

**MINUTES
VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES
MONDAY, AUGUST 22, 2011
MEMORIAL HALL
7:30 p.m.**

Present: Chairman Saigh, Trustee Angelo, Trustee Haarlow, Trustee Elder

Absent: None

Also Present: Dave Cook, Village Manager, Robert McGinnis, Community Development Director/Building Commissioner, Bradley Bloom, Chief of Police, Mike Kelly, Fire Chief, Timothy Scott, Director of Economic Development, Sean Gascoigne, Village Planner

Trustee Saigh called the meeting to order at 7:30 p.m.

Minutes – June 2011

Trustee Angelo moved to approve the minutes for the June 27, 2011 meeting as amended. Second by Trustee Elder. The motion passed unanimously.

Monthly Reports – April 2011

Police Department

Chief Bloom discussed the recent training conducted by both police and fire with District 181 administrators and principals to review the crisis plan in preparation for the new school year. Chairman Saigh asked for an update on a recent case that involved a hoax 9-1-1 call alleging an active shooter in a home with hostages. Chief Bloom indicated that the police department is still actively investigating the case.

Fire Department

Chief Kelly reported on two storm events in July that resulted in an increase in the call volume and simultaneous calls for the month. Chief Kelly also pointed out that the Department has responded to 130 more calls this year compared to the same period in 2010.

Community Development

Robert McGinnis stated that the department was busy during the month of July issuing 94 permits, conducting 393 inspections, and posting permit revenue of just under \$58,000. He stated that the Hamptons of Hinsdale was moving forward at full bore and that the Hospital was making good progress, installing interior finishes, and on schedule for a February completion.

Referral to Plan Commission

Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Section 6-106B, to Allow Yoga Instruction as Special Uses in the O-2 Community Business District.

Tim Scott introduced this item and stated that presently, some physical fitness uses are permitted as a special use in this district. This text amendment would permit yoga to be included with these other similar uses as a special use in the O-2 zoning district.

Caroline Palmer spoke in support of the text amendment and felt that Core Power Yoga would be an asset to the community. She said that they specifically sought out this location due to its proximity to Kramer's and Walgreens.

The applicant stated that this would be the fourth location in the suburbs and that they were a rapidly growing franchise and were excited to become part of the community.

A motion was made by Trustee Elder to forward the request on to Plan Commission. Second by Trustee Angelo. The motion passed unanimously.

Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Section 5-102D(1), to Allow financial Institutions in Tenant Spaces that do not abut a street, on the First Floor in the B-2,Central Business District.

Tim Scott introduced this item on behalf of the applicant, Jay Javors. He stated that there are a couple of spaces in the central business district that would benefit from this text amendment.

Jay Javors stated that due to the downturn in the market, there are fewer users looking for retail space downtown. Many are looking at larger centers.

He stated that the former New York New York space behind the old theater building has been difficult to lease due to its lack of visibility and that people did not want to take a chance on it.

He stated that they were sensitive to keeping retail users in the central business district but thought that they could subdivide the space in order to maintain a retail user up front who can utilize the existing kitchen equipment while leasing out the rear due to the depth of the space.

Trustee Elder had concerns that other spaces might be able to use this text amendment in order to put non-tax generating users on the first floor in the central business district..

Trustee Angelo stated that he had the same concerns, but that the language was very restrictive and almost site specific.

A motion was made by Trustee Angelo to forward the request on to Plan Commission. Second by Trustee Elder. The motion passed unanimously.

Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Section 5-105C, to Allow Musical Tutoring Services as Special Uses above the First Floor in the B-2 Central Business District.

Tim Scott introduced this item and the applicant and their representative.

Peter Coules stated that this application would allow tutoring on the second floor in the B-2 and that the first floor would still be used for real estate investment.

He stated that this use was not anticipated in the SIC Code and that the use was for musical tutoring and was clear that sound attenuation was a key concern for the owner and would not create external noise.

Trustee Angelo and Trustee Elder asked about sound proofing and whether the technology had changed. The applicant explained that there are specific materials and methods that are used to minimize the amount of noise transmission. She also stated that this was a free standing building.

Trustee Saigh asked the applicant if they had heard of any noise complaints received from their Naperville facility. The applicant said no.

The applicant stated that they expected that other merchants would benefit from the use, as the lessons are only 45 minutes and that people did errands during that period.

Trustee Elder stated that he liked the idea of having this use, but was concerned about noise in other ownership scenarios. Dave Cook stated that this was why it was being applied for as a Special Use and reviewed by the Plan Commission on a case-by-case basis.

A motion was made by Trustee Angelo to forward the request on to Plan Commission. Second by Trustee Haarlow. The motion passed unanimously.

Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Sections 4-112, as it Relates to Density and Multi-Building Access in the R-5 and R-6 Multi-Family Residential District.

Trustee Saigh introduced this item and summarized the request. He stated that this item came back to Committee from the Board of Trustees and summarized the request. He stated that the intention was to move this item forward expeditiously so that they could be back in front of the Plan Commission at their regular September meeting.

Michael Hamblet stated that they had negotiated long and hard to make this proposal work.

Trustee Elder asked the Village Manager how quickly they could get a copy of the revised ordinance. Dave Cook stated that they would get it put together as quickly as possible.

Trustee Haarlow was concerned if there were other facilities in town that might be affected by the text amendment. Dave Cook stated that the only other facility that might be affected would be Manor Care on Ogden.

Trustee Angelo was concerned that the “community need” issue remained unaddressed in this request and stated that the market study that was done was too broad and that assumptions made were untenable.

Michael Hamblet stated that this was subjective and defended the firm that put together the study. He also stated that there was a clear difference between assisted living and supportive living.

Trustee Saigh stated that these issues were valid and would be vetted at Plan Commission.

Trustee Haarlow asked why the year 2000 was used in the proposed text amendment and asked that an explanation be given for Plan Commission. He also echoed concerns raised by Trustee Angelo and Trustee Elder over community benefit and making sure that preference be given to Hinsdale residents mindful of any Fair Housing requirements.

A motion was made by Chris Elder to forward the request on to Plan Commission. Second by Trustee Haarlow. The motion passed 3-1 with Trustee Angelo voting no.

Request for Board Action

Recommend Approval of a Permit for a Temporary Use at 50 S. Garfield for the Erection of a Tent over a Seating Area for the Period 12/15/11 thru 3/15/2012 Subject to Any Conditions to be set forth by the Building Commissioner and/or Fire Department*

Trustee Saigh introduced this item and the applicant. Doug Fuller stated that they intend to build a permanent structure over the present seating area, but that they were running out of time. The request for the tent was intended to help capture winter traffic.

Trustee Saigh asked that a rendering be provided for the Village Board and whether the March 12 end date was long enough. Doug Fuller stated that this should be fine.

Robert McGinnis stated that a separate permit would be required once the Board of Trustees approved the request and that any issues that the Fire Department or Building Division had would be addressed at that time.

A motion was made by Trustee Angelo to approve the request. Second by Trustee Elder. The motion passed unanimously.

Discussion Items

Trustee Saigh raised the issue of Committee of the Whole and felt that it was worth looking at as a way to increase efficiency.

Members felt that it was a worthwhile topic and that it could be looked at by the Board of Trustees or placed on a ZPS agenda for further discretion.

Adjournment

With no further business to come before the Committee, Chairman Saigh asked for a motion to adjourn. Trustee Haarlow made the motion and Trustee Elder seconded. Meeting adjourned at 9:20PM.

Respectfully Submitted,

Robert McGinnis, MCP
Director of Community Development/Building Commissioner