed concerns with traffic safety around the three newly proposed parking spaces as they related to the outdoor seating, as well as the desire to maintain as much open space as possible. As such, they recommended the removal of the three spots and the installation of a decorative barrier between the existing parking and the proposed outdoor seating area.
5. The applicant expressed concerns and requested to maintain at least the drive aisle for the garbage truck to access the dumpster enclosure at the rear of the property
6. The Plan Commission indicated that while they preferred to see the open space, they would afford him the flexibility of leaving the drive aisle if necessary.
7. The Plan Commission expressed general concerns with the monument sign, but most Commissioner's were generally satisfied with the proposed improvements after the confirmation that the words "diesel" and "beer and wine" would be removed and that the new sign would not project any higher than the existing.



8. The Plan Commission specifically finds that the Application, as a whole, satisfies the standards in Section 11-602 of the Zoning Code applicable to approval of a special use permit, Subsection 11-604F pertaining to Standards for site plan disapproval, Subsection 11-605E Standards and considerations for design review permit 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 that the President and Board of Trustees approve the Application for Design Review Permit for Exterior Improvements at 149 E. Ogden Avenue, subject to the following conditions:

- The applicant shall remove the three parking spaces proposed for the west side of the parking lot.
- A loading space shall be provided on the west side of the parking lot, if necessary.
- A decorative barrier shall be provided, separating the outdoor seating from the parking lot.
- The proposed modifications to the existing sign shall include the removal of the identification for "diesel" and "beer and wine" being for sale and shall not exceed the existing height of the current sign.

The Village of Hinsdale Plan Commission, by a vote of 7 "Ayes," 0 "Nay," and 2 "Absent" recommends that the President and Board of Trustees approve the Application for a Special Use Permit for a carryout facility for the property located at 149 E. Ogden Avenue.

THE HINSDALE PLAN COMMISSION

By:

\_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

DRAFT

VILLAGE OF HINSDALE

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A  
CARRYOUT EATING FACILITY, A DESIGN REVIEW PERMIT FOR THE  
CONSTRUCTION OF A QUICK SERVE RESTAURANT AND SITE PLAN  
AND EXTERIOR APPEARANCE PLAN FOR THE  
PROPERTY LOCATED AT 149 EAST OGDEN AVENUE  
(Plan Commission Case No. A-08-2011)**

WHEREAS, Parent Petroleum (the "Petitioner") is the legal title owner of the parcels of property generally located at 149 East Ogden Avenue (the "Subject Property"), which Subject Property is legally described in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, the Subject Property is located in the B-3, General Business District and improved with a gas station and mini-mart; and

WHEREAS, the Petitioner has applied for a special use permit in the B-3 General Business District to operate a carryout eating facility at the Subject Property, as well as additional site improvements to the gas station and mini-mart (the "Application"); and

WHEREAS, the Petitioner has applied for site plan and exterior appearance plan approval for the carryout eating facility and the additional site improvements; and

WHEREAS, the Petitioner has also applied for a design review permit to allow construction of a Quick Serve Restaurant due to the Subject Property being located in the "Historic Graue Mill Gateway" Design Overlay District; and

WHEREAS, the Hinsdale Plan Commission conducted a public hearing and deliberated on the Application on May 11, 2011, pursuant to notice thereof properly published in the *Hinsdalean* on April 21, 2011, and, after considering all of the testimony and evidence presented at the public hearing, the Plan Commission recommended approval of the Application subject to numerous conditions and recommendations, all as set forth in the Plan Commission's Findings and Recommendations for Plan Commission Case No. A-08-2011; and

WHEREAS, the Hinsdale Plan Commission, at a regular meeting on June 8, 2011, approved its Findings and Recommendations for Plan Commission Case No. A-08-2011; and



WHEREAS, the President and Board of Trustees of the Village of Hinsdale have reviewed the recommendation of the Zoning and Public Safety Committee, the Findings and Recommendation of the Plan Commission, and all of the materials, facts, and circumstances related to the Application, and they find that the Application satisfies the standards set forth in Section 11-602 of the Zoning Code relating to special use permits and Sections 11-604 and 11-606 of the Hinsdale Zoning Code governing site plans and exterior appearance plans and Section 11-605 governing design review permits, subject to the conditions set forth 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 by this reference as findings of the President and Board of Trustees.

Section 2. Approval of a Special Use Permit for a Carryout Eating Facility. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 5-105 and 11-602 of the Hinsdale Zoning Code, approves a special use permit for a carryout eating facility the in the B-3 General Business District for the Subject Property. The approval granted in this Section 2 is subject to the conditions set forth in Section 6 of this Ordinance.

Section 3. Approval of a Design Review Permit. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 8-105 and 11-605 of the Hinsdale Zoning Code, approves a design review permit for the Subject Property to allow construction of a Quick Serve Restaurant in the "Historic Graue Mill Gateway" Design Overlay District. The approval granted in this Section 3 is subject to the conditions set forth in Section 6 of this Ordinance.

Section 4. Approval of Site Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-604 of the Hinsdale Zoning Code, hereby approves the site plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit B (the "Approved Site Plan"), subject to the conditions set forth in Section 6 of this Ordinance, and subject to the Zoning Board of Appeals granting a variation from the requirement that the Petitioner provide a loading space for the Subject Property.

Section 5. Approval of Exterior Appearance Plans. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 11-606 of the Hinsdale Zoning Code, hereby approves the exterior

appearance plans for the proposed development in the form attached to and by this reference incorporated into this Ordinance as Exhibit C (the "Approved Exterior Appearance Plans"), subject to the conditions stated in Section 6 of this Ordinance.

Section 6. Conditions on Approvals. The approvals granted in Sections 2 through 5 of this Ordinance are granted expressly subject to all of the following conditions:

A. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

B. Engineering Plans. Prior to the issuance of any building permit for any work on the Subject Property, the Applicant shall submit to the Village Engineer detailed final engineering plans (the "Engineering Plans"). After approval by the Village Engineer, the Engineering Plans shall, automatically and without further action by the Village, be deemed to be incorporated in and made a part of the Approved Site Plan.

C. 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 the development of the Subject Property. All such development shall comply with all Village codes, ordinances, and regulations at all times.

D. Compliance with Approved Plans. All development within the Subject Property shall be undertaken only in strict compliance with the Village-approved plans, including without limitation the Approved Site Plans, the Approved Exterior Appearance Plans, and other Village-approved plans.

E. 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.

F. Removal of Parking Spaces. The Petitioner shall remove the three parking spaces proposed for the west side of the parking lot as set forth in the attached Approved Site Plan.

G. Decorative Barrier. A decorative barrier shall be provided, separating the outdoor seating from the parking lot.

H. Modifications to Existing Sign. The proposed modifications to the existing sign shall include the removal of the identification of "diesel" and "beer and wine" being for sale and shall not exceed the existing height of the current sign.

Section 7. Violation of Condition or Code. Any violation of (i) any term or condition stated in this Ordinance or (ii) 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 8. 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 9. 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 \_\_\_\_\_ 2011.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2011.

---

Thomas K. Cauley, Jr., Village President

ATTEST:

---

Christine M. Bruton, Village Clerk

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

\_\_\_\_\_

Date: \_\_\_\_\_, 2011

By:

Its:

## EXHIBIT A

### LEGAL DESCRIPTION

THAT PART OF LOTS 10 AND 11 (EXCEPT THE SOUTHWESTERLY 1/3 OF SAID LOT 11) ALL IN BLOCK 2, IN THE TOWN OF FULLERSBURG IN THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1852 AS DOCUMENT NO. 6172 AND RE-RECORDED APRIL 9, 1929 AS DOCUMENT NO. 277264, TAKEN AS A TRACT DESCRIBED AS FOLLOWS: (THE EASTERLY LINE OF THE AFORESAID LOTS 9 AND 10 IS CONSIDERED AS BEARING NORTH 28-30"-00" WEST) COMMENCING AT A POINT ON THE EASTERLY LINE OF SAID LOT 10, DISTANCE 12.00 FEET NORTHERLY OF THE SOUTHEAST CORNER THEREOF (SAID POINT BEING THE NORTHERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED DATED JANUARY 3, 1979 AND RECORDED JUNE 20, 1979 AS DOCUMENT NO. R79-51990); THENCE CONTINUING NORTH 28-30-00" W. ALONG THE EASTERLY LINES OF SAID LOTS 10 AND 9, (SAID LINE BEING ALSO THE WESTERLY LINE OF YORK ROAD), FOR DISTANCE OF 166.99 FEET TO A POINT; THENCE S.56.00'-10"W., ALONG A LINE, FOR A DISTANCE OF 221.74 FEET TO A POINT ON THE EASTERLY LINE OF THE SOUTHWESTERLY 1/3 OF SAID LOT 11 THAT IS 182.2 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE AFORESAID LOT 11 (BEING THE NORTHERLY LINE OF OGDEN AVENUE): THENCE S.34-50'-10"E. ALONG THE AFORESAID EASTERLY LINE OF THE SOUTHWESTERLY 1/3 OF LOT 11 A DISTANCE OF 182.2 FEET TO A POINT IN THE NORTHERLY LINE OF THE AFORESAID OGDEN AVENUE; THENCE 54-52'-00"E. ALONG THE SOUTHERLY LINE OF THE AFORESAID LOTS 10 AND 11 (BEING THE NORTHERLY LINE OF THE AFORESAID OGDEN AVENUE), FOR A DISTANCE OF 189.96 FEET TO A POINT DISTANT 12.00 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID LOT 10; THENCE N. 13-11'-0" E. ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, FOR A DISTANCE OF 17.92 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.



GLEASON  
ARCHITECTS, P.C.

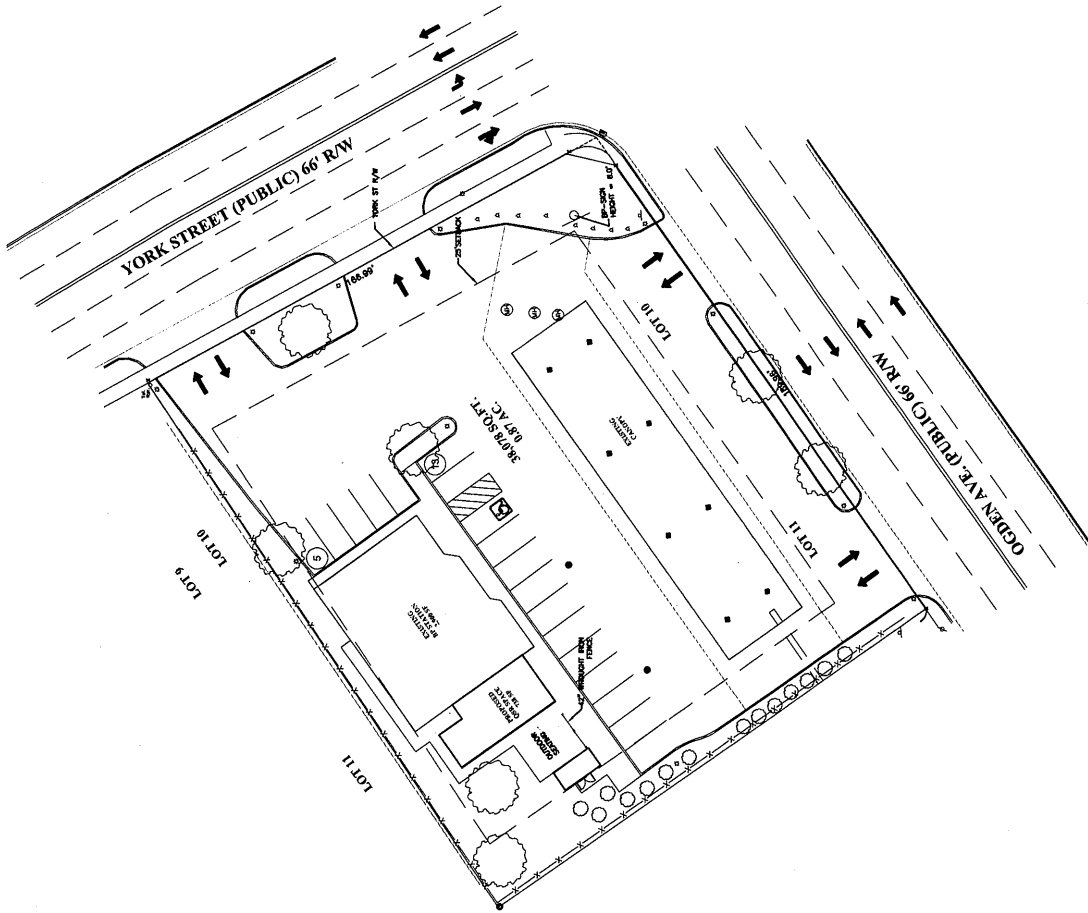
768 Herford Drive, Unit A  
Naperville, IL 60563  
Phone: 630-486-8700

E-mail: [info@gleasonarchitects.com](mailto:info@gleasonarchitects.com)

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM GLEASON ARCHITECTS, P.C.

ISSUED: \_\_\_\_\_ DATE: \_\_\_\_\_  
FOR PERMIT: \_\_\_\_\_  
FOR BID: \_\_\_\_\_  
FOR CONST: \_\_\_\_\_

REVISIONS: \_\_\_\_\_ DATE: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_



SITE PLAN



PROJECT: Hinsdale BP  
149 East Ogden Avenue  
Hinsdale, IL  
CLIENT: Pleasant Petroleum  
381 East St. Charles  
Carol Stream, Illinois

JOB NO. 10-008  
DATE 12-14-10  
DRAWN BY [Signature]  
PLOT SCALE: 1/4" = 1'-0"

OWNER APPROVAL

DATE: \_\_\_\_\_

SHEET TITLE  
LANDSCAPING

SHEET NUMBER  
A0.1

EXHIBIT "B"



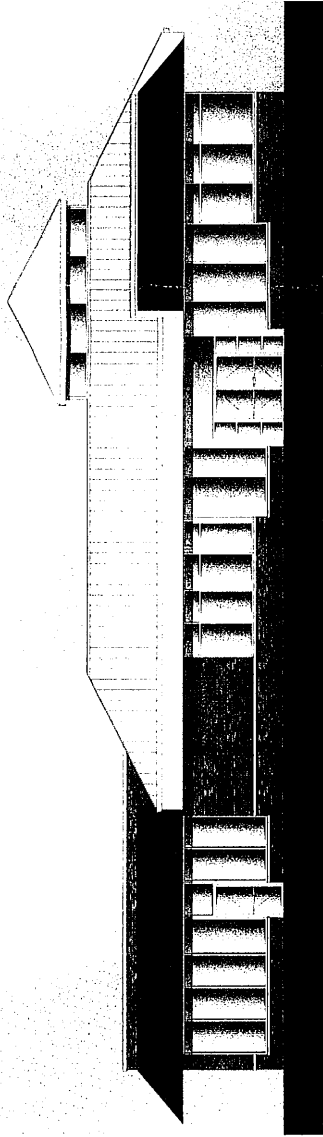
**GLEASON  
ARCHITECTS, P.C.**

2001 Highland Drive, Unit A  
Chicago, Illinois 60612  
Tel: 312.467.6700  
Fax: 312.467.6701  
Email: info@gleasonarch.com

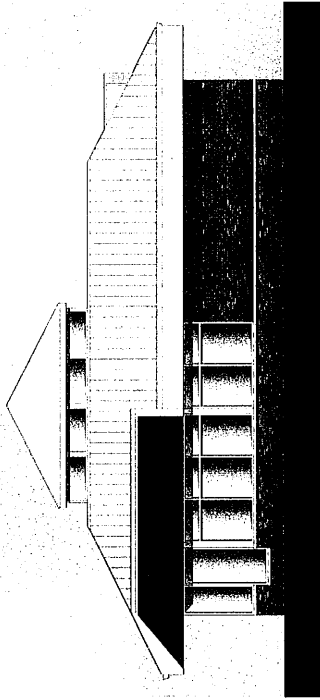
1001 Jackson Ave., Suite 1000, Chicago, Illinois 60612  
1001 Jackson Ave., Suite 1000, Chicago, Illinois 60612  
1001 Jackson Ave., Suite 1000, Chicago, Illinois 60612  
1001 Jackson Ave., Suite 1000, Chicago, Illinois 60612

DATE	DESCRIPTION
1/1/2010	FOR APPROVAL
1/1/2010	FOR PERMIT
1/1/2010	FOR CONSTRUCTION

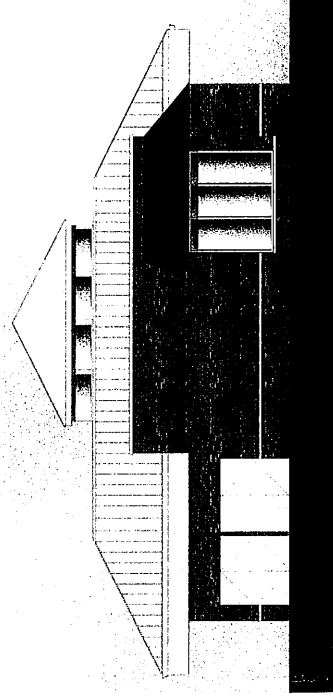
**South Elevation**  
SCALE: 3/8"=1'-0"



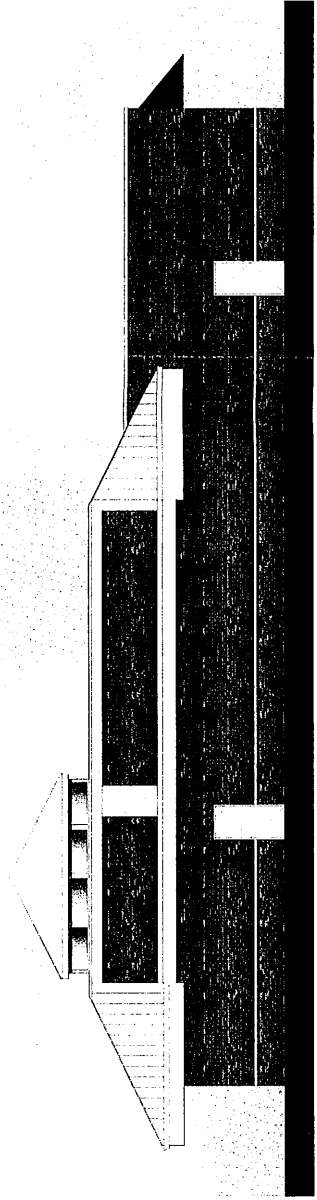
**East Elevation**  
SCALE: 3/8"=1'-0"



**West Elevation**  
SCALE: 3/8"=1'-0"



**North Elevation**  
SCALE: 3/8"=1'-0"





PROJECT  
Hinsdale BP  
149 East Ogden Avenue  
Hinsdale, IL  
CLIENT  
Parent Petroleum  
381 East St. Charles  
Carol Stream, Illinois

DATE  
1/1/2010  
DRAWN BY  
J. J. J. J.  
FILE  
P149-001-01  
OWNER APPROVAL

SHEET TITLE  
Elevations

SHEET NUMBER  
A-1.0A

EXHIBIT "C"

<b>AGENDA ZONING &amp; PUBLIC SAFETY SECTION</b>		<b>ORIGINATING DEPARTMENT</b> <u>Community Development</u>		
<b>ITEM</b> Ordinance approving the purchase of new permit software		<b>APPROVED</b> Robert McGinnis CD Director/Bldg. Commissioner		
<p>The Department of Community Development has been using permit software from Accella Government Software called Permits Plus. It is a server based product that was purchased in 1999. Getting support has become difficult and the company has gone to a web based platform that is far too expensive for us to consider. The annual licensing fee for the new fiscal year is \$10,267.00.</p> <p>Staff has spent time looking at alternatives and is seeking approval to enter into a service contract with WEBQA to provide us web based permitting software that will offer us options that we cannot get with the server based product we are using now. The product has an access portal for contractors and residents. Ultimately, we expect that people will be able to apply for some types of permits on line and pay for them remotely, schedule inspections, and find out if inspections passed or not and what the deficiencies are without having to call or come into the office. We expect that this will not only provide a higher level of customer service, but also save staff time.</p> <p>It should also be noted that with an upgrade we have planned, this product will be able to upload payment information to the finance software we currently use minimizing the amount of re-keying we do between Community Development and Finance. Additionally, the software has provisions to import and upload GIS data. This will be important as we move forward with plans to join the GIS Consortium. It will ultimately allow field personnel the ability to pull up GIS data to a tablet in the field.</p> <p>Based on this information, staff is seeking a motion to enter into a service agreement with WEBQA to provide permitting software services via GovQA for the 2011-12 fiscal year for the amount of \$7,800.00 plus a one time charge of \$4,500.00 for implementation, training, and data conversion. The first year cost is higher than what we have allocated in 2401-7309, but will remain budget neutral as we can forgo scanning for the time being and use those funds (2401-7499) to cover the difference. If the Committee concurs with staff's recommendation, the following motion would be appropriate:</p> <p><b>Motion:</b> To recommend to the Board of Trustees that the Village enter into a Service Agreement with WEB QA for GovQA services for the Department of Community Development in the amount of \$12,300.00.</p>				
<b>STAFF APPROVALS</b>				
<b>APPROVAL</b> 	<b>APPROVAL</b>	<b>APPROVAL</b>	<b>APPROVAL</b>	<b>MANAGER'S APPROVAL</b> 
<b>COMMITTEE ACTION:</b>				
<b>BOARD ACTION:</b>				



# WEBQA SERVICE(S) AGREEMENT

## For GovQA Service(s)

### Schedule A

A. Service(s):      Software: GovQA  
                             Seats: Unlimited Seats  
                             Data: All Customer Data is Owned By Customer  
                             Authorized website: http://www.mygovhelp.com/ (city abbreviation) /  
                             Admin website: http://www.mygovhelp.com/ (city abbreviation) /zadmin  
                             Admin Logon:      ID: SA      Password: PASSWORD

B. Fees:      Main Modules:      At a Locked-In subscription cost per month for term of      \$650

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Code Enforcement        | <input checked="" type="checkbox"/> Contractor Registration Module |
| <input checked="" type="checkbox"/> Permits and Inspection  | <input checked="" type="checkbox"/> Web-portal                     |
| <input type="checkbox"/> Planning                           | <input checked="" type="checkbox"/> Full Reporting                 |
| <input checked="" type="checkbox"/> All Service(s) Upgrades |  |

Implementation and Training:      At a Locked-In cost of      \$3,000

- |   |
|---|
| <input checked="" type="checkbox"/> One-time setup and load of <u>25</u> case types into system - total         |
| <input checked="" type="checkbox"/> One time setup and load of <u>15</u> document templates into system - total |
| <input checked="" type="checkbox"/> 4 Online Training sessions – to be used at client's discretion              |
| <input checked="" type="checkbox"/> 1 Follow up refresher training session                                      |
| <input checked="" type="checkbox"/> <u>1</u> Day(s) of On-Site Training   |
| <input checked="" type="checkbox"/> One-time property address database import                                   |

Optional Items:      \$1,500

- |  |
|--|
| <input checked="" type="checkbox"/> One-time legacy data conversion (To be provided to WebQA as a CSV/XLS file-see attached) |
| <input type="checkbox"/> Online Payments (Costs and Scope TBD)   |

#### Storage:

- |   |
|---|
| <input checked="" type="checkbox"/> 10 GB storage free with service(s). Additional 10GB is \$20/month |
|---|

C. Terms:      **Annual Billable Term Starting: May 1, 2011 Ending: April 30, 2012** Upon the expiration of this initial term, the term will continue to auto-renew to subsequent annual Optional Terms unless Customer notifies WEBQA in writing of its intention not to extend the term at least sixty (60) days prior to expiration of the current term end date. Renewal terms will not increase by more than eight percent. Customer will hold a kickoff meeting to launch implementation no later than **30 days** from contract start date.

D. Billing:      Fees are exclusive of all taxes. Fees are billed on an annual basis at time of contract and are due upon receipt of invoice. This secures site, servers and resources necessary to begin project.

If payment is not received within 45 days of invoice due date, WebQA has the right to suspend all services until payment is received. Furthermore, customer is responsible for all costs including attorney fees associated to the collections of invoices over 45 days.

E. Remittance:      All payments should be made directly to WebQA and will not be deemed received until actually received in WebQA offices. WebQA mailing address for all payments is:

Accounts Receivable Dept.,  
WebQA Inc,  
900 S. Frontage Road, Suite 110  
Woodridge, IL 60517

F. Special:      No special implementation or customization at this time.

G. Contacts:

Organization Name \_\_\_\_\_

Main Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

# **WEBQA SERVICE(S) AGREEMENT**

## **For GovQA Service(s)**

THIS SERVICE(S) AGREEMENT (the "Agreement") between WEBQA, Inc. ("WEBQA") with its principal place of business at 900 S. Frontage Road, Suite 110 Woodridge, IL, 60517 and The Village of Hinsdale, a city with its principal place of business at 19 E. Chicago Avenue Hinsdale, IL 60521 ("Customer") is made effective as of May 1, 2011 ("Effective Date").

### **1. WEBQA DELIVERY OF SERVICE(S):**

WEBQA grants to Customer a non-exclusive, non-transferable, limited license to access and use the GovQA Service(s) on the Authorized Website(s) identified in Schedule A in consideration of the fees and terms described in Schedule A.

### **2. CUSTOMER RESPONSIBILITIES:**

Customer acknowledges it is receiving only a limited license to use the Service(s) and related documentation, if any, and shall obtain no title, ownership nor any other rights in or to the Service(s) and related documentation, all of which title and rights shall remain with WebQA. In addition, Customer agrees that this license is limited to applications for its own use and may not lease or rent the Service(s) nor offer its use for others. All Customer data is owned by the Customer. Under no circumstances is the system intended to capture confidential information. Confidential information is defined as social security numbers and financial information.

Customer agrees to maintain the Authorized Website(s) identified in Schedule A, provide WEBQA with all information reasonably necessary to setup or establish the Service(s) on Customer's behalf, and allow a "Powered by GovQA" logo with a hyperlink to WebQA's website home page on the Authorized Website.

### **3. SERVICE(S) LEVELS:**

WEBQA will use commercially reasonable efforts to backup and keep the Service(s) and Authorized Website(s) in operation consistent with applicable industry standards and will respond to customers' requests for support during normal business hours.

THE SERVICE(S) ARE PROVIDED ON AN "AS IS" BASIS, AND CUSTOMER'S USE OF THE SERVICE(S) IS AT ITS OWN RISK. WEBQA DOES NOT WARRANT THAT THE SERVICE(S) WILL BE UNINTERRUPTED OR ERROR-FREE OR UNEFFECTED BY FORCE MAJEURE EVENTS.

### **4. WARRANTY AND LIABILITY:**

WEBQA MAKES NO REPRESENTATION OR WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE SERVICE(S) AND SHALL HAVE NO LIABILITY FOR ANY CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING, BUT NOT LIMITED TO, DATA LOSS AND BUSINESS INTERRUPTION, AND THE PARTIES AGREE THAT THE ONLY REMEDIES THAT SHALL BE AVAILABLE TO CUSTOMER UNDER THIS AGREEMENT SHALL BE THOSE EXPRESSLY SET FORTH IN THIS AGREEMENT. WEBQA'S LIABILITY UNDER ANY CIRCUMSTANCE INVOLVED HEREIN IS EXPRESSLY LIMITED TO THE AMOUNT RECEIVED UNDER THIS AGREEMENT.

### **5. TERMINATION:**

Either party may terminate this agreement if the terminating party gives the other party sixty (60) days written notice prior to termination. Should Customer terminate without cause after the first date of the term as defined in Schedule A, Customer must pay the balance of the current contracted term and this payment obligation will immediately become due. WebQA may terminate service(s) if payments are not received by WebQA as specified in Schedule A at which time all monies associated to the current term will become immediately due.

Upon any termination, WebQA will discontinue Service(s) under this agreement; the provisions of this Agreement regarding Ownership, Liability, Confidentiality and Miscellaneous will continue to survive.

### **6. INDEMNIFICATION**

Each Party agrees to fully indemnify and hold harmless the other for any and all costs, liabilities, losses, and expenses resulting from any claim, suit, action, or proceeding brought by any third party.

### **7. ACCEPTABLE USE:**

Customer represents and warrants that the Service(s) will only be used for lawful purposes, in a manner allowed by law, and in accordance with reasonable operating rules, policies, terms and procedures.

WEBQA may, upon misuse of the Service(s), request Customer to terminate access to any individual and Customer agrees to promptly comply with such request unless such misuse is corrected.

### **8. CONFIDENTIALITY:**

Each party hereby agrees to maintain the confidentiality of the other party's proprietary materials and information, including but not limited to, all information, knowledge or data not generally available to the public which is acquired in connection with this Agreement, unless disclosure is required by law. Each party hereby agrees not to copy, duplicate, or transcribe any confidential documents of the other party except as required in connection with their performance under this Agreement. Customer acknowledges that the Service(s) contain valuable trade secrets, which are the sole property of WebQA, and Customer agrees to use reasonable care to prevent other parties from learning of these trade secrets or have unauthorized access to the Service(s). WebQA will use reasonable efforts to insure that any WebQA contractors maintain the confidentiality of proprietary materials and information.

### **9. MISCELLANEOUS PROVISIONS:**

This Agreement will be governed by and construed in accordance with the laws of the State of Illinois.

WEBQA may not assign its rights and obligations under this Agreement, in whole or part, without prior written consent of Customer, which consent will not be unreasonably withheld.

### **10. ACCEPTANCE:**

Authorized representatives of Customer and WEBQA have read the foregoing and all documents incorporated therein and agree and accept such terms effective as of the date first written above.

**Customer:**     **The Village of Hinsdale**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**WebQA Inc.**

Signature: \_\_\_\_\_

Print Name:     John Dilenschneider

Title:             CEO                                     Date: \_\_\_\_\_

**REQUEST FOR BOARD ACTION**

<b>Agenda</b>		<b>Originating</b>		
<b>Section Number</b> Zoning & Public Safety Committee		<b>Department</b> Police		
<b>Item Number:</b> Recommendation to approve the purchase of a replacement squad car for \$26,543 under the terms of the suburban purchasing cooperative.		<b>Approved</b> Chief Bradley Bloom 		
<b>SUMMARY OF REQUESTED ACTION:</b>				
<p>We are requesting approval to purchase a 2011 Chevy Tahoe 4 x 2 police service vehicle from Currie Motors of Frankfort under the terms of the Suburban Purchasing Cooperative. The vehicle to be replaced is a 2007 Ford Crown Victoria with over 85,000 miles. We have budgeted \$29,000 in the current budget for this purchase.</p> <p>We are therefore recommending purchasing a 2011 Chevy Tahoe 4 x 2 with the police interceptor package for \$26,583 from Currie Motors of Frankfort under the terms of the Suburban Purchasing Cooperative. Delivery is expected to take from 10-14 weeks.</p> <p><b>MOTION:</b> To recommend that the Village Board approve the purchase of a 2011 Chevy Tahoe for \$26,583 from Currie Motors of Frankfort under the terms of the Suburban Purchasing Cooperative.</p>				
<b>Approval</b>	<b>Approval</b>	<b>Approval</b>	<b>Approval</b>	<b>Manager's Approval</b> 
<b>COMMITTEE ACTION:</b>				
<b>BOARD ACTION:</b>				

# Currie Motors Fleet

9423 W. Lincoln Highway

Frankfort, Il. 60423

(815) 464-9200 (708) 562-4500

Ford

Chevrolet

---

05/11/2011

Hinsdale Police Department

RE: 2011 Tahoe

2011 Chevrolet Tahoe PPV	\$24,232.00
--------------------------	-------------

Dual Batteries	115.00
----------------	--------

Spot Light	460.00
------------	--------

Secure Idle Over-ride	285.00
-----------------------	--------

Two Tone Paint	1,150.00
----------------	----------

Inoperative Rear Door Handles	66.00
-------------------------------	-------

Rear Window Switches	135.00
----------------------	--------

Front License Plate Bracket	15.00
-----------------------------	-------

City Brake Package	125.00
--------------------	--------

<b>Total</b>	<b>\$ 26,583.00</b>
--------------	---------------------



# *A Joint Purchasing Program For Local Government Agencies*

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## **Suburban Purchasing Cooperative 2011 Chevrolet Tahoe 4x2 Police Pursuit Vehicle Contract Extension**

The Suburban Purchasing Cooperative, a cooperative of 150 municipalities in the six county area of Northern Illinois, is pleased to announce a one-year contract extension on the 2011 Ford Escape Contract with Currie Fleet of Forest Park, IL. Every municipality and government agency in the State of Illinois is authorized to participate in this program.

The original contract was issued from November 16, 2009 through November 15, 2010. This is the first of three (3) possible one-year contract extensions, approved from November 16, 2010 through November 15, 2011.

The attached summary sheets highlight the standard equipment and lists other vehicle options. Additional option pricing for items not shown is available by contacting the Fleet Manager, Tom Sullivan directly at 815-462-9200.

The SPC contract price for the 2011 model will be \$24,232.00, which is \$290.00 over the 2010 model, due to an additional safety feature for roll stability. It is expected that pricing for this vehicle secured by the Suburban Purchasing Cooperative, will be held firm through the 2011 model year. The anticipated cut-off to order the Chevrolet Tahoe 4x2 Police Pursuit Vehicle is to be determined. Delivery to be made with 90 calendar days after production of said vehicle. 2010's are still in stock at Currie Motors for the 2010 contract price of \$23,942.00.

**Thank you for considering the Suburban Purchasing Cooperative** for your vehicle needs. Please feel free to contact your designated SPC Representative with any questions or comments you may have regarding this program.

***Currie Fleet***  
***7901 W. Roosevelt Road***  
***Forest Park, IL 60461***  
***PHONE: (815) 462-9200      FAX: (815) 462-7500***  
***Contact Person: Tom Sullivan***  
***thomasfsullivan@sbcglobal.net***

---

***DuPage Mayors &  
Managers Conference***  
***1220 Oak Brook Road***  
***Oak Brook, IL 60523***  
***Suzette Quintell***  
***Phone: (630) 571-0480***  
***Fax: (630) 571-0484***

***Northwest Municipal  
Conference***  
***1616 East Golf Road***  
***Des Plaines, IL 60016***  
***Ellen Dayan***  
***Phone: (847) 296-9200***  
***Fax: (847) 296-9207***

***South Suburban Mayors  
And Managers Association***  
***1904 West 174<sup>th</sup> Street***  
***East Hazel Crest, IL 60429***  
***Ed Paesel***  
***Phone: (708) 206-1155***  
***Fax: (708) 206-1133***

***Will County  
Governmental League***  
***3180 Theodore Street, Suite 101***  
***Joliet, IL 60435***  
***Anna Burger***  
***Phone: (815) 729-3535***  
***Fax: (815) 729-3536***



## *A Joint Purchasing Program For Local Government Agencies*

September 8, 2010

Currie Fleet  
Mr. Thomas Sullivan  
7901 W. Roosevelt Road  
Forest Park, IL 60461

Dear Mr. Sullivan,

This letter is to inform you that the Suburban Purchasing Cooperative's Governing Board has approved a one year contract extension with Currie Fleet of Forest Park, IL for the SPC 2011 Chevrolet Tahoe 4x2 Police Pursuit Vehicle.

The original contract was written from November 16, 2009 through November 15, 2010 with 3 possible one-year extensions. This is to request the first contract extension from November 16, 2010 through November 15, 2011. With acceptance of this contract extension, Currie Fleet of Forest Park, IL agrees to all terms and conditions set forth in the specifications contained within the original Request for Proposal to which you responded. The SPC reserves the right to extend this contract for up to two (2) additional one-year terms upon mutual agreement of the both the vendor and the SPC on a negotiated basis.

Currie Fleet, Forest Park, IL will handle all billing. Each vehicle purchased will be assessed a \$100.00 administrative fee per vehicle which shall be paid directly by the vendor to the SPC on a quarterly basis.

The SPC looks forward to another productive year working with Currie Fleet, Forest Park, IL. Please sign and date this agreement below, retaining copies for your files and returning the original to my attention.

Sincerely,

Ellen Dayan  
Program Manager for Purchasing

Name: Ellen Dayan Date 09/08/10  
Northwest Municipal Conference

Name: Tom Sullivan  
Currie Fleet

Date 9/10/10

DuPage Mayors &  
Managers Conference  
1220 Oak Brook Road  
Oak Brook, IL 60523  
Suzette Quintell  
Phone: (630) 571-0480  
Fax: (630) 571-0484

Northwest Municipal  
Conference  
1616 East Golf Road  
Des Plaines, IL 60016  
Ellen Dayan  
Phone: (847) 296-9200  
Fax: (847) 296-9207

South Suburban Mayors  
And Managers Association  
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Fax: (708) 206-1133

Will County  
Governmental League  
3180 Theodore Street, Suite 101  
Joliet, IL 60435  
Anna Binger  
Phone: (815) 729-3535  
Fax: (815) 729-3536

## **Currie Motors Fleet Forest Park**

### **SPC Contract Winner**

#### **2011 Chevrolet Tahoe 4x2 Police Pursuit Vehicle**

**Call Tom Sullivan (815) 464-9200**

**Standard Package:      \$24,232.00**

**Warranty 5 Year 100,000 Powertrain**

- Free Delivery Within 30 miles
- Air Bags - dual stage frontal, driver and right front passenger with passenger sensing system.
- Air Bags - head curtain side impact, first and second row outboard seating positions with rollover sensor
- Air Bags - seat mounted side impact, driver and right front passenger for thorax and pelvic protection
- Air Conditioning - dual zone manual climate control & rear auxiliary
- Assist Handles - front passenger and second row outboard
- Audio System – AM/FM Stereo with CD Player
- Cruise Control – electronic
- Defogger – rear window electric
- Door Locks – power programmable with lockout protection
- Engine – Vortec 5.3L V8 SFI FlexFuel
- Headliner – cloth
- Heater – rear auxiliary with passenger heating ducts
- Instrumentation – analog
- Key – single two sided
- LATCH System – Lower Anchors and Top tethers for Children) for child safety seats
- Lighting – interior with dome light, cargo lights, door handle or Remote Keyless Entry-activated illuminated entry and map lights in front and second seat positions
- Mirror – inside rearview manual day/night
- Power Outlets – 3 auxiliary, 12-volt, includes 2 on the instrument panel and 1 in the cargo area
- Remote vehicle starter prep package – includes Remote Keyless Entry
- Safety Belts – 3-point, driver and front passenger in all seating positions
- Seat Adjuster – driver 6-way power
- Seats – 40/20/40 split-bench with custom cloth, 3-passenger, driver and front passenger manual reclining, center fold-down armrest with storage, lockable storage compartments in seat cushion (includes auxiliary power outlet), adjustable outboard head restraints and storage pockets
- Seat Delete – 3<sup>rd</sup> row passenger

- Steering Column, tilt-wheel, adjustable with brake/transmission shift interlock
- Steering Wheel – vinyl
- Theft-deterrent System – vehicle, PASS-Key III
- Tire Pressure Monitoring System- (does not apply to spare tire)
- Visors
- Warning Tones
- Windows – power with driver Express-down and lockout features
- Assist Steps – black
- Daytime Running Lamps – with automatic exterior lamp control
- Door Handles – black
- Fascia – front color keyed
- Fascia – rear color keyed
- Glass – Solar-Ray deep tinted (all windows except light-tinted glass on windshield and driver and front passenger side glass)
- Headlamps – dual halogen composite with automatic exterior lamp control and flash-to-pass feature
- Liftgate – with liftglass, rear door system with rear-window wiper/washer
- Mirrors – outside heated power-adjustable, manual-folding
- Recovery Hooks – front, frame-mounted
- Tire – spare P265/70R17
- Tires – P265/70R17 all-season, blackwall
- Tire Carrier – lockable outside spare, winch-type mounted under frame at rear
- Wheel – 17” full-size, steel spare
- Wipers – front intermittent wet-arm with flat blade and pulse washers
- Wiper – rear intermittent with washer
- Alternator – 160 amps
- Brakes – 4-wheel anti-lock, 4-wheel disc, VAC power
- Cooling – auxiliary transmission oil cooler, heavy-duty air-to-oil
- Cooling – external engine oil cooler
- StabiliTrak – stability control system with Proactive Roll Avoidance and Traction Control
- Steering – power
- Suspension – front coil-over shock with stabilizer bar
- Suspension – rear multi-link with coil springs
- Suspension Package – police rated
- Transmission – 6-speed automatic electronically controlled with overdrive
- XM Radio Delete



## Additional Options and Order Form

Please enter the following:

GM Fan Code \_\_\_\_\_

Contact Name

KEVIN SIMPSON

Quantity

Phone Number

630-789-7089

1
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Purchase Order Number \_\_\_\_\_

State Tax Exempt Number

E-9997-4436-04

**PLEASE SUBMIT P.O. TO:**

*Currie Motors Fleet  
7901 W. Roosevelt Rd.  
Forest Park, IL 60461  
PHONE: (815)464-9200 FAX: (815)464-7500  
Contact Person: Tom Sullivan  
[thomasfsullivan@msn.com](mailto:thomasfsullivan@msn.com)*

**Check desired options:**

	4x4 Special Services Vehicle	\$7,634.00
	Content Theft Alarm Disable	STD
	Identifier for Special Services Vehicle	N/C
	Ignition – 100-amp main power supply	\$50.00
	OnStar	NA
	Seats – front cloth and second row vinyl. Provides cloth front seats with power driver-side but retains standard vinyl trim on 2 <sup>nd</sup> row seats	STD
	Ship Thru to Kerr Industries – required for post plant assembly and 2 <sup>nd</sup> stage optional content. Dealer “invoice only” charge for transportation costs to move vehicle from plant to 2 <sup>nd</sup> stage activity and return vehicle to plant	Included
	Ground Studs – auxiliary, 2 per vehicle in the rear compartment	Included
	Luggage Rack – delete	Included
	Radio Suppression – braided brass straps attached to various body locations	Included
	Wheels – 4-17"x7.5" steel	Included
	<b>Special Service Package Only (4x4)</b> Trailer Package – heavy-duty, includes (KNP) external transmission oil cooler and (KC4) engine oil cooler, provides increased trailering capacities	\$265.00
	Air Cleaner – high capacity	STD
	Battery – heavy-duty 730 cold-cranking amps	STD
	Console Delete	N/C
<b>X</b>	Door Handles – inside rear doors inoperative (doors can only be opened from the outside)	\$66.00

	Floor Covering – color-keyed carpeting	\$190.00
	Key Common – complete special service vehicle fleet	\$25.00
	Remote Keyless Entry Fleet Package – programmable, includes 6 additional remotes	\$75.00
	Remote Vehicle Starter System – includes remote keyless entry	\$195.00
	Seat Adjuster – front passenger 6-way power	Included
	Seats – front bucket with premium cloth, 6-way power driver and front passenger seat adjuster, outboard adjustable head restraints, floor console and rear storage pockets (requires console delete)	\$135.00
X	Switches – rear window inoperative (rear windows can only operate from driver's position)	\$56.00
	Wiring – auxiliary speaker	\$55.00
	Wiring – grille lamps and speakers	\$102.00
	Wiring – horn and siren circuit	\$36.00
	Special Solid Paint – one color	\$275.00
	Flasher System – headlamp and tail lamp, DRL compatible with control wire	\$480.00
	Headlamps, daytime running lamps and automatic headlamp control delete	\$1.00
X	License Plate Bracket – front (will be forced on orders with ship-to states that require a front license plate)	\$15.00
	Moldings – color keyed body side	\$100.00
	Roof-Mounted Lamp – provisions	\$30.00
X	Spot lamp – left-hand	\$460.00
	Spot lamps – left and right-hand	\$820.00
	Tire – spare P265/70R17 on/off-road, black wall (SSV only)	STD
	Tires – P265/70R17 on/off-road, black wall (SSV only)	STD
	Wheels – 4-17" x 7.5" bright aluminum	NA
X	Batteries – dual heavy-duty 730 cold-cranking amps	\$115.00
	Brake Controller – integrated trailer	\$200.00
	Differential – heavy-duty locking rear	\$295.00
	Emissions – federal requirements	N/C
	Engine Block Heater	\$75.00
	Skid Plate Package	STD
X	City Brake Package	\$125.00

**Other Options:**

	Delivery of more than 30+ miles	\$150.00
	Detailed Shop Manual (CD)	\$250.00

**Additional Options/Deletions Available:**

	Rust Proofing	\$295.00
X	Secure - idle override	\$285.00

**Exterior Colors:**

	Mocha Steel Metallic
X	Black
	Ice Blue Metallic
	Summit White
	Gold Mist Metallic
	Black Granite Metallic (additional charge)
	Taupe Gray Metallic
	Sheer Silver Metallic
	Steel Green Metallic (through December, 2010)

**Interior Colors:**

	Ebony
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**Factory Order Cutoff TBD**


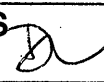
**If we have missed an option that you need please call**

**Tom Sullivan (815) 464-9200**

④ ADD \$1150.- for Black/WHITE  
PAINT.

**DATE:** May 18, 2011

## REQUEST FOR BOARD ACTION

<b>AGENDA</b>		<b>ORIGINATING</b>		
<b>SECTION NUMBER</b>	<b>ZPS</b>	<b>DEPARTMENT</b>	<b>Fire</b>	
<b>ITEM</b> An Ordinance Authorizing the Disposal of Property Owned by the Village of Hinsdale		<b>APPROVAL</b>	Chief Michael Kelly 	
<b>SUMMARY OF REQUESTED ACTION</b>				
<p>The Village of Hinsdale Fire Department is requesting to declare certain property as surplus and requesting permission to offer for sale by auction this surplus property. The items listed on Exhibit A attached have been replaced and are no longer in use by the Department.</p> <p>Should the Committee concur with this recommendation, the following motion would be appropriate:</p> <p><b>MOTION:</b> To recommend the Village Board approve "An Ordinance Authorizing the Disposal of Property Owned by the Village of Hinsdale."</p>				
<b>APPROVAL</b>	<b>APPROVAL</b>	<b>APPROVAL</b>	<b>APPROVAL</b>	<b>MANAGER'S APPROVAL</b> 
<b>COMMITTEE ACTION:</b>				
<b>BOARD ACTION:</b>				

**Village of Hinsdale**  
**Ordinance No. \_\_\_\_\_**

**An Ordinance Authorizing the Sale by Auction  
of Personal Property Owned by the Village of Hinsdale**

WHEREAS, in the opinion of at least a simple majority of the corporate authorities of the Village of Hinsdale, it is no longer necessary or useful to or for the best interests of the Village of Hinsdale, to retain ownership of the personal property hereinafter described; and

WHEREAS, it has been determined by the President and Board of Trustees of the Village of Hinsdale to sell said property on the E-Bay Auction website ([www.ebay.com](http://www.ebay.com)) or another auction service approved by the Village Manager.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HINSDALE:

Section One: Pursuant to 65 ILCS 5/11-76-4, the President and Board of Trustees of the Village of Hinsdale find that the personal property listed on the form attached (Exhibit A) to this Ordinance and now owned by the Village of Hinsdale, is no longer necessary or useful to the Village of Hinsdale and the best interests of the Village of Hinsdale will be served by its sale.

Section Two: Pursuant to said 65 ILCS 5/11-76-4, the Village Manager is hereby authorized and directed to sell the aforementioned personal property now owned by the Village of Hinsdale on the E-Bay Auction website ([www.ebay.com](http://www.ebay.com)) or another auction service approved by the Village Manager.

Section Three: The Village Manager is hereby authorized and may direct E-Bay or other auction services to advertise the sale of the aforementioned personal property in a newspaper published within the community before the date of said public auction.

Section Four: No bid which is less than the minimum price set forth in the list of property to be sold shall be accepted except as authorized by the Village Manager or his agent.

Section Five: The Village Manager is hereby authorized and may direct E-Bay or another auction service to facilitate an agreement for the sale of said personal property. E-Bay or another auction service will charge an administrative fee, which will come out of the proceeds from the sale of surplus vehicles and equipment.

Section Six: Upon payment of the full auction price, the Village Manager is hereby authorized and directed to convey and transfer title to the aforesaid personal property, to the successful bidder.

Section Seven: This Ordinance shall be in force and effect from and after its passage, by a simple majority vote of the corporate authorities, and approval in the manner provided by law.

PASSED

AYES:

NAYS:

ABSENT:

APPROVED

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Thomas K. Cauley, Village President

ATTEST:

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Christine Bruton, Village Clerk


## **EXHIBIT A**

### **Hinsdale Fire Department Surplus Equipment**

<b>Total Number</b>	<b>Item Description</b>	<b>Equipment Value</b>
16	2 X 2 Metal Halide Light Fixtures	\$25.00/Fixture-
1	2003 Mitsubishi Large screen TV	\$25.00

## MEMORANDUM

**TO:** Chairman Saigh and the Zoning & Public Safety Committee

**FROM:** Robert McGinnis MCP, Director of Community Development/Building Commissioner 

**DATE:** May 18, 2011

**RE:** **Proceeds from Alley Vacations**

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At the Zoning and Public Safety Committee meeting last month there was discussion over the proceeds from the sale of alley vacations and where these proceeds go. At this time they go into the General Fund. One of the Trustees stated that there should be further discussion on the matter and that a policy should be created to earmark these funds for future land purchases.

Cc: President and Board of Trustees  
David Cook, Village Manager



# Memorandum

**To:** Members of the Zoning and Public Safety Committee  
**From:** Chief Bradley Bloom *B93*  
**Date:** May 18, 2011  
**Re:** ZPS Discussion Item-Consideration of Amendments to the Liquor Ordinance



This matter was originally presented at the April 2011 ZPS Committee meeting. At that time Committee members recommended bring this issue back before the Committee in May due the change in Committee membership.

In reviewing and applying our current liquor ordinance we have found that some of the current language is vague and we would propose adding some language to provide clarification.

In the last year, we have had inquiries from two merchants (Grant Square Restaurant and New York, New York) regarding the practice of allowing a patron to bring their own alcohol to a business for consumption. Our current ordinance does not specifically address this practice that is commonly referred to as BYOB, however staff has interpreted the term "dispense" as written below as disallowing this practice. We do have some concerns that if this practice is allowed without regulation it may be difficult to enforce after hours dispensing and a licensee could claim that the patron brought the alcohol into the establishment. Moreover, if the practice is allowed including it in the liquor ordinance would allow for the application of other license regulations including setting the age of the server and required training. It is unknown if additional insurance regulations would apply to the business owner (dram shop). For example, if the BYOB practice is allowed without regulation nothing would prohibit a patron from consuming alcohol at an establishment like Dips and Dogs who may have only a 17 year old clerk present.

*Current Hinsdale Ordinance Section 3-3-4 LIQUOR LICENSE REQUIRED:*

*B. Sale In Violation Of License Prohibited: It shall be unlawful for any licensee to sell, offer for sale, or dispense in the village any alcoholic liquor except in the manner authorized by, and in compliance with, the terms and restrictions of the liquor laws and such licensee's local liquor license.*

Here are examples from other communities relating to this practice:

**If you do NOT want BYOB below is example language from Barrington:**

*Bringing Liquor Onto Premises: Except as otherwise provided in subsection 3-3-7K of this chapter and for the delivery of inventory of alcoholic liquor purchased by a licensee under this chapter for consumption on its licensed premises, at no time shall any person bring or be permitted by the licensee to bring any other alcoholic liquor onto the premises of any restaurant or onto any other premises requiring a license under this chapter for consumption on said premises.*

**If you DO want to allow BYOB below is example language from Forest Park (a new class license would need to be established)**

*CONDITIONAL BYOB LICENSE: A license subject to the conditions set forth in subsection 3-3-5I of this chapter, issued by the local liquor control commissioner to a restaurant which allows its patrons to bring into the premises beer and wine for their personal consumption while being served a meal in said establishment.*

*1. Class C (BYOB): This license shall authorize the consumption of beer or wine only, brought onto the premises of a restaurant by a patron for their personal consumption while being served a meal in said establishment, subject to the following conditions and restrictions:*

- 1. Only beer and wine are allowed to be consumed on the licensed premises.*
- 2. The license holder is only allowed to provide glasses and ice for the patrons.*
- 3. The license holder, its agents and/or employees are prohibited from opening, serving, pouring, storing and/or disposing of any alcoholic liquor for its patrons.*
- 4. Patrons are prohibited from taking any opened alcoholic liquor from the premises. Any opened and unconsumed alcoholic liquor must be disposed of by the patron prior to exiting the premises, in a proper drain and trash receptacle which is to be made available to the patron by the establishment, and which shall be emptied by the establishment at the close of each business day.*

Clarification of hours in which alcohol may be present

The second issue concerns some ambiguity and enforcement issues regarding hours in which alcohol could be present. As you may be aware when Belloumini's was annexed into the Village a special liquor classification was created. This classification did not include language that was present in all other liquor license classifications allowing alcohol consumption that states the following:

*All consumption of alcoholic liquor shall be discontinued within thirty (30) minutes after the service of those beverages has ended.*

Staff has interpreted Belloumini's classification as being a subset of the Class C license but requests that the ordinance language be clarified to specifically include this provision. Moreover, you may wish to consider the following language of how different communities regulate hours and control who may be on the premises. Our concern focuses on the ambiguity of this regulation and concerns if challenged. An example may include an officer walking into a licensed establishment after hours and finding open alcohol but not seeing patrons actually consuming the alcohol.

From Hawthorn Woods:

*No person holding a Class A, B, C, E, F or G license, issued pursuant to this Chapter, shall sell, or permit to be sold, offer for sale, give away or deliver any alcoholic liquor between the hours of one o'clock (1:00) A.M. and ten o'clock (10:00) A.M. No person holding a Class D license issued pursuant to this Chapter, shall sell, or permit to be sold, offer for sale, give away or deliver any alcoholic liquor between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. All patrons and customers shall leave the premises not later than fifteen (15) minutes following the closing hours herein established; except, that on New Year's Eve in any given year, holders of such licenses shall be permitted to remain open to sell alcoholic liquor for one additional hour.*

From Oak Brook:

*It shall be unlawful to keep open for business or to admit the public to or to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any licensed premises by any person, including employees of the licensee, other than during the above permitted hours; provided, however, that in the case of restaurants and hotels, such establishments may be kept open for business, but alcoholic liquor may only be sold or consumed in or upon such licensed premises by any person, including the employees of the licensee, during such permitted hours.*

From Yorkville:

*All areas within the licensed premises shall be cleared of customers or secured from customers and the public in general during the time sales are not permitted, and no person, other than the licensee or his employees and agents, shall be permitted within the areas of such premises where alcoholic liquor is stored, shelved or kept during such time and then only for the purpose of cleaning, preparing and arranging stock, and all such areas where alcoholic liquors are stored, shelved or kept shall be secured from the public and it shall be unlawful for any licensee to sell or offer for sale at retail any alcoholic liquor in the city except as permitted for the following hours: (Ord. 1981-11, 11-5-1981)*

Lastly, in order to verify compliance of the hours in which liquor may be sold we are requesting that you consider adding the following language:

*Unobstructed View Of Premises: All parts of the interior of the location, place or premises used for the business of a retail liquor dealer shall be kept well lighted. No screens, blinds, curtains or other obstruction to a free and clear view of the interior of such location, place or premises shall be used at the entrance or windows thereof, and no closed or partially closed room or screened place shall be maintained in connection with such location, place or premises for service of liquor to customers; provided, however, that nothing herein contained shall be construed to prohibit the use for such service of an open room connected with such location, place or premises by an open stairway.*