

Memorandum

To: Chairman Saigh and Public Safety Committee

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

Date: May 9, 2012

Re: **Community Development Department Monthly Report-April 2012**

In the month of April the department issued 81 permits including five demolition permits and two new single family homes. The department conducted 367 inspections and revenue for the month came in at just under \$93,500.00.

There are approximately 52 applications in house including 11 single family homes and 5 commercial alterations. There are 22 permits ready to issue at this time and plan review turnaround is running between three and four weeks.

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, 112 inspections were performed for the month of January by the division.

We currently have 47 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.

VILLAGE OF HINSDALE - APRIL 24, 2012 COURT CALL/RESULT

Name	Ticket NO.	Location	Violation	
Andel, Linda	8756	Kelly	7111 N. County Line Rd.	Failure to obtain a permit 250
Chang, Steve	8757	Kelly	715 Jackson	failure to follow approved plans 250
Coleman, Patricia	8748	Kelly	906 Chanticleer	Count 1-7 - Property Maint. Cont. 5-22
Holda, Mark J.	8736	Kelly	568 N. Washington	Failure to obtain a permit No Show
Kuehl, Bernice W.	8740	Kelly	3 N. Vine St.	Failure to maintain fence No Show
Mark Hickman Homes, ll	8753	Kelly	313 N. Washington St.	Failure to obtain a permit 250
Schilling, Joseph	8747	Kelly	5511 S. Garfield	Counts 1 - 3 property maintenance No Show
Wisch Rental Properties	8754	Kelly	50 S. Washington St.	Failure to maintain 2nd floor window 250

Fines assessed:

\$ 1,000

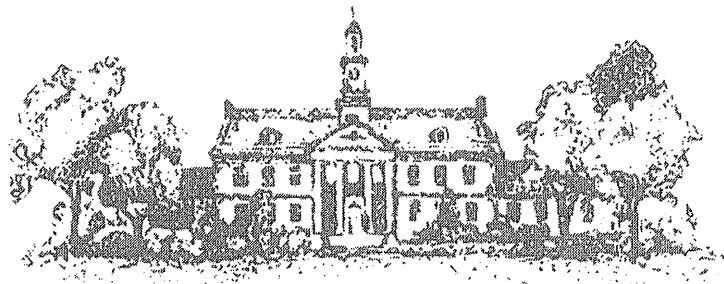
STOP WORK ORDERS ASSESSED

Date SWO Issued to Address Reason

SWO assessed:

MONTHLY TOTAL:

\$ 1,000 =



**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 2012



Hinsdale Fire Department Monthly Report April 2012



Emergency Response

In April, the Hinsdale Fire Department responded to a total of **207** requests for assistance for a total of **785** responses this calendar year. There were **40** simultaneous responses and **seven** train delays this month. The responses are divided into three basic categories as follows:

<i>Type of Response</i>	<i>April 2012</i>	<i>% of Total</i>	<i>April 2011</i>
Fire: (Includes activated fire alarms, fire and reports of smoke)	92	44.4%	49
Ambulance: (Includes ambulance requests, vehicle accidents and patient assists)	82	39.6%	89
Emergency: (Includes calls for hazardous conditions, rescues, service calls and extrications)	33	16.0%	33
Simultaneous: (Responses while another call is on- going. Number is included in total)	40	19.4%	31
Train Delay: (Number is included in total)	7	3.4%	1
Total:	207	100%	171

Year to Date Totals

Fire: 324

Ambulance: 335

Emergency: 126

2012 Total: 785

2011 Total: 803

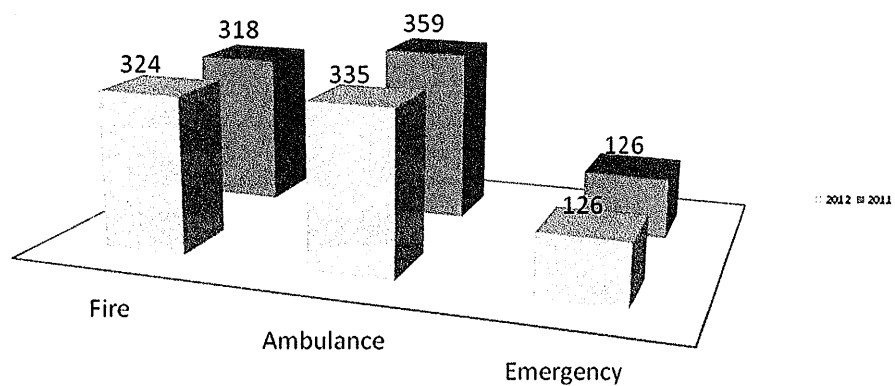


Hinsdale Fire Department Monthly Report April 2012

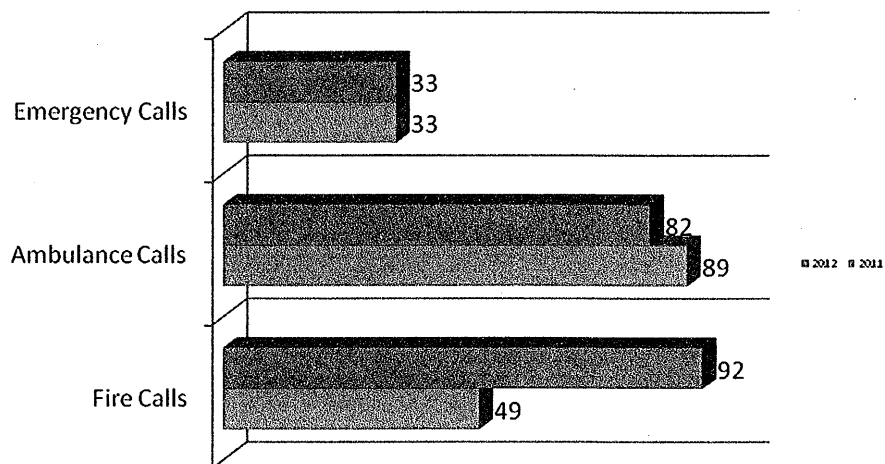


Emergency Response

**Type of Responses
Year to Date**



Total Calls for April



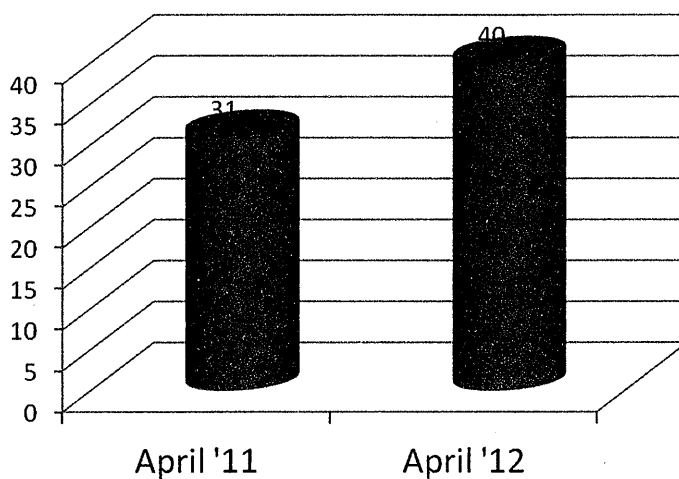


Hinsdale Fire Department Monthly Report April 2012

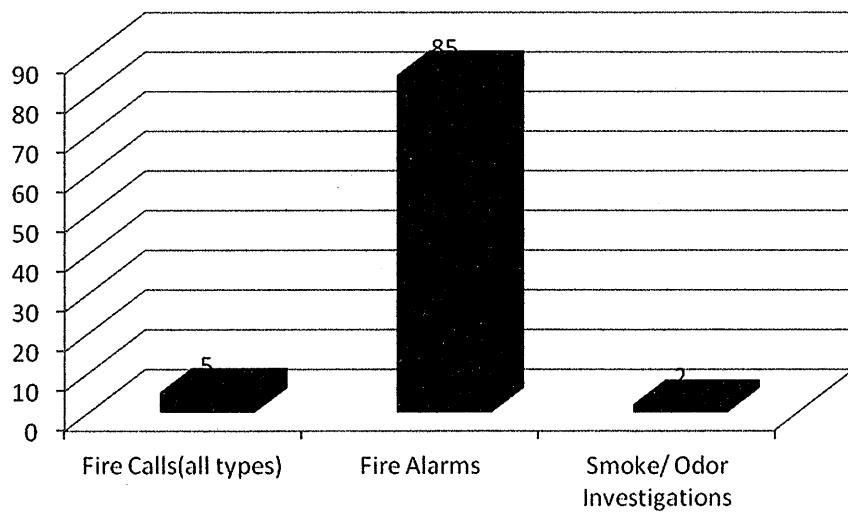


Emergency Response

Simultaneous Calls



Distribution of Fire Related Calls



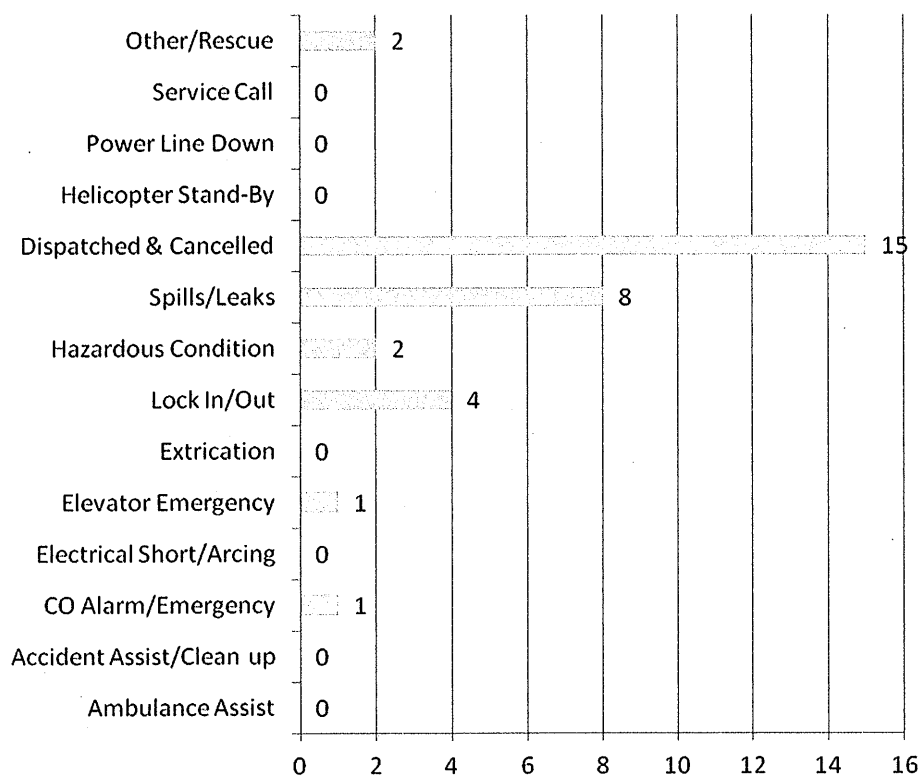


Hinsdale Fire Department Monthly Report April 2012

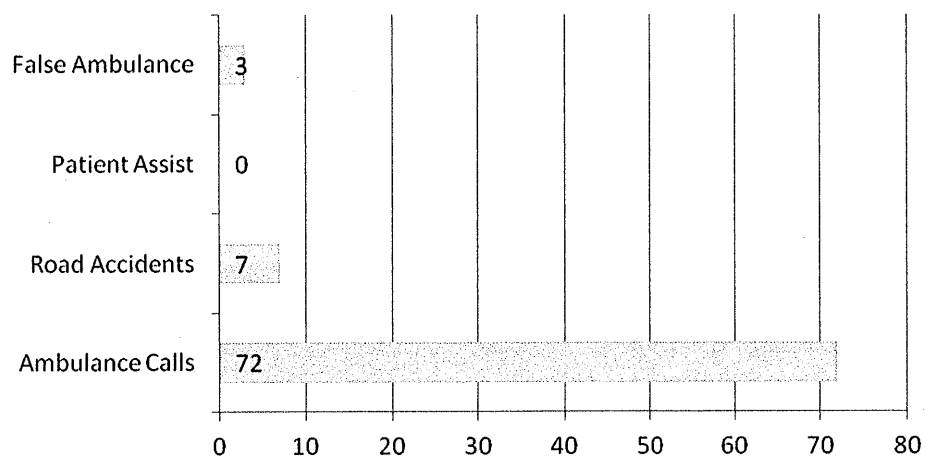


Emergency Response

Distribution of Emergency Related Calls



Distribution of EMS Related Calls





Hinsdale Fire Department Monthly Report April 2012



Incidents of Interest

- On April 2nd, members responded to 14 W First Street for a reported fire in a rubbish dumpster. Members arrived and found the dumpster on fire. Fire was extinguished with no damage or extension to the nearby businesses.
- On April 3rd, members responded to 140 N. County Line Road for an activated fire alarm. Upon arrival, security personnel on scene advised that there was a small fire on the 3rd floor in one of the apartments. Members found small fire on the stove with smoke throughout the entire floor. One resident was treated at the scene and taken to Hinsdale Hospital. A security guard was also evaluated for smoke inhalation but was not taken to the hospital. Members cleared the smoke from the floor. Fire was from unattended cooking with minor damage. Western Springs and Clarendon Hills assisted.
- On April 20th, members responded to a report of an elevator emergency 123 E. Ogden Avenue. Upon arrival, members found an elevator that malfunctioned and a person was stuck inside. They were released by Fire Department personnel and the elevator taken out of service.
- On April 21st, members responded to the Hinsdale Train Depot to meet a Metra train for a medical emergency. When the train arrived members found an unconscious person on the train. That person was treated and transported to Hinsdale Hospital for treatment.
- On April 28th, members responded for an activated fire alarm at 21 Spinning Wheel Road. Upon arrival, members found the sprinkler system and alarms activating in the 11th floor. When they investigated, they found a fire condition in one of the apartments. A fire in the kitchen set off the sprinkler and alarm system and upon our arrival, the fire was extinguished by the newly installed sprinklers. Cause of the fire was unattended cooking. Damage was estimated at \$5000. Three residents of the apartment were evaluated by paramedics but did not need to be transported to the hospital.

Western Springs, LaGrange, Clarendon Hills, Lyons, Willow Springs, Brookfield, and Westmont assisted. This is a perfect example of the importance of sprinklers in high rise facilities.



Hinsdale Fire Department Monthly Report April 2012



Training/Events

In April, the members of the Hinsdale Fire Department continued their regularly scheduled fire and EMS training. This included Paramedic continuing education by Hinsdale Hospital through the Good Samaritan Hospital EMS System.

Training highlights for the month of April consisted of:

- Department members continued with the Fire Service Vehicle Operators and Vehicle Machinery Operators certification through the State Fire Marshal's Office. We are going through this program in conjunction with the Clarendon Hills Fire Department.
- Department Technical Rescue personnel attended regular monthly training with our MABAS 10 TRT Team. This month members trained on trench rescue.
- Department Fire Investigators attended regular monthly training with our MABAS 10 Cause & Origin Team and DuPage County Fire Investigation Task Force. This month members trained on the updated response equipment and apparatus carried by Division investigators.
- Department Hazardous Material Technicians attended regular monthly training with our MABAS 10 HAZ MAT Team. This month members trained on Chlorine emergencies.
- Firefighter Nichols attended the Fire Department Instructors Conference having the opportunity to train of Engine Company Operations, Firefighter self rescue techniques, Firehouse excellence, and Firefighter Fitness programs.
- Firefighters attended a Cardiac Patient Review with Doctor Carell, Hinsdale Hospital Cardiologist. Hinsdale Hospital staff reviewed the recent cardiac patients treatment of one of our residents we transported.
- Firefighter Claybrook completed the State Fire Marshal's class – Fire Service Instructor II.
- Paramedic instructors completed re-certification as instructors in the Good Samaritan EMS System.



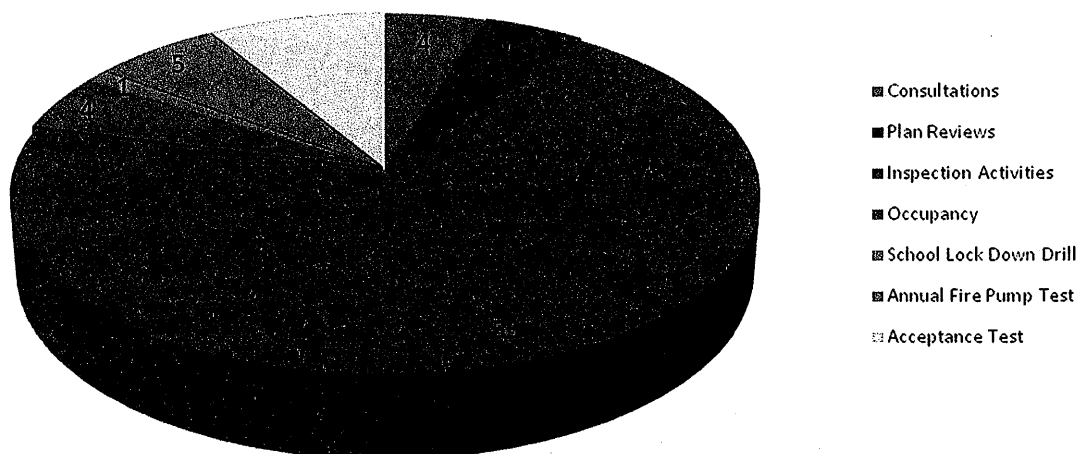
Hinsdale Fire Department Monthly Report April 2012



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:

- Attended the meeting for District 181 Crisis Safety Plan on April 26, 2012.
- Participated in the St. Isaac Jogues Career Day for the sixth grade students on April 23 and April 30.
- Members conducted public education programs including a Pre School program at Hinsdale Central HS.
- Members “hosted” a dinner for a resident and their children as part of a school fund raiser.
- Firefighter Tullis is working with Hinsdale Police on a public education campaign for our Outdoor Warning Sirens and Severe Weather emergencies.



Hinsdale Fire Department Monthly Report April 2012



The Survey Says...

Each month, the department sends out surveys to those that we provide service. 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 24 responses in the month of April with the following results:

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

Yes – 23 / 24 Not Applicable – 1 / 24

Was the quality of service received:

“Higher” than what I expected – 18 / 24

“About” what I expected – 6 / 24

“Somewhat lower” than I had expected 0 / 24

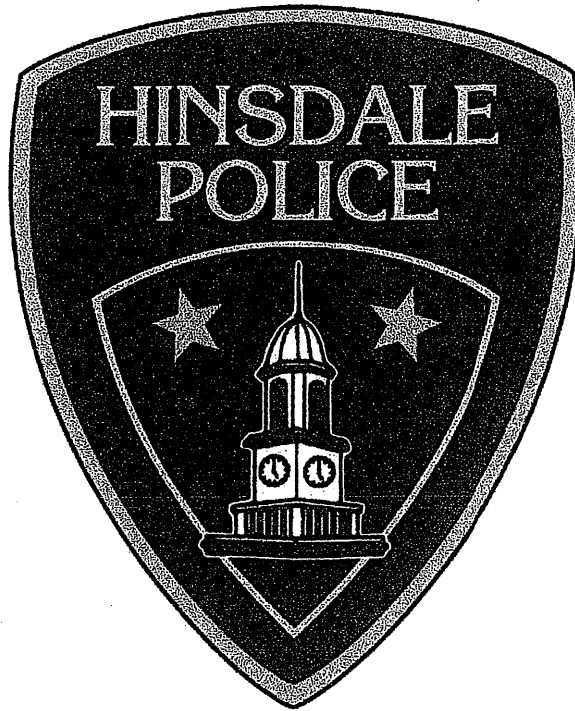
Miscellaneous Comments:

“I had no expectations, I just needed the medical help – wonderful team, very reassuring...I only regret that I was not wearing my glasses I would not recognize the 3 men who responded. I thank them with extreme gratitude...I would just like to thank them.”

“The care I received was kind, professional & their arrival very quick! To have the caliber of men we have in our fire department is wonderful and I thank them for all they did to ‘get me on my feet again’, & to calm me-Please tell them they are special.”

Just wanted to say as a retired ICU nurse of 37 yrs. with Hinsdale Hospital that I was very impressed with the professional way I was treated. You fellows are the best.”

“Excellent! (sic) in every respect”



POLICE SERVICES MONTHLY REPORT

APRIL 2012

CRIME PREVENTION ACTIVITY

APRIL 2012

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

April 4, 11, 18, 25	16 classes	Monroe School
April 2, 9, 16, 23	12 classes	The Lane School
April 13, 20	6 classes	The Lane School
April 2, 9, 16, 23, 30	5 classes	Oak School
April 3, 10, 17, 24	5 classes	Oak School
April 13, 20, 27	3 classes	Oak School

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.

V.E.G.A. (VIOLENCE EDUCATION GANG AWARENESS)

April 5, 12, 19, 25	15 classes	Hinsdale Middle School
----------------------------	-------------------	-------------------------------

V.E.G.A. is a six-lesson program presented in sixth grade classrooms in Hinsdale public schools and in seventh grade at Hinsdale Parochial schools. The program deals with problem solving without violence and avoiding gang activities.

On April 2, 2012, Officer Coughlin and Officer Keller spoke with the fourth graders at Monroe School about police work, crime scenes and fingerprints. Both officers fingerprinted all the students and then demonstrated how to dust for fingerprints and to lift a fingerprint. Both officers answered many questions and handed out stickers to the students.

On April 4, 2012, Officer Coughlin attended the DJOA board meeting in Wheaton. Topics covered were meeting/training places, upcoming trainings and board meetings, membership, website and scholarships and presenters for the fall training conference.

On April 9, 2012, Officer Coughlin went to the new Verizon cell phone store in downtown Hinsdale. Officer Coughlin spoke with them about alarms, cameras and gave them info on recent Verizon store burglaries.

On April 9, 2012, Officer Rauen worked as the Bailiff for the Peer Jury program. Officer Rauen assisted with the program and answered any questions the parents or offenders may have had.

On April 11, 2012, Officer Rauen met with a detective from Downers Grove PD at the Lisle PD. Officer Rauen completed a computer forensic exam on a computer for a Downers Grove Theft case. Officer Rauen gave the detective the report and the evidence back.

On April 11, 2012, Officer Coughlin attended the Peer Leadership meeting at Hinsdale Middle School. Officer Coughlin answered questions about the route for Ignite the Fight fundraiser and the Dance Care-a-thon.

On April 12, 2012, Officer Rauén had to appear in court as a witness for a Downers Grove Theft by Deception case. Officer Rauén had completed a Computer Forensic Exam on a computer for their case. Officer Rauén presented his findings; the suspect was given 10 years in prison.

On April 12, 2012, Officer Coughlin coordinated a school lockdown drill at Hinsdale Adventist Academy. The drill went very smoothly with a few minor issues that were addressed with Assistant Principal Jackson.

On April 16, 2012, Officer Rauén attended the National Internet Crimes Against Children Conference in Atlanta, Georgia. Officer Rauén was selected by the Attorney General's Office to attend the conference on a paid scholarship. Officer Rauén attended numerous classes and workshops relating to Computer Forensics, catching online predators, and testifying.

On April 17, 2012, Officer Coughlin visited BP Amoco on Ogden Avenue in Hinsdale and spoke with the manager about a few alcohol complaints. Officer Coughlin was advised by the manager that all complaints would be addressed and there would be no more problems from their business.

On April 18, 2012, Officer Coughlin made Safety Village applications available to the public in the lobby of the police department and answered many questions from residents concerning Safety Village.

On April 19, 2012, Officer Coughlin held the DARE Graduation at Madison School for the fifth graders. Officer Coughlin spoke to parents and graduates about the re-enforcement of the DARE lessons and to continue to make good choices and decisions in their future. Students read their essays, a video presentation was given by Principal Pena from Hinsdale Middle School and addressed the graduates and all received certificates

On April 20, 2012, Officer Coughlin drove three Oak School DARE students to school in a police car that they had won by donating food for Hinsdale Community Services.

On April 25, 2012, Officer Coughlin attended the DJOA meeting at the Warrenville Village Hall. The topic was Juvenile Pimping and Prostitution. The training was presented by Colleen Ross of the FBI.

On April 26, 2012, Officer Coughlin attended the District 181 Safety Committee Meeting at The Lane School. Topics covered were Transportation Emergency Procedures, Electronic Crisis Manual for I-pads, Updated Safety & Crisis Manuals and Safety Committee update.

On April 26, 2012, Officer Rauén attended a crowd control training at Westmont Police Department. We went over different techniques on how to control large crowds to prepare for the upcoming NATO Summit.

On April 27, 2012, Officer Coughlin assisted with crossing more than 200 Hinsdale Adventist Academy students at 55th/County Line Road. The students were participating in a walkathon fundraiser.

On April 27, 2012, Officer Coughlin held a DARE luncheon at The Lane School for the D.A.R.E Graduates. Hot dogs were donated by Prime 'n Tender meats, buns were donated by Alpha Baking, and the room moms provided juice boxes and healthy snacks. Officer Coughlin showed the students his bulletproof vest, baton and spoke to them about making good choices and not to forget the life tools that were taught in DARE class.

On April 27, 2012, Officer Coughlin held the DARE Graduation at The Lane School for the fifth graders. Officer Coughlin spoke to parents and graduates about the re-enforcement of the DARE lessons and to continue to make good choices and decisions in their future. Students read their essays, and a video presentation was given, Chief Bloom addressed the graduates and all received certificates. Officer Rauen attended the graduation as well.

On April 13, 20, 27, 2012, 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.

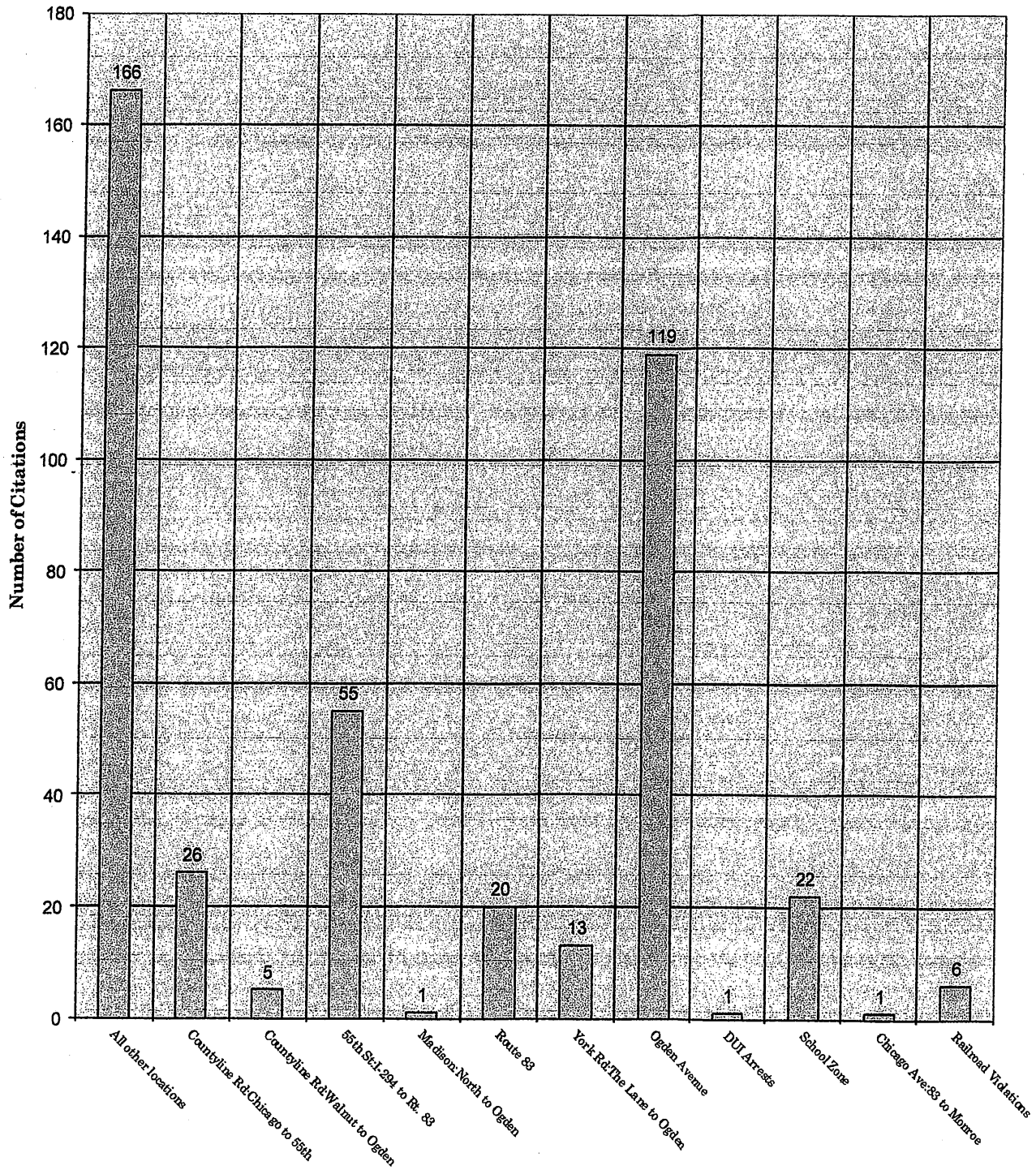
On April 5, 6, 23, 2012, Officer Coughlin supervised two high school students completing community service work.

Submitted by:

Officer Michael Coughlin
Crime Prevention/DARE/Juvenile

Officer Joseph Rauen
Detective/Juvenile/Computer Forensic Examiner

Hinsdale Police Department
Selective Enforcement Citation Activity
 April 2012



TRAFFIC ENFORCEMENT

APRIL 2012

* Includes Citations and Warnings

	This Month	This Month Last Year	YTD	Last YTD
Speeding	133	138	607	674
Disobeyed Traffic Control Device	31	43	80	121
Improper Lane Usage	43	46	189	181
Insurance Violation	14	14	83	67
Registration Offense	38	21	190	104
Seatbelt Violation	37	57	106	162
Stop Signs	45	49	208	168
Yield Violation	14	9	61	37
No Valid License	3	4	13	19
Railroad Violation	0	3	3	9
Suspended/Revoked License	4	5	23	20
Other	103	107	398	413
Totals	465	496	1961	1975

Investigations Division Summary

April 2012

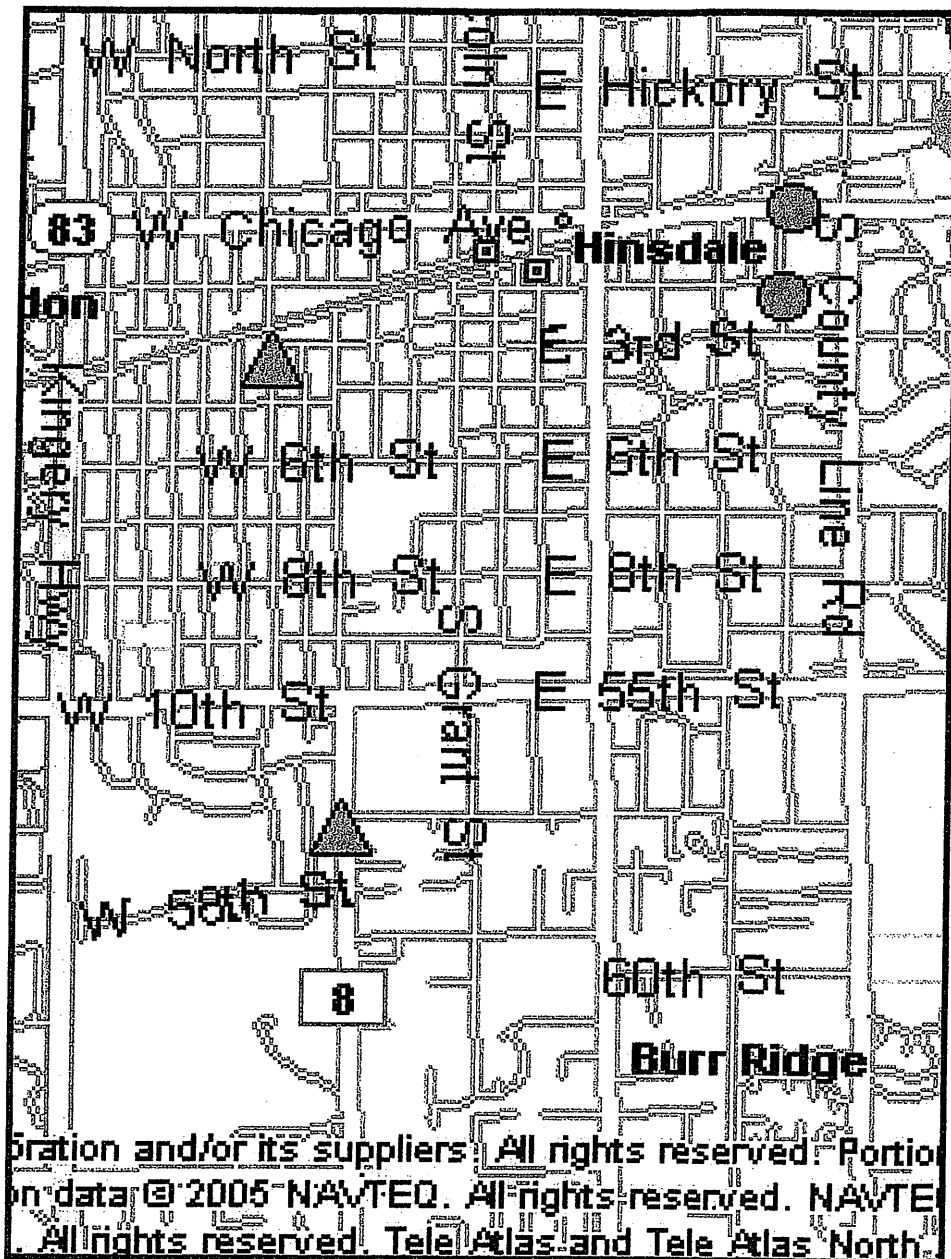
- On April 16, 2012, a 38-year-old Perryville, Missouri man was arrested on a FTA warrant from Perry County for **Traffic/Driving with a Suspended License**. The man had been stopped after being reported as a suspicious person. The man was released after posting bond.
- On April 19, 2012, a 18 year-old Westmont man was arrested on a local ordinance charge of **Theft under \$300.00**. The man was arrested at the main depot after riding the train (BNSF) and not paying his fare. The man was released on an I-bond.
- On April 21, 2012, a 18-year-old Darien man was arrested on one count of **Disorderly Conduct** and one count of **Fighting** under local ordinance. The man is alleged to have made a false police report that he was a victim of a battery. Further investigation determined he was the aggressor after trying to pick a fight with a group of boys. The man was released after posting bond.
- On April 24, 2012, a 18 year-old Hinsdale man was arrested on one count of **Disorderly Conduct** under local ordinance. The man is alleged to have made a false police report that he was the victim of a battery. The man was released on an I-bond.
- On April 30, 2012, a 41 year-old Chicago man was arrested on a FTA warrant from Du Page County for **Traffic/Open Alcohol**. The man had been a passenger in a vehicle that was stopped by officers. The man was taken to the Du Page County Jail for a bond hearing.

Submitted by:

Frank Homolka
Investigative Aide

BURGLARIES

APRIL 2012



BURGLARIES—234 S. Monroe Street; 5715 S. Madison Street



BURGLARIES FROM MOTOR VEHICLES—420 E. Chicago Avenue; 136 S. Oak Street

MONTHLY OFFENSE REPORT

APRIL 2012

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	0	1
3. Robbery	0	0	0	0
4. Assault and Battery, Aggravated	0	0	0	0
5. Burglary	1	3	9	7
6. Theft	10	22	43	51
7. Auto Theft	0	0	0	1
8. Arson	0	0	0	0
TOTALS	11	25	52	60

SERVICE CALLS—APRIL 2012

	This Month	This Month Last Year	This Year to Date	Last Year To Date	% CHANGE
Sex Crimes	1	0	2	1	100
Robbery	0	0	0	0	0
Assault/Battery	4	1	10	10	0
Domestic Violence	2	11	27	37	-27
Burglary	0	2	0	3	-100
Residential Burglary	2	1	9	4	125
Burglary from Motor Vehicle	3	3	8	6	33
Theft	13	21	47	45	4
Retail Theft	0	1	1	3	-67
Identity Theft	2	4	10	10	0
Auto Theft	0	0	4	1	300
Arson/Explosives	0	0	0	0	0
Deceptive Practice	3	1	8	4	100
Forgery/Fraud	3	4	6	9	-33
Criminal Damage to Property	3	9	20	24	-17
Criminal Trespass	0	3	1	4	-75
Disorderly Conduct	0	1	3	4	-25
Harassment	3	9	13	25	-48
Death Investigations	0	0	1	0	100
Drug Offenses	2	2	9	7	29
Minor Alcohol/Tobacco Offenses	1	0	4	2	100
Juvenile Problems	26	17	74	67	10
Reckless Driving	0	3	2	5	-60
Hit and Run	6	3	22	23	-4
Traffic Offenses	3	8	26	31	-16
Motorist Assist	33	28	179	176	2
Abandoned Motor Vehicle	0	0	3	8	-63
Parking Complaint	18	13	52	47	11
Auto Accidents	43	40	185	195	-5
Assistance to Outside Agency	2	20	10	103	-90
Traffic Incidents	1	0	12	2	500
Noise complaints	7	5	45	48	-6
Vehicle Lockout	31	38	118	127	-7
Fire/Ambulance Assistance	154	139	577	620	-7
Alarm Activations	119	108	440	333	32
Open Door Investigations	5	4	17	14	21
Lost/Found Articles	12	15	40	54	-26
Runaway/Missing Persons	4	5	11	11	0
Suspicious Auto/Person	54	53	264	201	31
Disturbance	4	5	20	35	-43
911 hangup/misdial	93	37	274	354	-23
Animal Complaints	39	39	125	105	19
Citizen Assists	49	28	224	164	37
Solicitors	18	1	29	2	1350
Community Contacts	4	5	8	11	-27
Curfew/Truancy	3	2	9	8	13
Other	127	77	299	50	498
TOTALS	897	766	3,248	2,993	9

Hinsdale Police Department

**Hinsdale Police Department
Training Summary
April 2012**

- All officers completed their monthly legal update. Topics included: Search Warrants – Qualified Immunity.
- April 4, 2012, investigative Aide Homolka attended an Evidence Property Management class at the Suburban Law Enforcement Academy.
- April 10, 2012, Officer Huckfeldt attended a Mobile Field Force class as a new member of NIPAS.
- April 10, 2012, Officers Hayes and Lillie attended monthly SWAT training.
- April 11, 2012, Deputy Chief Simpson attended the Northwestern Senior Management Leadership program regarding Budgeting in a Challenging Economy.
- April 13, 2012, Detective Susmarski attended a one-day driver refresher training hosted by the NAPD.
- April 16-19, 2012, Sergeant Bernholdt attended the Illinois Crisis Negotiators Conference in Lombard, Illinois. Training included scenario based training for the FIAT SWAT Team negotiators.
- April 17-19, 2012, Detective Rauen attended the National Law Enforcement Training on Child Exploitation in Atlanta, Georgia.
- April 18, 2012, Deputy Chief Simpson and Sergeant Lamb attended an Anti-Terrorism Intelligence Awareness meeting hosted by Burr Ridge PD.
- April 24, 2012, Officers Hayes and Lillie attended monthly SWAT training.
- April 26, 2012, Officer Leuver and Detective Rauen attended a three-hour block on Crowd Control training at Westmont PD.

Submitted by:

Erik Bernholdt, Sergeant
Training Coordinator

April 2012 Collision Summary

All Collisions at Intersections			
<i>LOCATION</i>	<i>This Month</i>	<i>Last 12 Months</i>	<i>Last 5 Years</i>
Garfield & Chicago	1	4	32
Garfield & Hickory	1	1	14
Lincoln & Ogden	2	4	12
Monroe & Eighth	1	3	4
Monroe & Seventh	1	1	2
Route 83 & Ogden	1	4	30
Vine & Chicago	1	2	6
Washington & Maple	1	2	7
York & Ogden	1	8	46
TOTALS	10	29	153

Right-Angle Collisions at Intersections			
<i>Collisions of this type are considered when reviewing MUTCD Warrants</i>			
<i>LOCATION</i>	<i>This Month</i>	<i>Last 12 Months</i>	<i>Last 5 Years</i>
Garfield & Chicago	1	4	26
Garfield & Hickory	1	1	13
Lincoln & Ogden	1	3	7
Monroe & Eighth	1	3	4
Monroe & Seventh	1	1	2
TOTALS	5	12	52

Contributing Factors and Collision Types			
Contributing Factors:		Collision Types:	
Failure to yield	5	Private property	7
Improper backing	5	Hit and run	6
Failure to reduce speed	16	Crashes at intersections	10
Following too closely	2	Personal injury	2
Driving skills/ knowledge	1	Pedestrian	0
Improper passing	0	Bicyclist	0
Too fast for conditions	0	Other	11
Improper turning	0		
Disobeyed traffic control device	0		
Improper lane usage	2		
Had been drinking	0		
Weather related	0		
Vehicle equipment	0		
Unable to determine	3		
Other	2		
TOTALS	36	TOTAL CRASHES	36

Manual on Uniform Traffic Control Devices Warrants

April 2012

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 2012

PARKING CITATIONS BY LOCATION

		This Month	This Month Last Year	YTD	Last YTD
Chestnut Lot	<i>Commuter Permit</i>	27	30	137	90
Highland Lot	<i>Commuter Permit</i>	22	18	89	34
Village Lot	<i>Commuter Permit</i>	43	32	224	140
Washington Lot	<i>Merchant Permit</i>	55	69	155	167
Hinsdale Avenue	<i>Parking Meters</i>	201	306	1,070	991
First Street	<i>Parking Meters</i>	198	378	1,083	1,110
Washington Street	<i>Parking Meters</i>	340	387	1,676	1,226
Lincoln Street	<i>Parking Meters</i>	21	26	102	117
Garfield Lot	<i>Parking Meters</i>	126	150	588	460
Other		348	395	1,582	1,442
TOTALS		1,381	1,791	6,706	5,777

VIOLATIONS BY TYPE

	This Month	This Month Last Year	YTD	Last YTD
Parking Violations				
METER VIOLATIONS	899	1,283	4,607	3,882
HANDICAPPED PARKING	1	1	11	14
NO PARKING 7AM-9AM	24	16	102	93
NO PARKING 2AM-6AM	43	92	442	415
PARKED WHERE PROHIBITED BY SIGN	75	67	231	218
NO VALID PARKING PERMIT	40	45	254	170
TOTAL PARKING VIOLATIONS	1,082	1,504	5,647	4,792
Vehicle Violations				
VILLAGE STICKER	52	94	295	264
REGISTRATION OFFENSE	93	55	303	276
VEHICLE EQUIPMENT	37	56	103	170
TOTAL VEHICLE VIOLATIONS	182	205	701	710
Animal Violations	13	8	30	42

Youth Bureau Summary

April 2012

- On 4/10/12 at 3:15pm, a male juvenile was kicked out of Cosi restaurant for causing a disturbance. After he left the restaurant he used his cell phone to call and harass the manager. He was stopped by an officer and he admitted to calling the manager. He was taken back to the station and released to his parents. No further action was taken.
- On 4/11/12 at 11:10am, a male juvenile was found a couple of blocks away from the school without permission to leave. The juvenile was searched at the school and he was in possession of cigarettes. A local ordinance ticket was issued for being in possession of the tobacco.
- On 4/12 and 4/18/12, the School Resource Officer had two male juveniles leaving the high school without proper permission. The first juvenile offender was given a warning due to it being his first offense. The second juvenile offender was given a citation due to it being his second offense. He will have to appear in court.
- On 4/13/12 at 5:30pm, an officer was dispatched to the pedestrian bridge over I-294 for a large group of juveniles who looked up to no good. When the officer approached the group, he noticed a large cloud of smoke over the juveniles as if they had just had a cigarette. The officer approached one of the females and he noticed a rolled up marijuana joint next to her feet. When he began to talk to her, she admitted the marijuana was hers and that she also had a pill in her bra, which was vicodin. She was taken into custody and transported back to the Hinsdale Police station. She was fingerprinted and photographed, and given Peer Jury for her offense.
- On 4/23/12, the School Resource Officer was able to identify who had stolen an iPod through the school's video camera system. The officer was able to recover the stolen iPod which was taken from a student in a class room at Hinsdale Central. The juvenile offender admitted to taking the iPod and gave it back. He was given Peer Jury for his punishment.
- On 4/24/12 at 4:58pm, officers were dispatched to the 300 east block of 9th Street for an Aggravated Assault between father and son. When officers approached, they observed the father holding a crossbow in his hands. They spoke to the father, son, and daughter and determined the son had taken out the crossbow and aimed it at his father. The male juvenile was arrested and taken back to the station. No charges were filed in the case after the investigation concluded no one used the crossbow during the dispute and no one aimed it at anyone.
- On 4/25/12 at 4:50pm, officers were dispatched to the 800 south block of Jackson Street for a juvenile problem. The officers arrived at the house and the mother stated there was a girl there who stated she wasn't allowed to go home. After they spoke with her, the girl admitted she was lying and she was allowed to go home. They had her mother come and pick her up.

- On 4/30/12 at 11:10am, a Dean at Hinsdale Central High School contacted Detective Rau-
en to inform him there may be a student at school who is under the influence of alcohol.
Detective Rau-
en went to the school and gave the female student the PBT test to test her
alcohol level. She blew a .02. The student advised them she was still under the influence
from drinking vodka the previous day. Her father brought her back to the station and she
was given Peer Jury for being a first time offender.

Submitted by:

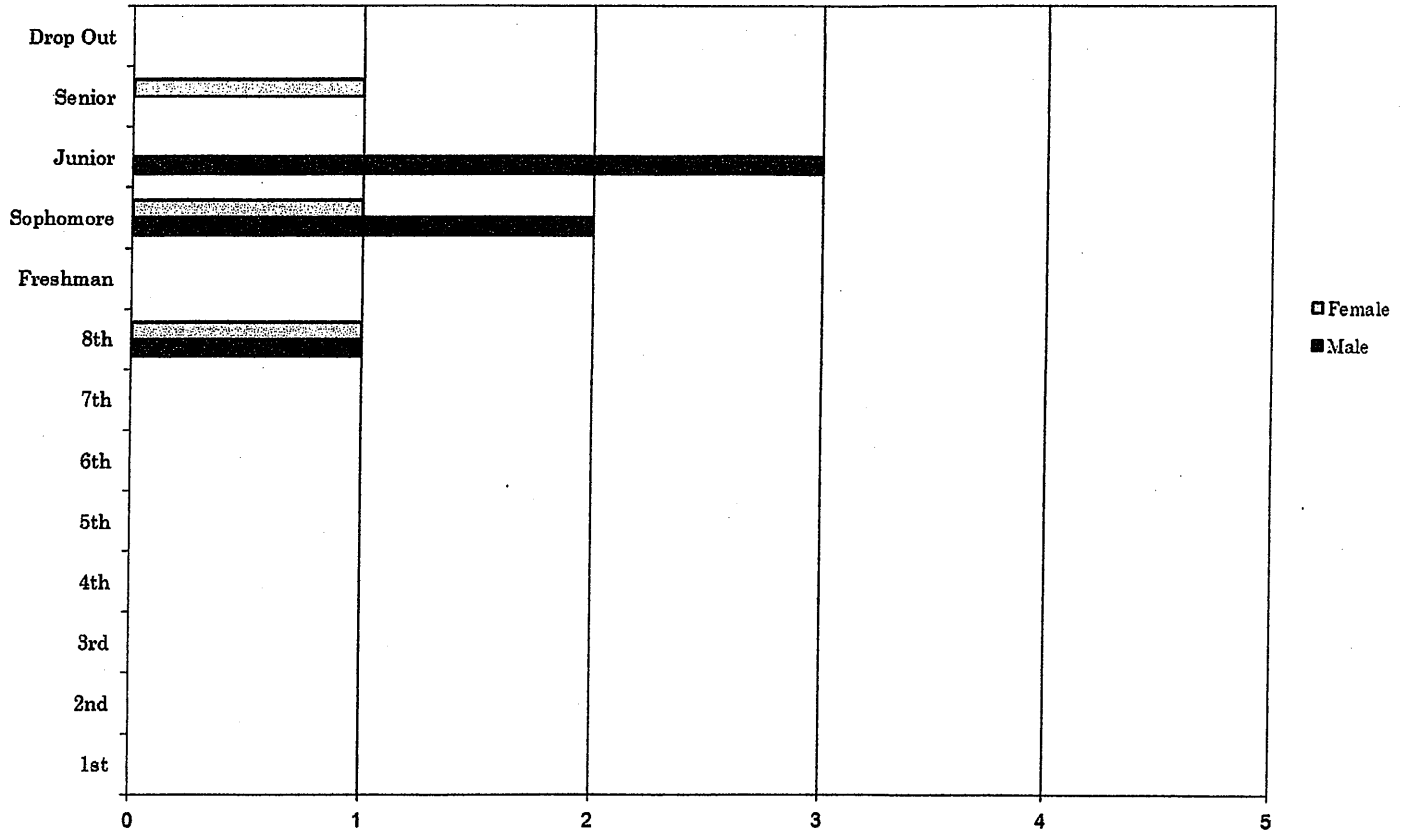
Joseph Rau-
en
Detective/Youth Officer

Hinsdale Police Department

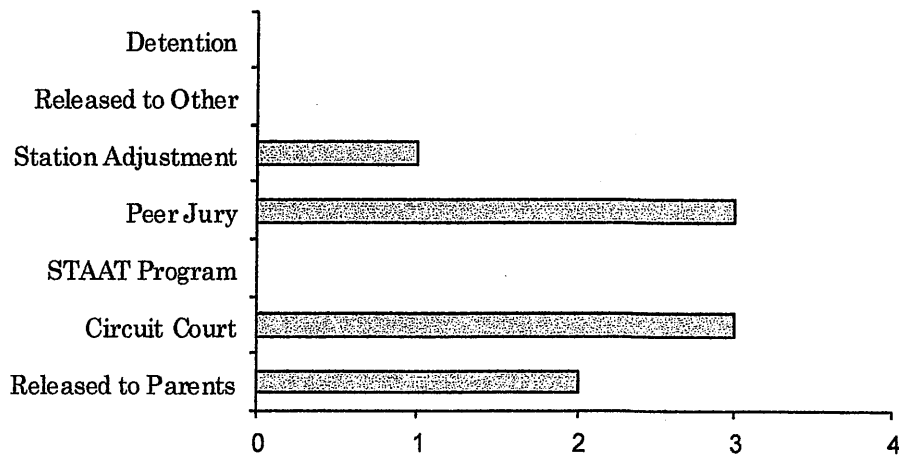
Juvenile Monthly Report

APRIL 2012

AGE AND SEX OF OFFENDERS



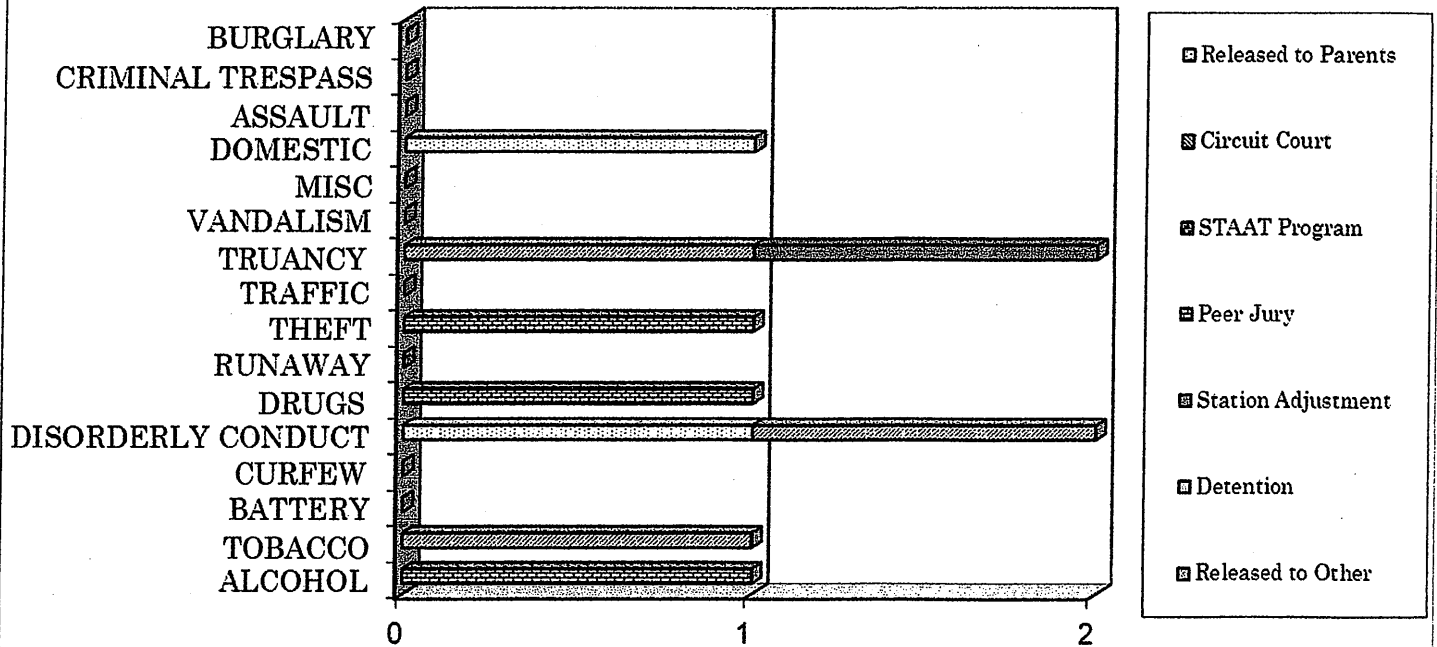
DISPOSITION OF CASES



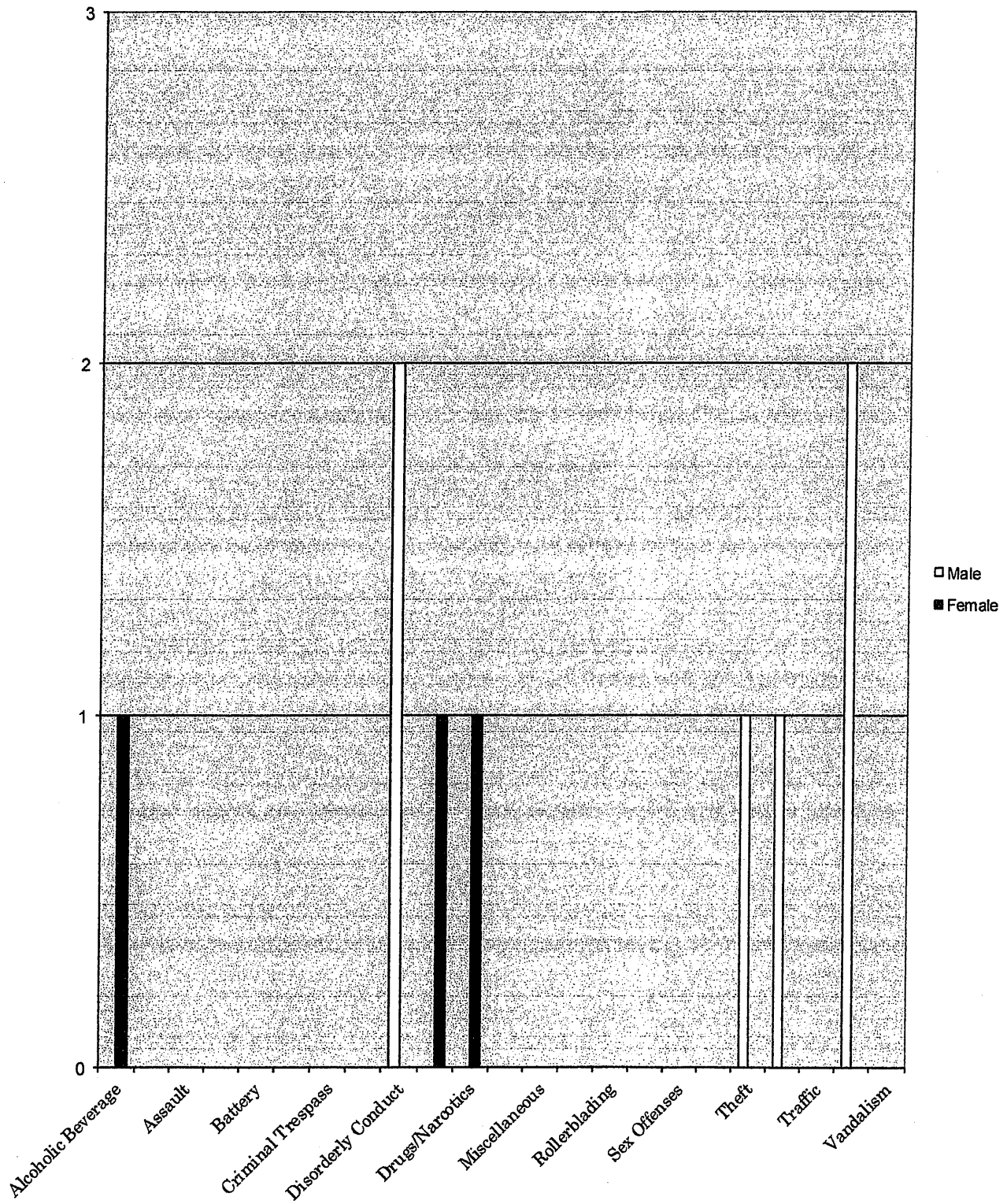
Juvenile Monthly Report (cont.)

APRIL 2012

DISPOSITION BY OFFENSE TYPE



Hinsdale Police Department
Juvenile Monthly Offenses Total Offenses by Offense Type
 April 2012





Social Networking Monthly Status Report

April 2012

The Hinsdale Police Department continues to publicly advocate its community notification via social media.

During the past reporting period, posts were disseminated on the following topics:

- Reminder that May 1 is “Crossing Guard Appreciation Day” – a great day to express your gratitude to the men and women that protect our children rain or shine.
- Publicized Safety Village registration beginning April 18.
- Information regarding the DEA’s Drug Take-Back Program scheduled for Saturday, April 28.
- Announcement of Good Friday lobby hours for the Police Department.
- Informational Alert regarding two predatory bird incidents in the last month.

<u>Number of Followers</u>		
	April ‘12	July ‘11
	186	101
	184	72

**DRAFT MINUTES
VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE
MONDAY, APRIL 23, 2012
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, Director of Community Development/Building Commissioner, Brad Bloom, Police Chief, Rick Ronovsky, Fire Chief, Sean Gascoigne, Village Planner

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

Minutes – February 2012

Trustee Elder moved to approve the minutes for the February 27, 2012 meeting as written. Second by Trustee Haarlow. Motion passed unanimously.

Monthly Reports – February and March 2012

Fire Department

Fire Chief Ronovsky limited his comments to a couple of fire incidents during the month of March that caused small amounts of damage and no injuries to residents or fire department personnel. The Fire Prevention Bureau was working with the staff at Hinsdale Hospital on completing their final inspections towards occupancy and department members were training and familiarizing themselves with the new building and its features.

Police Department

No report was given.

Community Development

Robert McGinnis limited his comments to questions based on the length of the agenda, but noted that permit revenue and activity for the month was unusually high based on the permit being issued for 10 N. Washington, five permits for new construction, and several commercial alterations all hitting at once.

Referral to Plan Commission

Recommend Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Section 11-103 (Plan Commission) as it relates to Term Limits

Chairman Saigh introduced this item and asked Sean Gascoigne to give the background on it. Sean stated that this was primarily a housekeeping item requested by the Village Board. He stated that because Plan Commission makeup and organization is contained in the Zoning Code, any change to it would require a text amendment and public hearing. Trustee Angelo made a motion to recommend that the Application be Referred to the Plan Commission for Review and Consideration of a Text Amendment to Section 11-103 (Plan Commission) as it relates to Term Limits. Second by Trustee Elder. Motion passed unanimously.

Request for Board Action

Approve an Ordinance Approving Site Plans and Exterior Appearance Plans for Replacement of the Existing Chain Link Fence at the Property Located at 500 W. Hinsdale Avenue (Hinsdale Community Pool)

Chairman Saigh introduced this item and asked Sean Gascoigne to give the background on it. Sean Gascoigne explained that the existing fence at the Hinsdale Pool was in a state of disrepair and needed to be replaced. He stated that Staff was trying to expedite the approval on this so that the work could be completed before the pool opened for the season. Trustee Angelo made a motion to Approve an Ordinance Approving Site Plans and Exterior Appearance Plans for Replacement of the Existing Chain Link Fence at the Property Located at 500 W. Hinsdale Avenue (Hinsdale Community Pool). Second by Trustee Haarlow. Motion passed unanimously.

Approve a Permit for a Temporary Use in Burlington Park from 7 a.m. to 3 p.m. on May 19, 2012 Subject to Any Conditions to be Set Forth by the Building Commissioner

Chairman Saigh introduced this item and introduced Julie Lerch of Seguin Services who explained the reason for the request and gave some background on the organization and the work that they do on behalf of the disabled adult community.

Trustee Angelo stated that they needed to be aware of the fact that there was commuter parking along Chicago Avenue that needed to be kept open.

Trustee Saigh mentioned that there were several letters of support that were received before the meeting.

Trustee Haarlow asked if they received state funds and what those funds were used for. Julie Lerch described some of the businesses that were set up by Seguin to employ their participants and what the proceeds were used for.

Trustee Saigh asked about whether the applicant was asking for a waiver of fees as part of the request. Dave Cook and Julie Lerch responded that they were not asking for any waivers and were paying full fees for the use of the park.

Don Bartecky spoke on behalf the applicant and explained that he was on the Board of Directors for Sequin and a Hinsdale resident and that he encouraged Julie Lerch to look at Hinsdale as a venue.

Trustee Elder made a motion to Approve a Permit for a Temporary Use in Burlington Park from 7 a.m. to 3 p.m. on May 19, 2012 Subject to Any Conditions to be Set Forth by the Building Commissioner. Second by Trustee Angelo. Motion passed unanimously.

Approve Purchase Order for a Oce' Plotwave 300 Large Format Digital Copier in the amount of \$12,995

Chairman Saigh introduced this item and Robert McGinnis gave the background on the request. He explained that this item is included in the budget for the upcoming year. The machine the department has now is over 10 years old and does not have the ability to scan images. As a result, whenever a digital image is required, staff must run to a print shop.

Trustee Angelo asked if this would allow the Village to produce the zoning map in house. Robert McGinnis confirmed this.

Trustee Angelo made a motion to Approve Purchase Order for an Oce' Plotwave 300 Large Format Digital Copier in the amount of \$12,995. Second by Trustee Elder. Motion passed unanimously.

Approve an Ordinance Approving a Major Adjustment to a Planned Development for a New Entrance Sign at 1203 Old Mill Road

Chairman Saigh introduced this item and Sean Gascoigne gave the background on the request. He stated that this request would ordinarily be fairly straight forward, but was compounded by the fact that the sign is located within a road that the Village now owns, which complicated the request.

He explained that the request is for a replacement sign with a sign surface area of 55 square feet in lieu of the 50 square feet permitted by code. He also noted that the sign being requested had less overall sign surface area than what existed today.

Sam VanBruggen of VanBruggen Sign Company spoke on behalf of the applicant and described the request in detail.

Trustee Angelo asked why the sign could not be designed to meet code. Mr. VanBruggen described that although the sign itself was under the 50 square foot, other portions of the monument had to be counted under the Code putting the number over 50 square feet.

Trustee Haarlow noted that it was only because of the non-sign portions of the sign that had to be counted towards the sign surface area that he was voting to approve the request. This was echoed by Trustee Elder.

Trustee Angelo made a motion to Approve an Ordinance Approving a Major Adjustment to a Planned Development for a New Entrance Sign at 1203 Old Mill Road. Second by Trustee Elder. Motion passed unanimously.

Approve an Ordinance Amending Parking Regulations in Section 6-12-9, Schedule IX Limited Time Zones of the Village Code of Hinsdale

Chief Bloom stated that a complaint from a resident regarding parking time zone violations on Third Street between Grant and Vine Street found that the underlying ordinance did not match the current signage. Current signage limits parking on the north side of Third Street between Grant and Vine Street to 4 hours. Our ordinance limits parking on the block to 2 hours. The current signage limiting parking to 4 hours has been in place for at least five (5) years.

We have not received complaints from any of the parking users or residents requesting a shorter parking duration other than what is currently posted. The residents on the affected block have been notified by letter of this proposed ordinance change. Chief Bloom indicated that a number of e-mails were received and that three residents were in favor of having the parking restriction changed to 2 hours. Mr. Doug Bemiss indicated his support for parking to be 2 hours. A discussion was held concerning what has been done to address Mr. Bemiss concerns regarding parking.

Trustee Angelo made a motion to approve an "Ordinance Amending Parking Regulations in Section 6-12-9, Schedule IX Limited Time Zones of the Village Code of Hinsdale. Second by Chairman Saigh. Motion passed 3-1 in favor.

Approve an Ordinance Declaring Property as Surplus and Approving the Sale of the Surplus Property at the Internet Website E-Bay by Public Auction

Chief Bloom stated that he is requesting that the ordinance declaring two (2) vehicles seized by the police department and awarded to the Village be declared surplus and sold at auction using the Internet auction site E-Bay. Trustee Elder made a motion to Approve an Ordinance Declaring Property as Surplus and

Approving the Sale of the Surplus Property at the Internet Website E-bay by Public Auction. Second by Trustee Angelo. Motion passed unanimously.

Approve Renewing the Contract of Attorney Linda Pieczynski for the Period of June 1, 2012 through May 31, 2013 for the Prosecution of Ordinance Violations

Chairman Saigh stated that the current contract with Linda Pieczynski, Village Prosecutor of our field court cases, will expire on May 31, 2012. Ms. Pieczynski has worked under contract with the Village since 1984. Our police officers and code enforcement personnel have indicated that the consistency of prosecution and availability of Attorney Pieczynski has benefited the Village greatly in the presentation of court cases. Chairman Saigh indicated that contract does not include an increase in rates. The current contract with Linda Pieczynski, Village Prosecutor of our field court cases, will expire on May 31, 2012. Trustee Angelo made a motion to Approve Renewing the Contract of Attorney Linda Pieczynski for the Period of June 1, 2012 through May 31, 2013 for the Prosecution of Ordinance Violations. Second by Trustee Elder. Motion passed unanimously.

Discussion Items

Model Outdoor Warning System Policy and Guidelines (Tornado Sirens)

Chief Bloom stated that in the Fall of 2011 representatives from the DuPage County Police Chief's Association, Fire Chief's Association, the DuPage County's Office of Homeland Security and representatives from the National Weather Service met to formulate a model policy for the activation of outdoor warning sirens.

The purpose of the meeting was to devise a model policy that could be used by all DuPage County municipalities in an effort to standardize the criterion for when the sirens are activated.

Under the new guidelines, outdoor warning sirens will be activated when a confirmed sighting of a tornado, tracking toward the community, is reported by a trained weather spotter within the community or surrounding communities; the receipt of a tornado warning, issued by the National Weather Service, including the community; reports of significant ongoing storm damage (i.e. uprooted trees, structural damage, multiple broken windows, de-roofings) secondary to storm-related winds.

Chief Bloom further stated that one other important element that emerged from these discussions was the fact that due to the unpredictable nature of dangerous weather conditions, advance siren activation is not always possible. Therefore, a key component of the new guidelines is to educate the public that when they see dangerous weather conditions, they should seek shelter and tune in to receive weather updates and not wait for the activation of the outdoor warning system.

A brief discussion was held and the Committee indicated that they thought that the new guidelines were a good idea.

Solar Powered Speed Display Signs in School Zones

Chief Bloom stated that school zone speed enforcement has always been a priority with the police department and something that the community has strongly supported. Recent advancements in technology has produced a solar powered radar speed display sign that can be used to monitor the speed of vehicles in order to improve driver awareness. The signs will collect data on the speed and number of vehicles along with dates and times. The sign is also capable of being programmed to only be on during certain times of the day or days of the week.

Chief Bloom stated that he believes that these signs would be quite useful at educating drivers by raising awareness. If the collected data from the sign indicates that enforcement is necessary we can follow-up with an efficient plan to conduct enforcement.

The cost of the signs and accompanying solar unit is approximately \$3125 plus the cost of a decorative pole (matching central BD street light pole) and installation for a total cost of \$4783.00 per unit.

Chief Bloom said he is looking for the approval of the Committee to go forward with approaching the school P.T.O's to see if they would be interested in underwriting the cost and installation of these devices. In return that Village would be responsible for maintaining these units following initial purchase and installation. A brief discussion was held and the Committee approved this request.

Authorization to Solicit Bids for a New Ambulance

Fire Chief Ronovsky advised that the Fire Department is ready to go out for bids for a replacement ambulance to replace the Village's 1998 model ambulance. Funds are in the FY 2012-13 for this purchase as well as a donation from the Eden project.

Bid packets will be available at the Fire Department starting on Thursday, April 26, 2012 and will be due back by Wednesday, May 9, 2012 at 1:30pm. Bids will then be opened and reviewed.

The successful vendor should be awarded at the June 5th Village Board Meeting.

Distributed Antenna Systems Ordinance

Chairman Saigh introduced this item and asked Village Attorney, Lance Molina to speak on the memo he had prepared and discuss options moving forward.

He stated that task was twofold, first the rules needed to be established and then the process for approval defined.

He stated that the application should be clear enough that the need for that particular location is clearly demonstrated and why other, more desirable sights could not work.

He then discussed the process and choices for where the approval began and ended. Chairman Saigh was concerned with the 90 day shot clock rule. Lance Molina confirmed that the process should be set up with this in mind.

Trustee Elder asked whether it wouldn't be best to have these requests come to ZPS and then to the full Board for approval.

Several members agreed that Plan Commission would be the best option initially, but agreed that this would drag out the process over 90 days.

Trustee Angelo asked whether it was possible to reject a request for installations on a pole that already had one installed. Lance Molina agreed that this was possible and that they would have to demonstrate a need.

Luke Stifflear stated that the Village Attorney did a great job summarizing the concerns that he had initially. He stated that there should be areas of town that are given preference for these antennas outside of residential areas.

There was discussion on “safe harbor” type areas where staff could grant an approval saving time and money for an applicant.

Chairman Saigh asked about direction and process moving forward. Members agreed that the attorney should put together a draft ordinance for consideration. Members agreed that approvals should start with staff and then move to Committee.

There was discussion on what sort of standards be included in the approval criteria.

Lance added that as Trustees had ideas, they could forward them on for inclusion in the draft.

Adjournment



With no further business to come before the Committee, Chairman Saigh asked for a motion to adjourn. Trustee Angelo made the motion. Second by Trustee Elder. Meeting adjourned at 9:35PM.

Respectfully Submitted,

Robert McGinnis, MCP
Director of Community Development/Building Commissioner

DATE: May 21, 2012

REQUEST FOR BOARD ACTION

AGENDA SECTION NUMBER		ORIGINATING DEPARTMENT Community Development														
ITEM Referral - Case A-17-2012 – Applicant: Daily Spark Hinsdale, Inc. – Request: Text Amendment to Section 5-105C, to allow Fitness Facilities in the B-1, Community Business District as Special Uses.		APPROVAL														
<p>The Applicant, Daily Spark Hinsdale, Inc., has submitted an application to amend Article V (Business Districts), Section 5-105 (Special Uses), of the Village of Hinsdale Zoning Code, to allow Fitness Facilities (7991) in the B-1, Community Business District as Special Uses. The applicant has also submitted the necessary Special Use permit application to operate a fitness facility at 777 N. York Road (A-18-2012). Should the ZPS and Village Board find the requested text amendment appropriate, they will refer it on to the Plan Commission where they would consider the special use application along with the text amendment request.</p> <p>The proposed process would allow the Plan Commission and Village Board to hear all cases independently and establish the appropriateness of the use based on the location and the individual circumstances of the property in question.</p> <p>Below is draft language proposed by the applicant that would amend the Zoning Code so that Fitness Facilities (7991) would be Special Uses in the B-1 Community Business District:</p> <table border="0"><tr><td>Section 5-105 Special Uses</td><td>B-1</td><td>B-2</td><td>B-3</td></tr><tr><td>C. Services:</td><td></td><td></td><td></td></tr><tr><td>11. Physical fitness facilities (7991), but not on the first floor of any structure in the B-2 District.</td><td>S</td><td>S</td><td>S</td></tr></table> <p>MOTION: Move to recommend that the application be referred to the Plan Commission for review and consideration of a Text Amendment to Section 5-105C, to allow Fitness Facilities as Special Uses in the B-1 Business District.</p>					Section 5-105 Special Uses	B-1	B-2	B-3	C. Services:				11. Physical fitness facilities (7991), but not on the first floor of any structure in the B-2 District.	S	S	S
Section 5-105 Special Uses	B-1	B-2	B-3													
C. Services:																
11. Physical fitness facilities (7991), but not on the first floor of any structure in the B-2 District.	S	S	S													
APPROVAL 	APPROVAL 	APPROVAL	APPROVAL	MANAGER'S APPROVAL												
COMMITTEE ACTION:																
BOARD ACTION:																

Law Offices
Martin, Craig, Chester & Sonnenschein LLP
2215 York Road
Suite 550
Oak Brook, Illinois 60523
Telephone 630-472-3400
Fax 630-472-0048

CATHLEEN M. KEATING

Direct Dial Number: 630-472-3407
E-Mail: cmk@mccslaw.com

May 16, 2012

Plan Commission
Village of Hinsdale
19 E. Chicago Ave.
Hinsdale, Illinois 60521

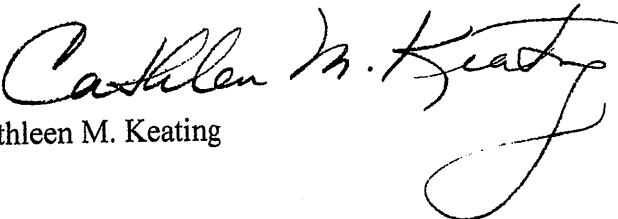
Re: Daily Spark Hinsdale, L.L.C.
Zoning Map Amendment and
Special Use applications
777 N. York Road, Hinsdale

Dear Plan Commission Members:

This letter will confirm my understanding that, notwithstanding the references in the Zoning Text Amendment application to "Gateway Square" the Zoning Text Amendment application is intended to apply to all properties zoned in the B-1 Community Business District in the Village of Hinsdale. The application addresses the standards as they apply specifically to the property that my client is leasing in Gateway Square (which is the subject of the Special Use Application), but the text amendment would apply generally to all properties in the B-1 District.

Please call if you have any questions.

Very truly yours,


Cathleen M. Keating

cc: Tim Scott
Sean Gascoigne



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

Must be accompanied by completed Plan Commission Application

Is this a: Map Amendment ☐ Text Amendment ☒

Address of the subject property 777 N. York Rd., Hinsdale, IL 60521

Description of the proposed request: Text Amendment to list Physical Fitness Facilities as a special use in the B-1 Community Business District

REVIEW CRITERIA

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

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

1. The consistency of the proposed amendment with the purpose of this Code.
The proposed text amendment to add physical fitness facilities as a special use in the B-1 District would reflect how the use is treated in other business-zoned districts and will encourage "a rational pattern of land uses" and compatibility between different types of land uses.
2. The existing uses and zoning classifications for properties in the vicinity of the subject property.
Gateway Square, a 20- unit shopping center is zoned B-1. Adjacent land along Ogden Ave. is zoned B-2 (gas station, rehab facility, offices, retail uses). To the south and southwest is R-4 (single family residence. West is O-2/ Limited Office District.
3. The trend of development in the vicinity of the subject property, including changes, if any, such trend since the subject property was placed in its present zoning classification.
Gateway Square has had many different retail and service businesses in its tenant mix, including restaurants. The south side of Ogden Ave. houses a mix of retail and service uses, including a cardiac rehabilitation facility.

4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.

The current B-1 district regulations do not allow a fitness facility as a special use which deprives owners and tenant of the ability to provide this use, which complements other other B-1 uses.

5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.

Public health, safety and welfare will be enhanced by allowing fitness facilities as a special use in B-1 Community Business districts such as Gateway Square.

6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

Most of the adjacent properties are single family residences. This text amendment will allow residents a neighborhood fitness facility that they can access on foot or by car.

7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

Value of adjacent residences is enhanced by a small fitness facility within walking or short driving distance.

8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

A small fitness facility will provide more foot traffic to Gateway Square, thus enhancing surrounding businesses.

9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.

Gateway Square has had some of it's retail uses close recently. Allowing a small fitness facility in this location will be a minor use expansion but will allow a very popular business to locate there.

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

Gateway Square has sufficient parking on-site (247 spaces), and is easily accessed by York Road. Many nearby residents may choose to walk to the proposed fitness facility.

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

As a mature community shopping center, Gateway Square has adequate utilities and public services.

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

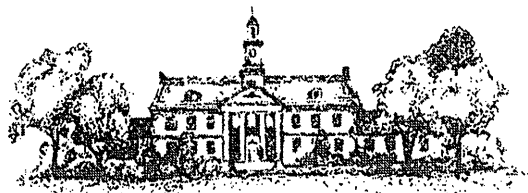
Gateway Square has experienced a number of retail vacancies and over the past 2 years, and would benefit from this text amendment.

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

Fitness training in relatively small facilities has become very popular, and there are virtually no such facilities in the northern part of the Village.

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

N/A



**VILLAGE
OF HINSDALE** FOUNDED IN 1873

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

**PLAN COMMISSION APPLICATION
FOR BUSINESS DISTRICTS**

I. GENERAL INFORMATION

Applicant

Name: Daily Spark Hinsdale, Inc.

Address: 808 Phillippa

City/Zip: Hinsdale, IL 60521

Phone/Fax: (480) 710-0689 /

E-Mail: kwhoffmann77@gmail.com

Owner

Name: Inland Gateway Square, L.L.C.

Address: 2901 Butterfield Rd.

City/Zip: Oak Brook, IL 60523

Phone/Fax: (630) 218-8000 / 630-645-7259

E-Mail: le@inlandrealestate.com

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

Name: Cathleen M. Keating

Title: Attorney

Address: 2215 York Rd # 550

City/Zip: Oak Brook, IL 60523

Phone/Fax: (630) 472-3407 / 630-472-0049

E-Mail: cmk@mccslaw.com

Name: _____

Title: _____

Address: _____

City/Zip: _____

Phone/Fax: (____) _____ / _____

E-Mail: _____

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

1) _____

2) _____

3) _____

II. SITE INFORMATION

Address of subject property: 777 N. York Road

Property identification number (P.I.N. or tax number): $\begin{array}{r} 09 \\ 09 \end{array} - \begin{array}{r} 01 \\ -01 \end{array} - \begin{array}{r} 209 \\ -209 \end{array} - \begin{array}{r} 007 \\ -031, 032 \\ -010, 011 \end{array}$

Brief description of proposed project: 2,680 sf fitness facility and retail store selling exercise equipment and nutritional supplements.

General description or characteristics of the site: Gateway Square is a 40,115 sf 1-story shopping center, offering restaurants, retail and other business uses.

It is served by 247 parking spaces.

Existing zoning and land use: B-1 Shopping Center

Surrounding zoning and existing land uses:

North: B-3 Retail, Office, Service

South: R-4 Single Family Residence

East: R-4 Single Family Residential

West: 0-2 Limited Office; R4 SFR

Proposed zoning and land use: B-1 (unchanged) with Special Use Permit

Please mark the approval(s) you are seeking and attach all applicable applications and standards for each approval requested:

☐ Site Plan Disapproval 11-604

☐ Design Review Permit 11-605E

☐ Exterior Appearance 11-606E

☒ Special Use Permit 11-602E

Special Use Requested: Fitness Facility with Retail Sales of Fitness Equipment and nutrition supplements.

☒ Map and Text Amendments 11-601E
Amendment Requested: To allow small (<3,000 sf) fitness facility as special use in B-1 District.

☐ Planned Development 11-603E

☐ Development in the B-2 Central Business District Questionnaire

TABLE OF COMPLIANCE

Address of subject property: 777 N. York Rd

The following table is based on the B-1 Zoning District.

	Minimum Code Requirements			Proposed Existing Development
	B-1	B-2	B-3	
Minimum Lot Area	6,250	2,500	6,250	161,172
Minimum Lot Depth	125'	125'	125'	North 275' / South 474'
Minimum Lot Width	50'	20'	50'	431'
Building Height	30'	35'	30'	26'-7"
Number of Stories	2	3	2	2
Front Yard Setback	25'	0'	25'	
Corner Side Yard Setback	25'	0'	25'	
Interior Side Yard Setback	10'	0'	10'	
Rear Yard Setback	20'	20'	20'	
Maximum Floor Area Ratio (F.A.R.)*	.35	2.5	.50	40,338/161,172 = 0.25 Orig bldgs 40,170 sq ft
Maximum Total Building Coverage*	N/A	80%	N/A	N/A
Maximum Total Lot Coverage*	90%	100%	90%	
Parking Requirements	1/200net 181 required			Existing 247
Parking front yard setback				
Parking corner side yard setback				
Parking interior side yard setback				
Parking rear yard setback				
Loading Requirements				
Accessory Structure Information (height)	15'	15'	15'	

* Must provide actual square footage number and percentage.

Where any lack of compliance is shown, state the reason and explain the Village's authority, if any, to approve the application despite such lack of compliance: _____

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

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

On the 27th day of May, 2012, I/We have read the above certification, understand it, and agree to abide by its conditions.

X Kyle Hoffman
Signature of applicant or authorized agent

Daily Spark Hinsdale, Inc.
Name of applicant or authorized agent

Signature of applicant or authorized agent

by Kyle Hoffman, its President
Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this 27th day of
May, 2012.

Cathleen Keating Wilburn
Notary Public



VILLAGE OF HINSDALE

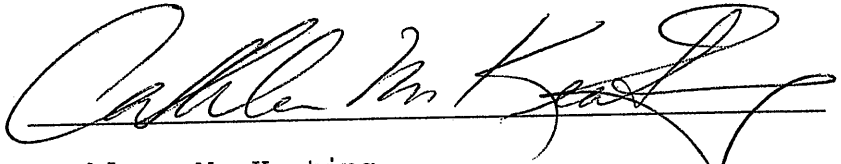
CERTIFICATION OF PROPER NOTICE

REGARDING APPLICATION FOR PUBLIC HEARINGS AND MEETINGS

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

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

By:



Name:

Cathleen M. Keating

Address:

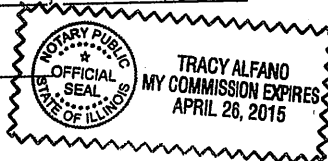
2215 York Road, Suite 550, Oak Brook, IL 60523

Subscribed and sworn to before me

This 27th day of April 2012.

By:


Notary Public



Air Fitness - 777 N. York Rd. - Public Notice

PIN	Parcel Street Address	Owner Name	Owner Street Address	Town	State	Zip	Mail Receipt
09-01-202-023	120 E. Ogden Ave.	120 East Ogden Ave LLC	21 Spinning Wheel	Hinsdale	IL	60521	
09-01-202-004	120 E. Ogden Ave.	120 East Ogden Ave LLC	21 Spinning Wheel	Hinsdale	IL	60521	
09-01-202-022	133 Fuller Rd.	Brockman, Robert	724 N. York Rd.	Hinsdale	IL	60521	
09-01-203-008	136 Fuller Rd.	Bergnach, Mark	136 Fuller Rd.	Hinsdale	IL	60521	
09-01-201-011	149 E. Ogden Ave.	Angel Associates LP c/o Parent Petroleum	381 E. St. Charles Rd.	Carol Stream	IL	60188	
09-01-202-021	150 E. Ogden Ave.	150 E Ogden Ave LLC	17W474 Earl Ct.	Darien	IL	60561	
09-01-209-021	207 Fuller Rd.	Patacsil, James R & FJ	536 N. Thompson Rd.	Apopka	FL	32712	
09-01-215-001	208 E. Fuller Rd.	Yi, Jong Yoon	208 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-209-001	210 E. Ogden Ave.	RDK Ventures LLC	4080 W. Jonathan Moore PO Box 347	Columbus	IN	47201	
09-01-209-002	210 E. Ogden Ave.	RDK Ventures LLC	4080 W. Jonathan Moore PO Box 347	Columbus	IN	47201	
09-01-209-022	211 Fuller Rd.	Mathew, Jacob & Sujia	211 Fuller Rd.	Hinsdale	IL	60521	
09-01-209-023	215 E. Fuller Rd.	Ramel, Leonida M	424 Justina	Hinsdale	IL	60521	
09-01-215-026	218 Fuller Rd.	Pieranunzi, Maureen K	218 Fuller Rd.	Hinsdale	IL	60521	
09-01-202-018	218 Fuller Rd.	Brockman, Robert	218 Fuller Rd.	Hinsdale	IL	60521	
09-01-209-024	219 E. Fuller Rd.	Russel, Daniel & M	219 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-209-025	221 E. Fuller Rd.	Orton, Gary D	221 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-209-003	222 E. Ogden Ave.	Elm Creek Property Management	907 N. Elm St. No. 100	Hinsdale	IL	60521	
09-01-209-028	223 E. Fuller Rd.	Yang, Spencer & Penny	223 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-209-026	225 E. Fuller Rd.	Nevothe, John & SL	225 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-216-001	228 Fuller Rd.	Hayes, Anne L. Trust	228 Fuller Rd.	Hinsdale	IL	60521	
09-01-209-027	229 Fuller Rd.	Swierczynski, R & J Han	229 Fuller Rd.	Hinsdale	IL	60521	
09-01-209-033	230 E. Ogden Ave.	230 E Ogden LLC	945 S. Vine	Hinsdale	IL	60521	
09-01-216-002	234 Fuller Rd.	Halligan, Lori	234 Fuller Rd.	Hinsdale	IL	60521	
09-01-216-003	238 Fuller Rd.	Soch, Raymond E	238 Fuller Rd.	Hinsdale	IL	60521	
09-01-209-030	241 E. Fuller Rd.	Leal, Carlos & Esther G.	241 E. Fuller Rd.	Hinsdale	IL	60521	
09-01-209-005	242 E. Ogden Ave.	Koshgarian, HH	602 Burr Ridge Club	Burr Ridge	IL	60521	
09-01-216-004	622 N. Elm St.	Sugay, Eduardo & Karen	622 N. Elm St.	Hinsdale	IL	60521	
09-01-203-011	622 N. York Rd.	Hogrefe, Phyllis	622 N. York Rd.	Hinsdale	IL	60521	
09-01-203-010	628 N. York Rd.	London, Andrew & Jennifer	628 N. York Rd.	Hinsdale	IL	60521	
09-01-209-020	701 N. York Rd.	Larson, Ruth H	701 N. York Rd.	Hinsdale	IL	60521	
09-01-210-013	705 N. Elm St.	Nash, Christopher & Julie	705 N. Elm St.	Hinsdale	IL	60521	
09-01-210-012	707 N. Elm St.	Harris Bank Hinsdale Trust L-2973	707 N. Elm St.	Hinsdale	IL	60521	
09-01-209-029	710 N. Elm St.	Rost, Mark & Lisa	710 N. Elm St.	Hinsdale	IL	60521	
09-01-202-020	710 N. York Rd.	HMH LP	PO Box 43	Hinsdale	IL	60521	
09-01-210-011	713 N. Elm St.	Luo, Hong & Ning Yuen	713 N. Elm St.	Hinsdale	IL	60521	
09-01-209-019	718 N. Elm St.	Howell, Rodger & Kathryn	718 N. Elm St.	Hinsdale	IL	60521	

Air Fitness - 777 N. York Rd. - Public Notice

PIN	Parcel Street Address	Owner Name	Owner Street Address	Town	State	Zip	Mail Receipt
09-01-202-019	718 N. York Rd.	Carlo Enterprises	PO Box 607	Hinsdale	IL	60521	
09-01-210-010	719 N. Elm St.	Collins, Lina Lenta	719 N. Elm St.	Hinsdale	IL	60521	
09-01-209-018	722 N. Elm St.	Van, Oliver & Julie	722 N. Elm St.	Hinsdale	IL	60521	
09-01-210-009	723 N. Elm St.	Bel, Krassi	450 58th Pl.	Hinsdale	IL	60521	
09-01-202-017	724 N. York Rd.	Brockman, Robert	724 N. York Rd.	Hinsdale	IL	60521	
09-01-210-008	727 N. Elm St.	O Hea, Timothy	727 N. Elm St.	Hinsdale	IL	60521	
09-01-209-017	730 N. Elm St.	Chawla, T Paul S	15 Spinning Wheel No. 126	Hinsdale	IL	60521	
09-01-209-016	734 N. Elm St.	Lucente, Jr, Sam & Francis	734 N. Elm St.	Hinsdale	IL	60521	
09-01-202-016	736 York Rd.	Arkansas Illinois LP	PO Box 66786	Chicago	IL	60521	
09-01-209-015	804 Elm St.	Fong, Nancy	804 Elm St.	Hinsdale	IL	60521	
09-01-202-015	806 N. York Rd.	Yen, Cassie	806 N. York Rd.	Hinsdale	IL	60521	
09-01-203-009	Fuller Rd.	Chicago Land Trust - Trust 1111122	171 N. Clark - Unit 17	Chicago	IL	60601	
09-01-209-007	777 N. York Rd.	Investors Property Tax	PO Box 9275	Oak Brook	IL	60522	N/A - Subj. Prop.
09-01-209-031	777 N. York Rd.	Investors Property Tax	PO Box 9275	Oak Brook	IL	60522	N/A - Subj. Prop.
09-01-209-010	777 N. York Rd.	Investors Property Tax	PO Box 9275	Oak Brook	IL	60522	N/A - Subj. Prop.
09-01-209-011	777 N. York Rd.	Investors Property Tax	PO Box 9275	Oak Brook	IL	60522	N/A - Subj. Prop.
09-01-209-032	777 N. York Rd.	Investors Property Tax	PO Box 9275	Oak Brook	IL	60522	N/A - Subj. Prop.



**VILLAGE
OF HINSDALE** FOUNDED IN 1873

**COMMUNITY DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT CRITERIA**

Must be accompanied by completed Plan Commission Application

Address of proposed request: 777 N. York Road. Suites 5 & 6

Proposed Special Use request: 2,700 sf Fitness Facility

Is this a Special Use for a Planned Development? ☒ **No** ☐ **Yes** (If so this submittal also requires a completed Planned Development Application)

REVIEW CRITERIA

Section 11-602 of the Hinsdale Zoning Code regulates Special use permits. Standard for Special Use Permits: In determining whether a proposed special use permit should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Plan Commission and Board of Trustees should weigh, among other factors, the below criteria Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

FEES for a Special Use Permit: \$1,225 (must be submitted with application)

1. *Code and Plan Purposes.* The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established.

The proposed use, a 2,700 SF fitness facility, will promote health and wellness of Hinsdale residents.

2. *No Undue Adverse Impact.* The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

The proposed use is compatible with other uses in Gateway Square and is of a size which fits the neighborhood character of the Gateway Square shopping center. It will enhance public health.

3. *No Interference with Surrounding Development.* The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations

The surrounding areas are fully developed with a range of retail, offices, service and residential uses. A small fitness center will serve the neighborhood and be used by residents of Hinsdale.

4. *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Gateway Square is a fully developed shopping center with adequate streets, utilities, drainage, and other public facilities and services.

5. *No Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

Patrons will utilize the fitness facility from 6:00 am until 8:00 pm. The capacity of the facility (15-20) is such that its employees and customers will not create large traffic volumes.

6. *No Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

No new construction; all interior improvements to Suites 5 and 6 at Gateway Square.

7. *Compliance with Standards.* The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Small fitness centers such as that proposed are not currently authorized in B-1 District. Applicant has simultaneously filed an Application for a Zoning Text Amendment to authorize small fitness facilities as special uses in District B-1.

8. *Special standards for specified special uses.* When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district.

N/A

9. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider the following:

Public benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

The proposed fitness center will provide athletic training and fitness services for Hinsdale residents in an area where these services are not currently provided.

Alternate locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Applicant has spent months evaluating other locations and believes this location is the best place in Hinsdale which to locate the business.

Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

N/A- no new construction

DATE: May 21, 2012

REQUEST FOR BOARD ACTION

AGENDA	ORIGINATING DEPARTMENT
SECTION NUMBER ZONING AND PUBLIC SAFETY	Community Development
ITEM Case A-11-2012 - Applicant: Frank Fox/Fox's Pizza - Location: 777 N. York Road: Design Review Overlay Permit and Site Plan/Exterior Appearance Approval for Exterior Improvements and a Special Use for Live Entertainment	APPROVAL

The petitioner is requesting a design review permit and site plan/exterior appearance approval, as well as a special use for live entertainment, to allow for the improvement of an existing tenant space within the Gateway Shopping Center at 777 N. York Road. As illustrated in the attached drawings, the petitioner proposes to reuse the existing tenant space, which includes an existing second level outdoor patio. The substantial site changes are largely driven by building code requirements, as well as the applicant's desire to improve the appearance of the existing space. The applicant is required to provide a second means of egress, which addresses the addition of a stairwell on the north elevation of the building. In addition, the applicant is also proposing to install a decorative wrought iron railing around the second story outdoor patio to not only improve the appearance, but also bring the railing into compliance as the existing railing does not meet the necessary height requirements and would need to be replaced regardless. The building is located on York Road, just south of Ogden Road in the Gateway Square Shopping Center, 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.

In addition to the exterior improvements, the applicant is also proposing two wall signs. While the wall signs would typically qualify for consideration by the Chairman for administrative approval, staff felt it was more appropriate to consider them along with the rest of the application as part of the overall appearance approval since one of the signs is architecturally integrated within the railing, which requires exterior appearance approval. The first sign is on the north elevation above the pick-up door and is approximately 25 square feet (5'-0" x 5'-0"). The colors would be green, white and black as seen in the attached illustrations, and would be internally illuminated. The second sign would be located on the railing of the north elevation and would be 17 square feet (5'-8" x 3'-0"). The sign would be constructed out of a laser-cut aluminum and would be the same single color as the remaining railing panels that are being constructed to bring the existing railing up to code. Subsection 9-106I of the Zoning Code provides the requirements for signage in the B-1 Community Business District. The Code allows one wall sign with a maximum square footage of five percent of the square footage of the wall to which the signs are affixed, except that when the premises occupied by such user has more than one exterior wall that front on a public street of a public parking lot, then one such sign per such wall shall be permitted. While this specific tenant configuration is unique, if we consider only the lower level wall to which the northern sign is attached, the surface is approximately 589 square feet and would allow a 29.5 square foot sign. On the south elevation the surface is approximately 715 square feet and would allow a 36 square foot sign. As such, the signs meet the requirements of Section 9-106 – Signs of the Zoning Code.

At the May 9, 2012 Plan Commission meeting the commission reviewed the application submitted by Frank Fox and recommended the following:

1. To approve, on a 6-0 vote (three absent), a Special Use Permit for Live Entertainment;
2. To approve, on a 6-0 vote (three absent), Exterior Appearance (including signage);
3. To approve, on a 5-1 vote (three absent), Site Plan Review; and

4. To approve, on a 6-0 vote (three absent), a Design Review Permit;

To allow for exterior modifications to the existing facility at 777 N. York Road – Fox’s Pizza.



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

MOTION: Move that the request be forwarded to the Board of Trustees to approve an “Ordinance Approving a Special Use Permit for Live Entertainment, A Design Review Permit and Site Plan and Exterior Appearance Plan for Façade Changes for the Property Located at 777 N. York Road (Fox’s Pizza).”

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

DRAFT

VILLAGE OF HINSDALE

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR LIVE ENTERTAINMENT,
A DESIGN REVIEW PERMIT AND SITE PLAN AND EXTERIOR APPEARANCE PLAN
FOR FAÇADE CHANGES FOR THE PROPERTY LOCATED AT 777 N. YORK ROAD
(FOX'S PIZZA)**

WHEREAS, Frank Fox/Fox's Pizza (the "Applicant") submitted an application for a design review overlay permit, site plan/exterior appearance approval, and for a special use for live entertainment accessory to permitted eating places (the "Application"), to allow for improvements to an existing tenant space within the Gateway Shopping Center located at 777 N. York Road, Hinsdale, Illinois (the "Subject Property"); and

WHEREAS, the Subject Property is located in the B-1 Community Business District and the Historic Graue Mill Gateway Design Review Overlay District and is currently improved with a retail center, commonly known as Gateway Square. The Subject Property is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, live entertainment accessory to permitted eating places is permitted as a special use in the B-1 Community Business Zoning District; and

WHEREAS, the Application has been referred to the Plan Commission of the Village and has been processed in accordance with the Hinsdale Zoning Code ("Zoning Code"), as amended; and

WHEREAS, the Application was considered by the Hinsdale Plan Commission at a public hearing on the Application pursuant to notice thereof properly published in *The Hinsdalean* on April 19, 2012. After considering all of the testimony and evidence presented at the public hearing and all of the matters related to the Application, the Plan Commission recommended approval of the Special Use Permit for Live Entertainment on a vote of six (6) in favor, zero (0) against, and three (3) absent, approval of the Exterior Appearance on a vote of six (6) in favor, zero (0) against, and three (3) absent, approval of the Site Plans on a vote of five (5) in favor, one (1) against, and three (3) absent, and approval of the Design Review Permit on a vote of six (6) in favor, zero (0) against, and three (3) absent, all as set forth in the Plan Commission's Findings and Recommendation in Case No. A-11-2012 ("Findings and Recommendation"), a copy of which is attached hereto as **Exhibit B** and made a part hereof; and

WHEREAS, the Zoning and Public Safety Committee of the Board of Trustees of the Village, at a public meeting held on May 21, 2012, considered the Application and the Findings and Recommendation of the Plan Commission and made its recommendation to the Board of Trustees; and

WHEREAS, the President and Board of Trustees have duly considered the Findings and Recommendation of the Plan Commission, recommendation of the Zoning and Public Safety Committee and all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards established in subsection 11-602E of the Zoning Code governing approval of a special use permit, subsection 11-604F of the Zoning Code governing site plan approval, subsection 11-605E of the Zoning Code governing considerations for design review permits, and 11-606E of the Zoning Code governing exterior appearance review, subject to the conditions stated in this Ordinance.

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

SECTION 1: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

SECTION 2: Approval of Special Use Permit, Design Review Overlay Permit, Site Plans, Exterior Appearance Plans and Signage. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and the applicable sections of the Zoning Code, approves the application for a Special Use Permit for Live Entertainment, the Design Review Permit and the Exterior Appearance and Site Plans attached to, and by this reference, incorporated into this Ordinance as **Exhibit C** (the "Approved Plans"), for the Subject Property located in the B-1 Community Business Zoning District, all subject to the conditions set forth in Section 3 of this Ordinance. Also approved are two wall signs considered as part of the Application, both of which meet the requirements of Section 9-106 of the Zoning Code.

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

- A. **Compliance with Plans.** All work on the Subject Property shall be undertaken only in strict compliance with the Approved Plans attached as **Exhibit C**.

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

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

SECTION 5: Severability and Repeal of Inconsistent Ordinances. Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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

PASSED this ____ day of _____ 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2012.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Village Clerk

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

By: _____

Its: _____

Date: _____, 2012

EXHIBIT A

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 4 OF THE TOWN OF FULLERSBURG (NOW KNOWN AS HINSDALE); THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF YORK ROAD (FORMERLY KNOWN AS CASS STREET), A DISTANCE OF 203.99 FEET (RECORDED BEING 223.0 FEET) TO AN EXISTING IRON STAKE FOR THE POINT OF BEGINNING; THENCE EASTERLY, THIS LINE HEREAFTER HINSDALE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1; THENCE SOUTHEASTERLY, ALONG THE WESTERLY LINE LOTS 23, 24 AND 25 OF SAID HINSDALE HIGHLANDS, A DISTANCE OF 478.45 FEET (RECORDED BEING 478.6 FEET) TO THE SOUTHWEST CORNER OF SAID LOT 25, ALSO BEING ON THE NORTH LINE OF LOT 26 OF SAID HINSDALE HIGHLANDS; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID LOT 26 AND ALONG THE NORTH LINE AND THE WESTERLY EXTENSION THEREOF OF WALKER'S FIRST ADDITION TO FULLERSBURG (NOW KNOWN AS HINSDALE) BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1, A DISTANCE OF 507.28 FEET TO THE CENTER LINE OF SAID YORK ROAD, THENCE NORTHERLY, ALONG THE CENTERLINE OF SAID YORK ROAD, A DISTANCE OF 431.35 FEET TO THE WESTERLY EXTENSION OF LINE "A" AFORESAID; THENCE EASTERLY, ALONG SAID WESTERLY EXTENSION OF LINE "A", A DISTANCE OF 33.02 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM, THAT PART OF YORK ROAD (FORMERLY KNOWN AS CASS STREET) AS PLATTED ON SEVERSON'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1, LYING WESTERLY OF AND ADJOINING LOTS 1 AND 2 OF SAID SEVERSON'S SUBDIVISION, IN DU PAGE COUNTY, ILLINOIS.

DRAFT

EXHIBIT "B"

HINSDALE PLAN COMMISSION

RE: Case A-11-2012 - Applicant: Frank Fox/Fox's Pizza - Location: 777 N. York Road: Design Review Overlay Permit and Site Plan/Exterior Appearance Approval for Exterior Improvements and a Special Use for Live Entertainment

DATE OF PLAN COMMISSION REVIEW: May 9, 2012

DATE OF ZONING AND PUBLIC SAFETY REVIEW: May 21, 2012

FINDINGS AND RECOMMENDATION

I. FINDINGS

1. Frank Fox submitted an application to the Village of Hinsdale for design review approval, exterior appearance/site plan review and a special use permit for live entertainment, to allow for exterior façade improvements to an existing tenant space at the property located at 777 N. York Road (the "Application").
2. The property is located within the B-1 Community Business District and improved with a retail center, commonly known as Gateway Square.
3. The applicant is proposing to make façade improvements to the existing tenant space with the substantial site changes being largely driven by building code requirements, as well as the applicant's desire to improve the appearance of the existing space.
4. Certain Commissioners expressed concerns with traffic circulation as a result of the pick-up area on the north side of the building and suggested a traffic study be provided by the applicant. Upon further review and discussion, the Commissioners concluded the proposed one-way traffic pattern actually improved circulation and that a traffic study was not necessary.
5. Concerns were also presented by a resident and discussed amongst the Plan Commission regarding circulation on the site and impact to the surrounding neighbors.
6. 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 6 "Ayes," 0 "Nay," and 3 "Absent" recommends that the President and Board of Trustees approve the Application for a Special Use Permit for Live Entertainment for the property located at 777 N. York Road – Fox's Pizza.

The Village of Hinsdale Plan Commission, by a vote of 6 "Ayes," 0 "Nay," and 3 "Absent" recommends that the President and Board of Trustees approve the Application for Exterior Appearance Approval, which included a wall sign, a railing sign and one awning valance sign, at 777 N. York Road – Fox's Pizza.

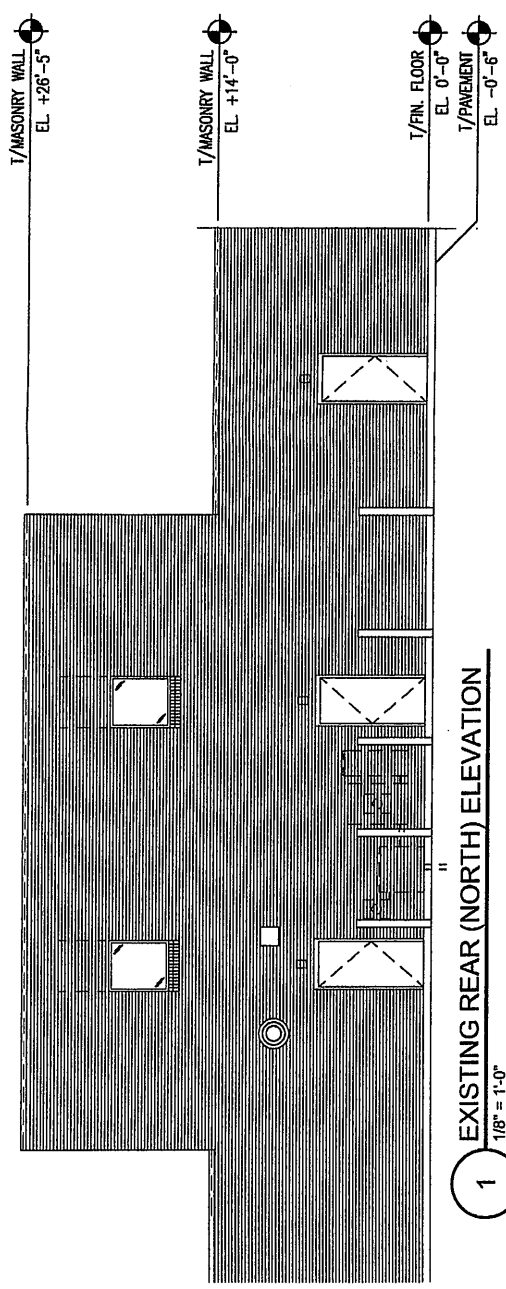
The Village of Hinsdale Plan Commission, by a vote of 5 "Ayes," 1 "Nay," and 3 "Absent" recommends that the President and Board of Trustees approve the Application for Site Plan Approval at 777 N. York Road – Fox's Pizza.

The Village of Hinsdale Plan Commission, by a vote of 6 "Ayes," 0 "Nay," and 3 "Absent" recommends that the President and Board of Trustees approve the Application for Design Review Permit for Exterior Improvements at 777 N. York Road – Fox's Pizza.

THE HINSDALE PLAN COMMISSION

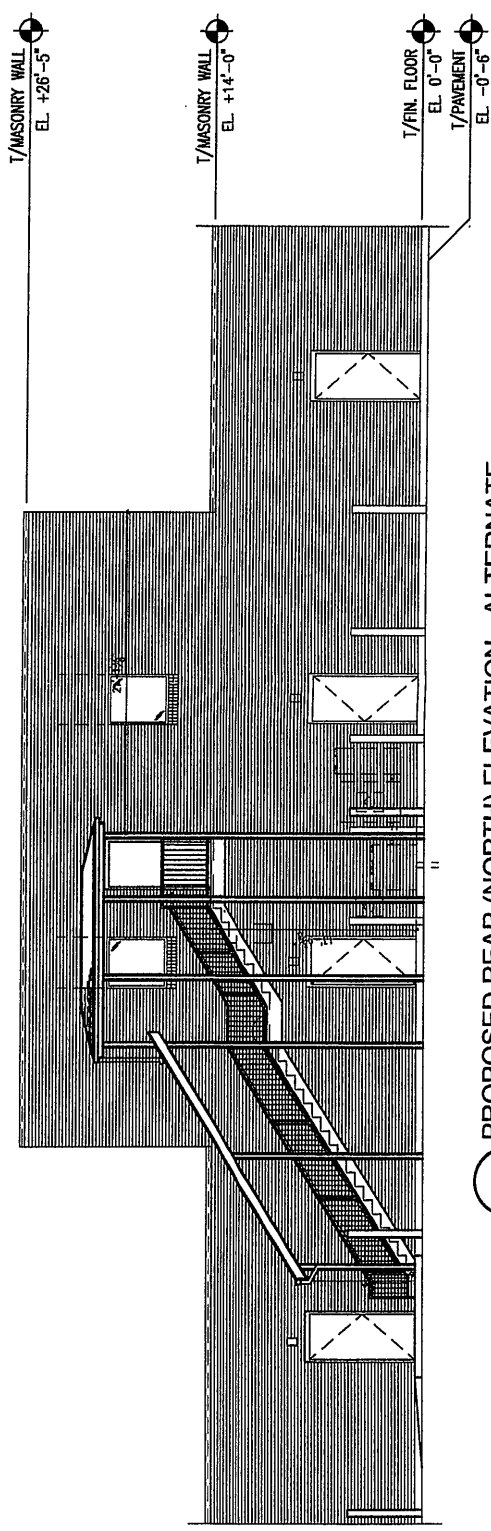
By: _____
Chairman

Dated this _____ day of _____, 2012.



1 EXISTING REAR (NORTH) ELEVATION

1/8" = 1'-0"



2 PROPOSED REAR (NORTH) ELEVATION - ALTERNATE

1/8" = 1'-0"

JTS ARCHITECTS
400 E. Higgins Rd. / Suite 1000 / Schaumburg, IL 60196 / P 630.252.9900 / F 630.252.9914

INLAND COMM. PROP. MGMT.
EXTERIOR STAIRWAY
777 N. YORK RD
HINSDALE, ILLINOIS

Date: 03-21-12
Sheet / Drawing:
Job # 2035A

BAERSON DESIGN GROUP
ARCHITECT-INTERIOR DESIGNER

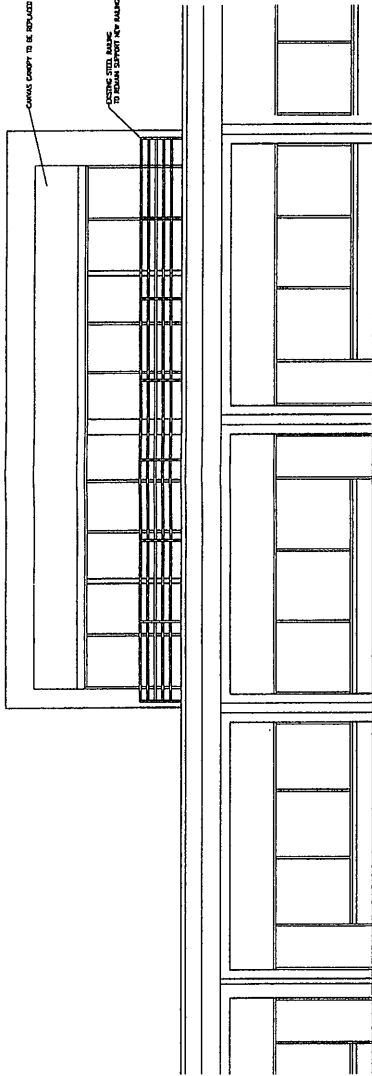
1319 Butterfield Rd. Suite 500
Downers Grove, IL 60515
Tel: (630) 512-0719
Fax: (630) 512-0719
baersongroup@yahoo.com

NEW FOX'S RESTAURANT
777 YORK ROAD
HINSDALE, ILLINOIS

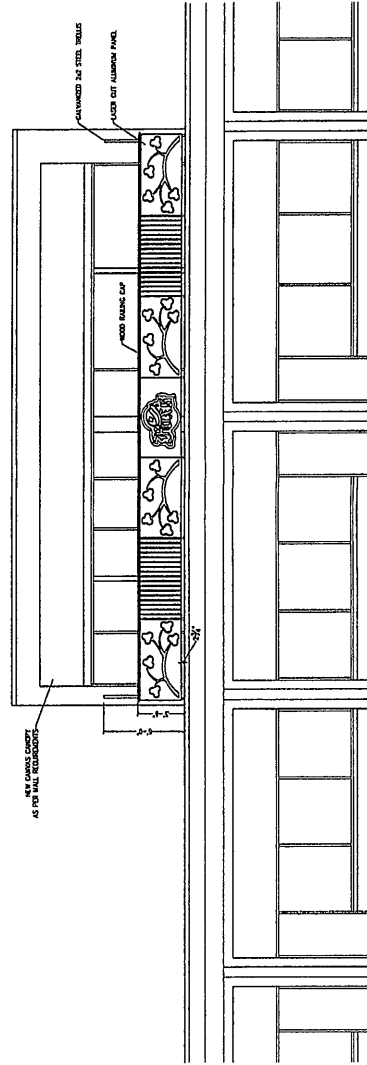
DATE: 02/26/12
PROJECT NO. 3215
SHEET NO. A2-1

DATE: 02/26/12
PROJECT NO. 3215
SHEET NO. A2-1

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES INTO FULL COMPLIANCE WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS.



1. EXISTING FRONT ELEVATION
SCALE 1/4"=1'-0"

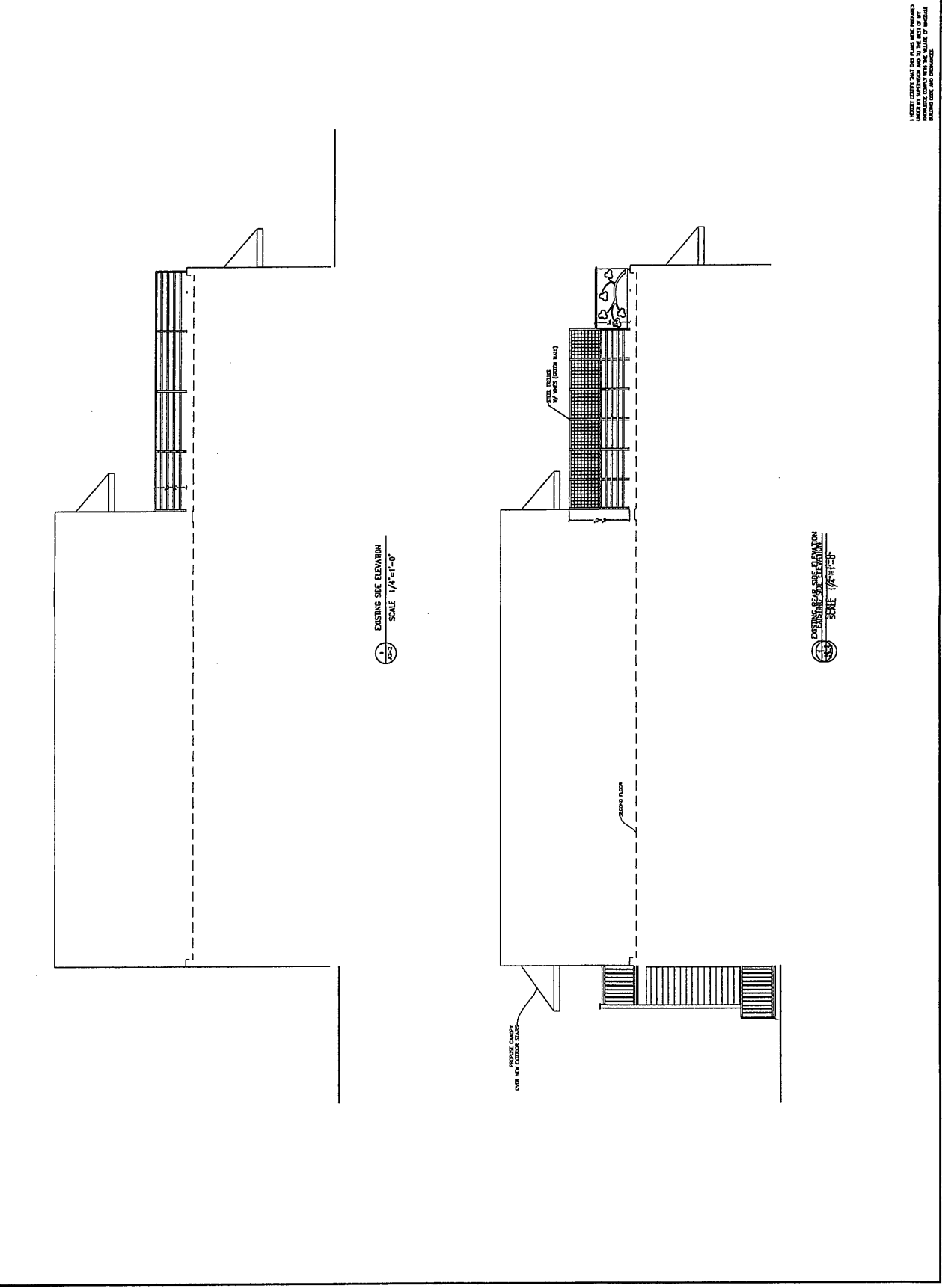


2. EXISTING FRONT ELEVATION
SCALE 1/4"=1'-0"

BARRON DESIGN GROUP
ARCHITECTURAL REPRESENTATIVE
1319 Butterfield Rd. Suite 500
Downers Grove, IL 60515
Tel: (630) 717-0000
Fax: (630) 312-0740
barrondesigngroup@yahoo.com

NEW FOX'S RESTAURANT
777 YORK ROAD
HINSDALE, ILLINOIS

NO.	DESCRIPTION	DATE
0001	PROPOSED	02/26/12
0002	REVISED	
0003	REVISED	
0004	REVISED	
0005	REVISED	
0006	REVISED	
0007	REVISED	
0008	REVISED	
0009	REVISED	
0010	REVISED	
0011	REVISED	
0012	REVISED	
0013	REVISED	
0014	REVISED	
0015	REVISED	
0016	REVISED	
0017	REVISED	
0018	REVISED	
0019	REVISED	
0020	REVISED	
0021	REVISED	
0022	REVISED	
0023	REVISED	
0024	REVISED	
0025	REVISED	
0026	REVISED	
0027	REVISED	
0028	REVISED	
0029	REVISED	
0030	REVISED	
0031	REVISED	
0032	REVISED	
0033	REVISED	
0034	REVISED	
0035	REVISED	
0036	REVISED	
0037	REVISED	
0038	REVISED	
0039	REVISED	
0040	REVISED	
0041	REVISED	
0042	REVISED	
0043	REVISED	
0044	REVISED	
0045	REVISED	
0046	REVISED	
0047	REVISED	
0048	REVISED	
0049	REVISED	
0050	REVISED	
0051	REVISED	
0052	REVISED	
0053	REVISED	
0054	REVISED	
0055	REVISED	
0056	REVISED	
0057	REVISED	
0058	REVISED	
0059	REVISED	
0060	REVISED	
0061	REVISED	
0062	REVISED	
0063	REVISED	
0064	REVISED	
0065	REVISED	
0066	REVISED	
0067	REVISED	
0068	REVISED	
0069	REVISED	
0070	REVISED	
0071	REVISED	
0072	REVISED	
0073	REVISED	
0074	REVISED	
0075	REVISED	
0076	REVISED	
0077	REVISED	
0078	REVISED	
0079	REVISED	
0080	REVISED	
0081	REVISED	
0082	REVISED	
0083	REVISED	
0084	REVISED	
0085	REVISED	
0086	REVISED	
0087	REVISED	
0088	REVISED	
0089	REVISED	
0090	REVISED	
0091	REVISED	
0092	REVISED	
0093	REVISED	
0094	REVISED	
0095	REVISED	
0096	REVISED	
0097	REVISED	
0098	REVISED	
0099	REVISED	
0100	REVISED	



I HEREBY CERTIFY THAT THIS PLANS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS FOR THE PROJECT AND I AM A LICENSED ARCHITECT IN THE STATE OF ILLINOIS.

PROJECT NO. 3215
DATE 02/26/12
SHEET NO. A2-2

SHEET TITLE:
EXISTING ELEVATIONS &
PROPOSED SIDE
ELEVATIONS

17 May 2012

Hinsdale Planning Commission
Hinsdale Board of Trustees
19 East Chicago
Hinsdale, Illinois 60521

This letter is an addendum to my 14 May 2012 petition regarding the special use approval given to Fox's Restaurant and Pub at the 9 May 2012 Planning Commission public hearing.

Several of the property owners have asked for two additional special standards for specified special uses to be included under bullet four in the petition.

- e. Live music is to be limited to indoor only.
- f. All music is to be limited to indoor only.

The rationale for e. is to codify what Mr. Fox committed to do at the public hearing.

The rationale for f. is to protect the adjacent properties from regularly hearing music from the outdoor patio. The Fox's location in Plainfield has an outdoor dining area with music. When at the location on Friday night, speakers were playing music outside which could be heard well across the parking lot.

The Gateway Plaza location has few barriers and is mostly open space with hard surfaces. If speakers were to play music outside, the music from the second story patio is likely to carry into the adjacent properties and would have an undue adverse affect on the enjoyment of the adjacent properties.

14 May 2012

Hinsdale Planning Commission
Hinsdale Board of Trustees
19 East Chicago
Hinsdale, Illinois 60521

As residents, property owners, renters and business owners in Hinsdale, we are petitioning in regard to the special use approval given to Fox's Restaurant and Pub at the 9 May 2012 Planning Commission public hearing.

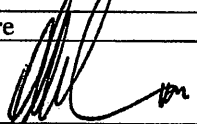
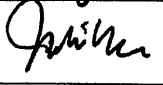
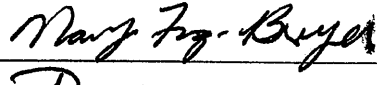
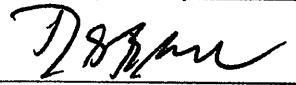
We have reviewed the 11 May 2012 and the 13 May 2012 letters from Mr. Rodger Howell and share the same concerns.

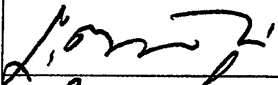

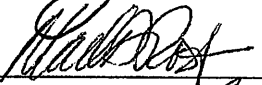
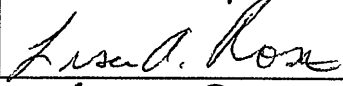
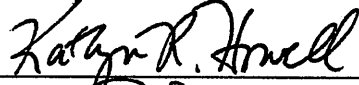

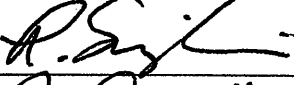
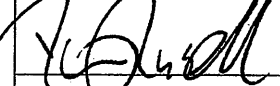
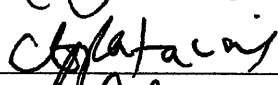
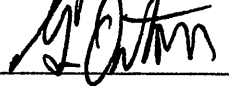
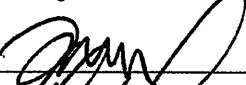

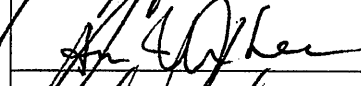
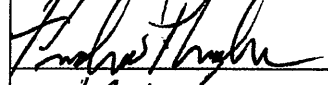


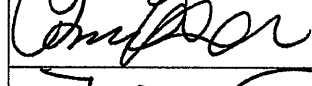
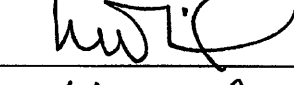

We have the following concerns:

- The current proposal from Fox's does not "preserve the distinctive character of the Village" and "maintain the local, 'small town' atmosphere of various residential and business areas within the Village."
- There is a high likelihood of substantial traffic right up against the back yards of the adjacent properties of Gateway Square due to the proposed drive-through traffic flow and late hours, and there is little flow there today.
- The delivery and carry-out model could cause traffic in the neighborhood as delivery drivers and drive-through users will cut through the neighborhood to avoid the light at Ogden and York.

We request the following:

- 1) Call for a new hearing and provide appropriate notice and a meaningful description of the proposed changes (including notice of delivery/drive-through plan).
- 2) Charter a traffic and safety study for consideration in the hearing. Fox's should pay and the city should select an unbiased vendor.
- 3) Review the proposed plans against the standards in the existing code and ensure there is no adverse impact on the properties adjacent to the lot and that traffic and pedestrian safety is considered across Hinsdale.
- 4) During the hearing, use the Planning Commission's authority to define special standards for specified special uses (Exhibit 10) as follows:
 - a. No drive-through or delivery. Carry-out only.
 - b. Develop a vehicle route plan that does not route traffic by the back yards of the residences adjacent to the Gateway Square lot. This would likely require the carry-out customers to park in the front and walk into the plaza, the same way Hau Ting operates.
 - c. Limit the hours of operation to the same as Hau Ting. No later than 9PM Sunday-Thursday and not later than 10PM on Friday and Saturday.
 - d. Limit the type of live music to family appropriate.

Signature	Name	Address
	Oliver Van	722 N. Elm St.
	Julie Van	722 N. Elm St.
	Nancy Fong-Breyer	804 N. Elm St.
	Dave Breyer	804 N. Elm St.

Signature	Name	Address
	MURALI SUNARA	801 N. ELM ST.
	SAM LUCANTE	734 N ELM ST
	MARK A. ROST	710 N. ELM ST.
	LISA A. ROST	710 N. ELM ST
	KATHRYN R. HOWELL	718 N. ELM ST.
	RODGER HOWELL	718 N. ELM ST.
	R. SWIERCZYNSKI	229 FULLER RD.
	JAN RUSSELL	219 FULLER RD.
	CONNIE PATACSIL	207 FULLER RD
	GARY ORTON	221 FULLER
	PHYLLIS PARKER	233 FULLER
	JOHN B. NOVOTNY	220 FULLER
	ANNA LEE	208 FULLER
	ANDREW LENCOW	628 N. YORK RD.
	JENNIFER LONDON	628 N. YORK RD.
	KAREN P. SNGAY	622 N. ELM ST.
	MARISA SEDA	215 FULLER RD.
	NANCY NEIL	805 N ELM
	T.J. NEIL	805 N. ELM

Residents Of Hinsdale

[illegible]

14 May 2012

Hinsdale Planning Commission
Hinsdale Board of Trustees
19 East Chicago
Hinsdale, Illinois 60521

As residents, property owners, renters and business owners in Hinsdale, we are petitioning in regard to the special use approval given to Fox's Restaurant and Pub at the 9 May 2012 Planning Commission public hearing.

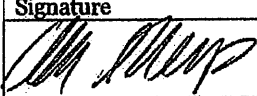
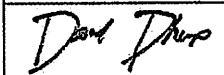
We have reviewed the 11 May 2012 and the 13 May 2012 letters from Mr. Rodger Howell and share the same concerns.

We have the following concerns:

- The current proposal from Fox's does not "preserve the distinctive character of the Village" and "maintain the local, 'small town' atmosphere of various residential and business areas within the Village."
- There is a high likelihood of substantial traffic right up against the back yards of the adjacent properties of Gateway Square due to the proposed drive-through traffic flow and late hours, and there is little flow there today.
- The delivery and carry-out model could cause traffic in the neighborhood as delivery drivers and drive-through users will cut through the neighborhood to avoid the light at Ogden and York.

We request the following:

- 1) Call for a new hearing and provide appropriate notice and a meaningful description of the proposed changes (including notice of delivery/drive-through plan).
- 2) Charter a traffic and safety study for consideration in the hearing. Fox's should pay and the city should select an unbiased vendor.
- 3) Review the proposed plans against the standards in the existing code and ensure there is no adverse impact on the properties adjacent to the lot and that traffic and pedestrian safety is considered across Hinsdale.
- 4) During the hearing, use the Planning Commission's authority to define special standards for specified special uses (Exhibit 10) as follows:
 - a. No drive-through or delivery. Carry-out only.
 - b. Develop a vehicle route plan that does not route traffic by the back yards of the residences adjacent to the Gateway Square lot. This would likely require the carry-out customers to park in the front and walk into the plaza, the same way Hau Ting operates.
 - c. Limit the hours of operation to the same as Hau Ting. No later than 9PM Sunday-Thursday and not later than 10PM on Friday and Saturday.
 - d. Limit the type of live music to family appropriate.

Signature	Name	Address
	Elizabeth Phelps	241 Fuller
	Daniel Phelps	241 Fuller

Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

13 May 2012

Hinsdale Planning Commission
Hinsdale Board of Trustees
19 East Chicago
Hinsdale, Illinois 60521

I am writing in regard to the special use approval given to Fox's Restaurant and Pub at the 10 May 2012 Planning Commission public hearing.

I have additional information for your consideration on the Fox's Restaurant and Pub matter. At the public hearing, I interpreted the Fox's representative as stating they would like to bring their existing business model to Hinsdale. Based on observations of Fox's Beverly, Oak Lawn and Plainfield locations on May 11 and 12, I believe the existing business model is better suited to main drag streets and rural strip malls and would not be compatible "with the existing characteristics of the area" around Gateway Square as the design review was intended to ensure (Exhibit 1). Modifications will need to be made as stated in my 11 May 2012 letter before it will be suitable for Gateway Square.

This letter addresses several items:

- 1) Urban, Suburban, Rural Setting and relative fit to "small town" atmosphere required by the village code,
- 2) Ingress/Egress from existing Fox's locations for restaurant, carry out and drive through,
- 3) Likely traffic flow and impact on adjacent residences and difference from Gateway Square proposal, and
- 4) Pictures of Beverly Location, Oak Lawn Location and Gateway Square that illustrate the different "atmosphere."

1) Urban and rural settings and relative fit to "small town" atmosphere required by the village code.

- The Beverly and Oak Lawn Fox's locations are:
 - in an urban setting,
 - on 5-lane wide, main drags of Western Avenue and Cicero respectively,
 - on streets lined with businesses and heavily travelled late into the evening, and
 - at the Beverly location, there is a liquor store across the street which is open late.
- The Plainfield location is:
 - in a rural setting in a strip mall that has no adjacent residences (there is farm land across the street and the development close to the plaza has no homes close to the strip mall),
 - on the two-lane highway US Route 30, and
 - in a plaza with a liquor store that is also open late.
- The Mokena location is:
 - in a suburban/rural setting in a strip mall (there is farm land across the street but there is a suburban development south of the strip mall),
 - on the two-lane highway Co Hwy 38 and Wolf Road, and
 - in a plaza with a liquor store.
- The Orland Park location is:
 - one block from US 45 and located on the 6-lane main drag of 143rd street (Route 7),
 - in an area undergoing substantial change and in the process of becoming a dense strip mall area with some residual residential.
- I don't think a reasonable person would characterize any of the current Fox's locations as being in a "small town" atmosphere.

- The Gateway Square location is:
 - on a two-lane village street,
 - not on the main drag like Ogden,
 - generally very quiet after 6:00 p.m.

At the last Planning Commission meeting, a Commissioner, said, "What I am concerned with is the traffic flow. Optimally from a business standpoint, it looks like it is set up optimally for that, but this is a store that should be on, is better suited for Ogden Avenue. In and out quickly, not where you are wrapping around homes where you are going to have several hundred headlights going into the back of these homes, kitchens and family rooms on a winter evening."

2) Ingress/Egress from existing Fox's locations for restaurant and carry out and drive through.

- No current Fox's location has a drive through lane that drives by the adjacent residences.
 - Oak Lawn location (Exhibits 3 and 4)
 - Carry out and delivery have 4-8 spots in the front of the building at a separate door from the main dining area.
 - Ingress/egress is from the main street (Cicero) and do not pass by local residences. The restaurant building and large parking lot in the back of the facility are in between carry out and the residences, completely insulating them from the traffic and noise.
 - The dining parking lot is on the side and there was one adjacent home of substantially lower value than those in Hinsdale.
 - Beverly location (Exhibits 5 and 6)
 - Carry out is in the front of the building (close to Western). Delivery parking is in the same area.
 - Ingress/egress is from the main street (parking on Western) or the side street but do not pass by local residences. The restaurant building and large parking lot were adjacent to only one home that was substantially lower value than those in Hinsdale.
 - Plainfield location (Exhibit 7)
 - Carry out is in the back but there are no homes directly behind the restaurant.
 - Ingress/egress is from the two-lane Lincoln highway into the strip mall. The restaurant is far away from local residences and cars do not pass by residences.
 - Mokena location (Exhibit 8)
 - Ingress/egress is from the plaza entrance from either Co Hwy 38 or Wolf.
 - Home in the area are substantially lower value than those in Hinsdale.
 - Orland Park location (Exhibit 9)
 - Ingress/egress appear to be from the six-lane main drag of 143rd street and then down Ravine to the restaurant. It does appear that some traffic may flow south on Ravine through a dense multi-tenant residential area,
 - Homes in the area are substantially lower value than those in Hinsdale.

Note: Oak Lawn, Beverly and Plainfield comments are based on in-person observations of the location. The Mokena and Orland Park observations are based on a Google Maps review and do not include in-person observation.

3) Likely traffic flow and impact on adjacent residences from Gateway Square proposal

- The current proposal from Fox's at Gateway Square has traffic routing directly behind 12 residences.
 - The proposal is to have the drive-through pick-up traffic and the delivery traffic enter from York north of the plaza and drive behind to the drive-through pick-up area behind the

- restaurant. Traffic would then continue clock-wise, one-way around the plaza, driving by the adjacent local residences. (See graphic on following page.)
- As stated by representatives from Fox's, other locations are doing up to 250 carry outs and 300 deliveries per night, during a 4-hour windows. This could be 100 cars an hour or more and potentially run as late as 1Am in the morning if the Gateway Square location maintains hours similar to the other restaurants. This would likely be more traffic behind the adjacent residences than on the surface streets in front (Elm and Fuller).
 - In addition, to the dangers behind the plaza identified in my previous letter, you can see in the following graphic that the cars will likely exit either by path 2, taking the driver by 3 homes and through the pedestrian traffic, or by path 3, taking the driver by 12 homes and lighter pedestrian traffic.
 - The plaza today has relatively little traffic flow by the adjacent homes, and is very quiet by shortly after 6-7pm.
- I don't think a reasonable person would characterize a high-volume drive-through and delivery traffic flow or the late-night traffic flow as having a "small town" atmosphere as required the village code.

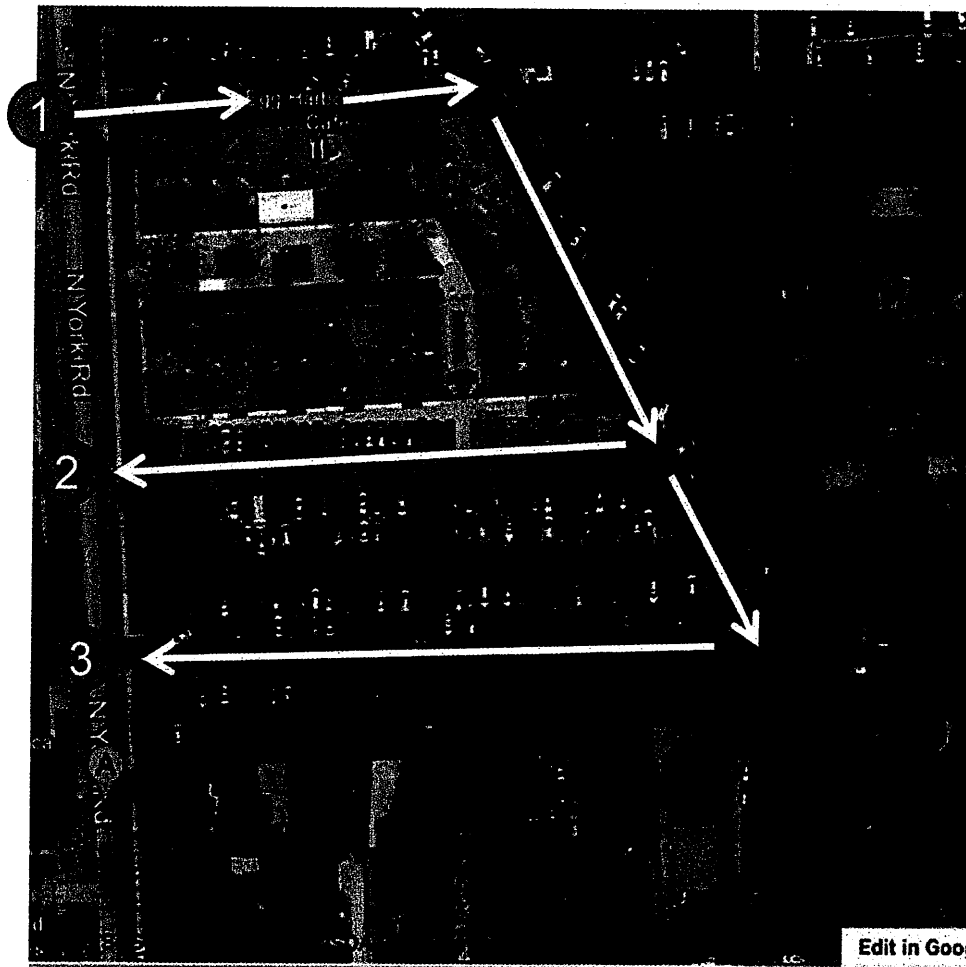


Exhibit 1

Sec. 8-101. Purposes.

The regulations of the DR Design Review Overlay District are intended to promote the historic and architectural qualities of the Village and thereby preserve the distinctive character of the Village. Various areas of the Village, such as the area around the old Graue Mill and the downtown business district among others, have special historical, cultural, and design significance. These areas contain historic or unique sites deserving protection. Many areas also serve a sensitive transitional function from one land use to another that must be protected from incompatible development or redevelopment. The preservation and appropriate development of these areas require rules and regulations specifically addressing these distinctive characteristics. The Design Review District has been created and shall be mapped on the Zoning Map in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity, and welfare of the Village and its residents:

- A. *Special character.* To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the Village's cultural, social, economic, political, and architectural history or distinction.
- B. *Local atmosphere.* To maintain the local, "small town" atmosphere of various residential and business areas within the Village.
- C. *Compatibility.* To insure compatibility of new development with the existing characteristics of the area.

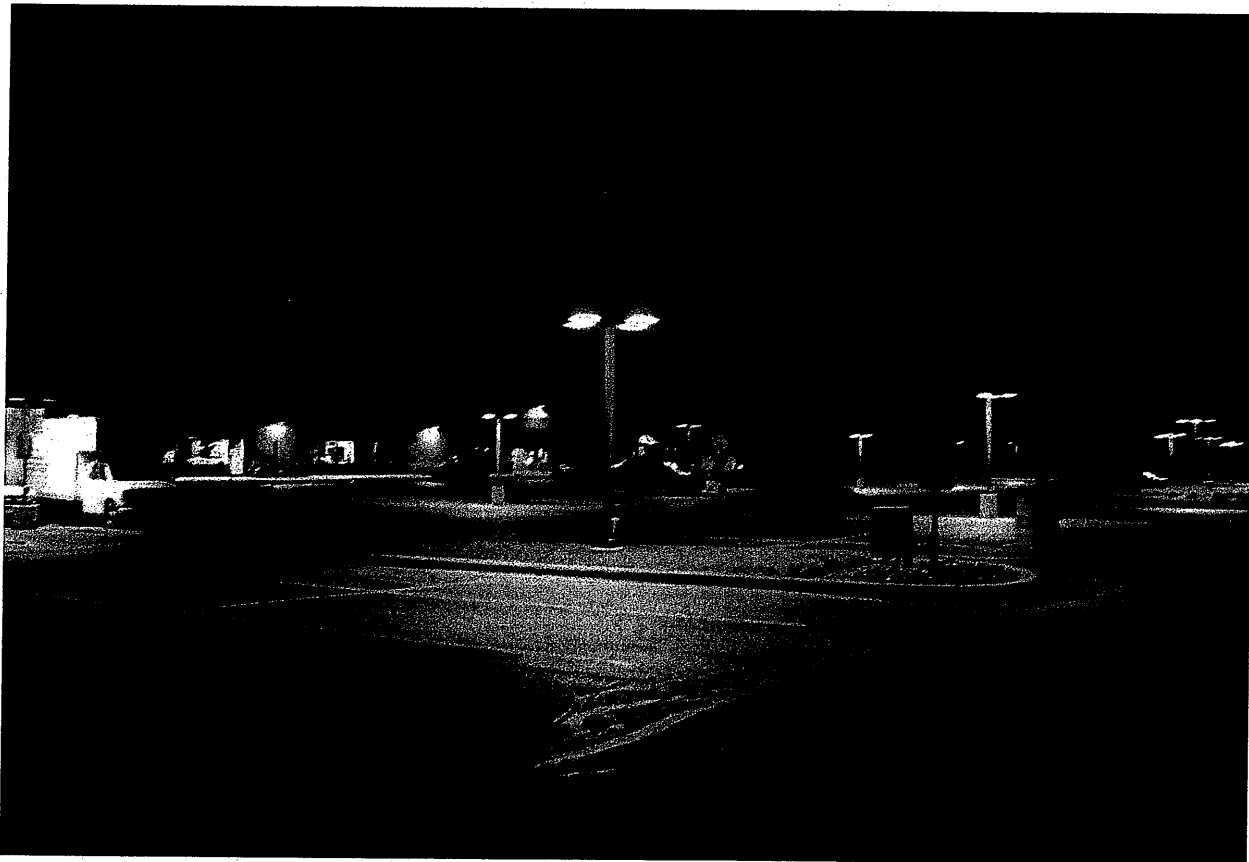
Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

- 4) Pictures of Beverly Location, Oak Lawn Location and Gateway Square that illustrate the different "atmosphere."

Exhibit 2

Gateway Square has been like this for the 12 years I have lived in Hinsdale and this was a consideration when I purchased my home in 2006. Note there is virtually no activity in the plaza. It has that "small town" atmosphere that attracted me to Hinsdale 12 years ago.

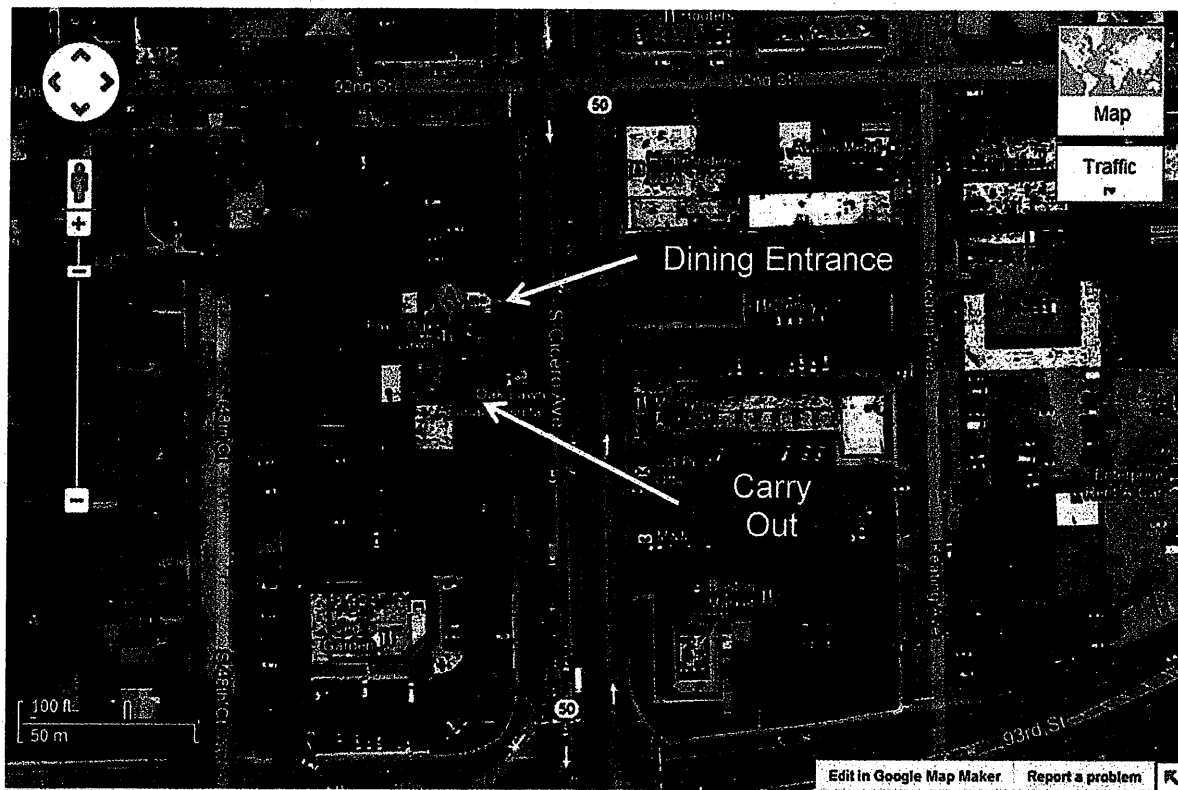
Gateway Square
Saturday Night
12 May 2012
8:24PM



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 3

Fox's Oak Lawn location from Google Maps. Notations based on observations.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 4

Fox's Oak Lawn location from Google Maps. Notations based on observations.
Traffic flow based on observations on 11 May 2012 and 12 May 2012.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

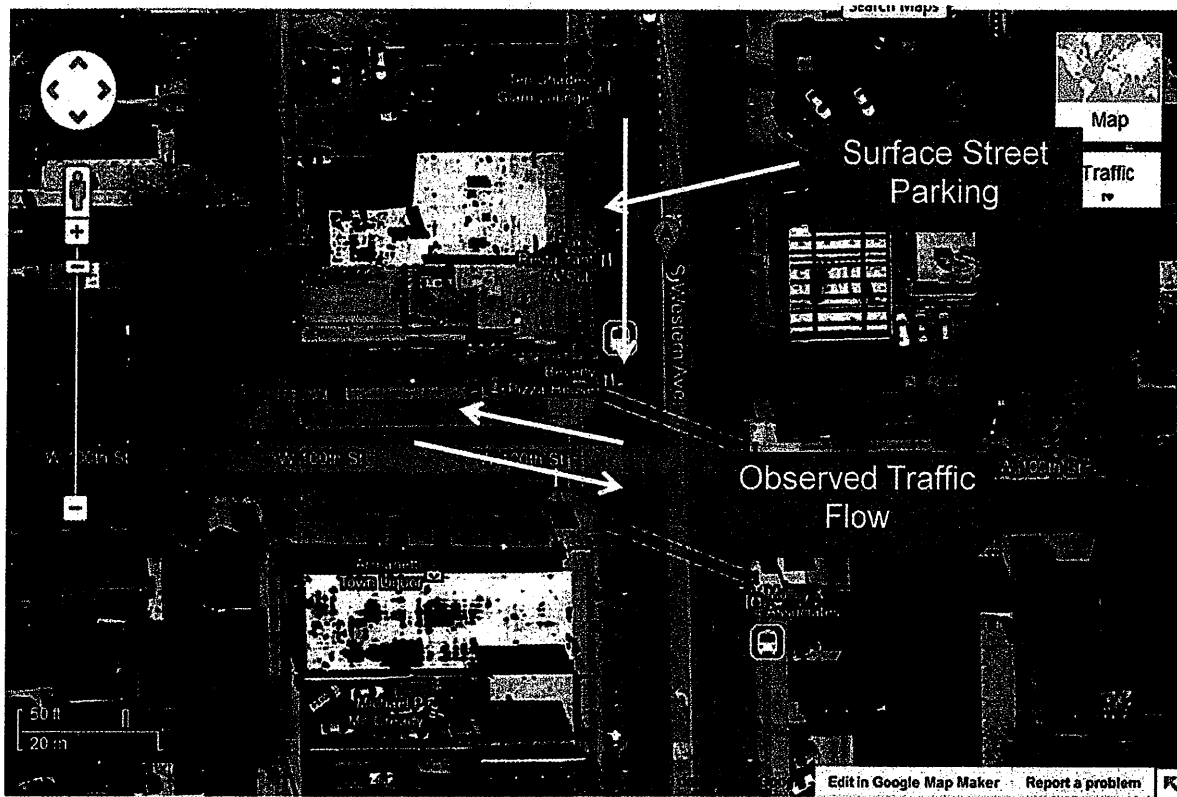
Exhibit 5

Fox's Beverly location from Google Maps. Notations based on observations.



Exhibit 6

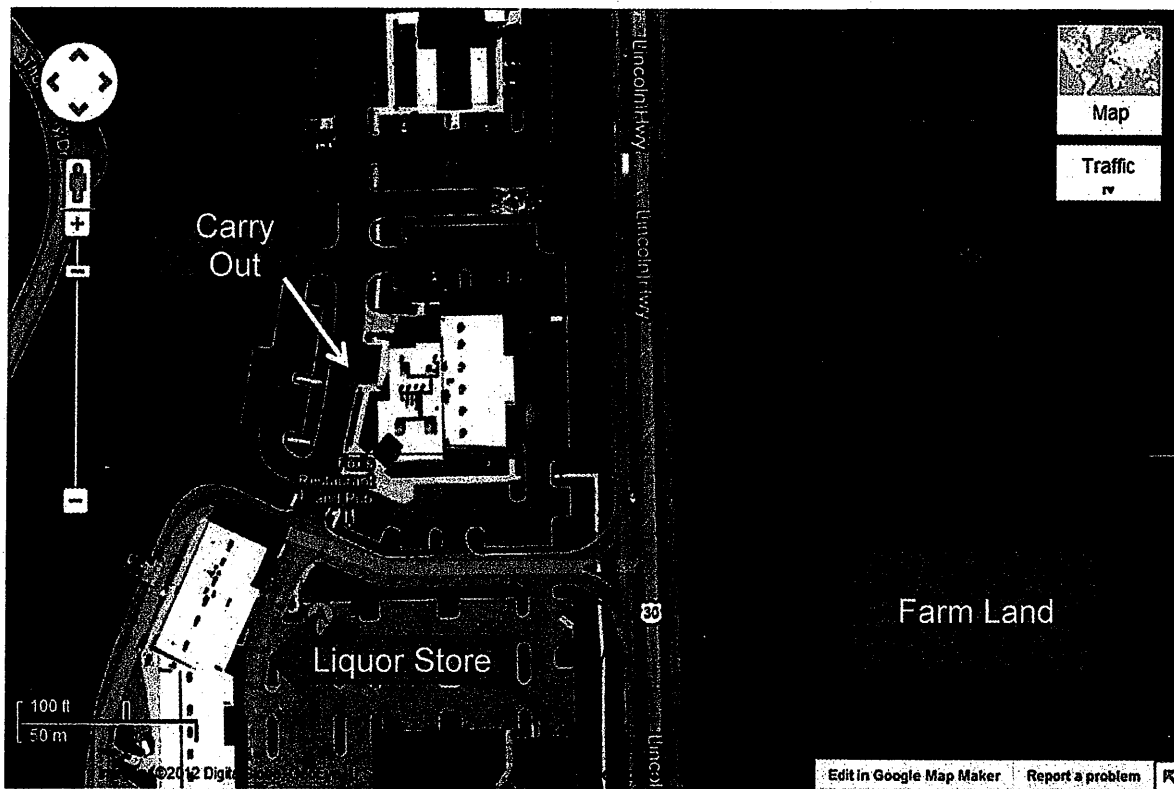
Fox's Beverly location from Google Maps. Notations based on observations.
Traffic flow based on observations on 11 May 2012 and 12 May 2012.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 7

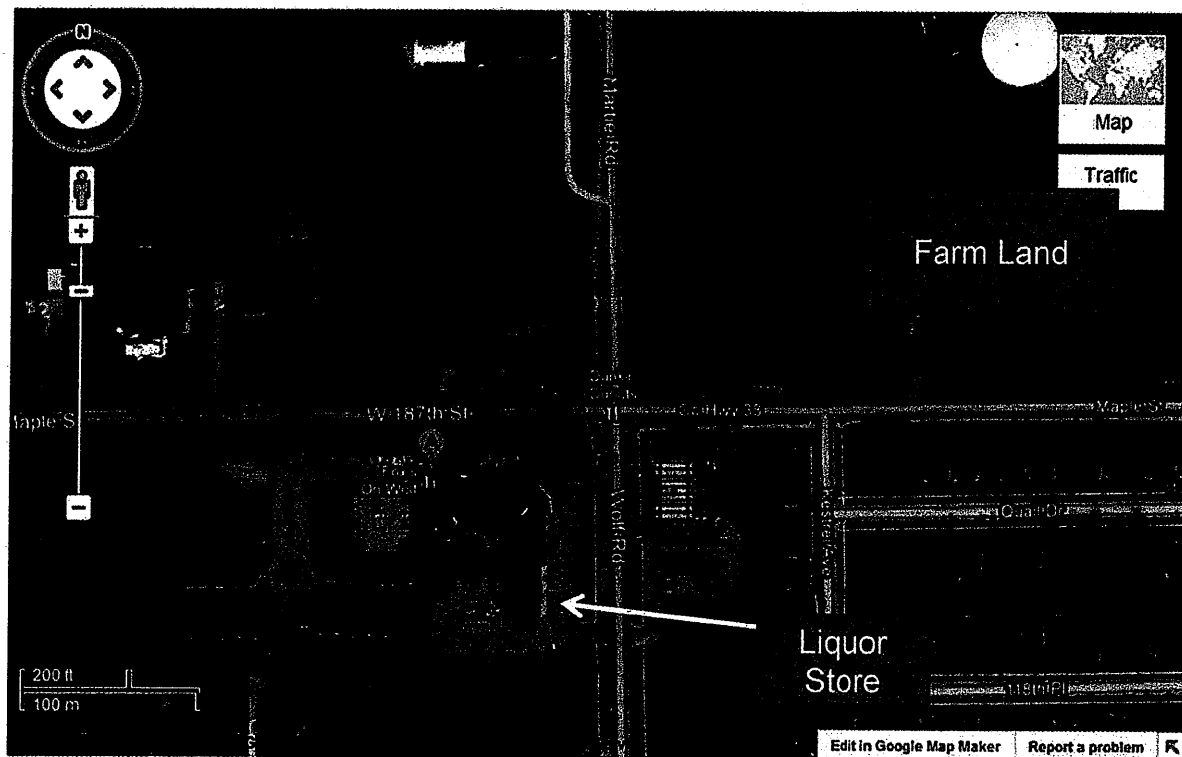
Fox's Plainfield location from Google Maps. Notations based on observations.
Traffic flow based on observations on 11 May 2012.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 8

Fox's Mokena location from Google Maps.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 9

Fox's Orland Park location from Google Maps.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 10

Fox's Oak Lawn location. Carry out and delivery.

Saturday Night
12 May 2012
8:45 PM



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 11

Fox's Oak Lawn Location. It is on Cicero which is a 5-lane main drag that is very busy at night. View is South to North on Cicero.

Saturday Night
12 May 2012
8:45 PM

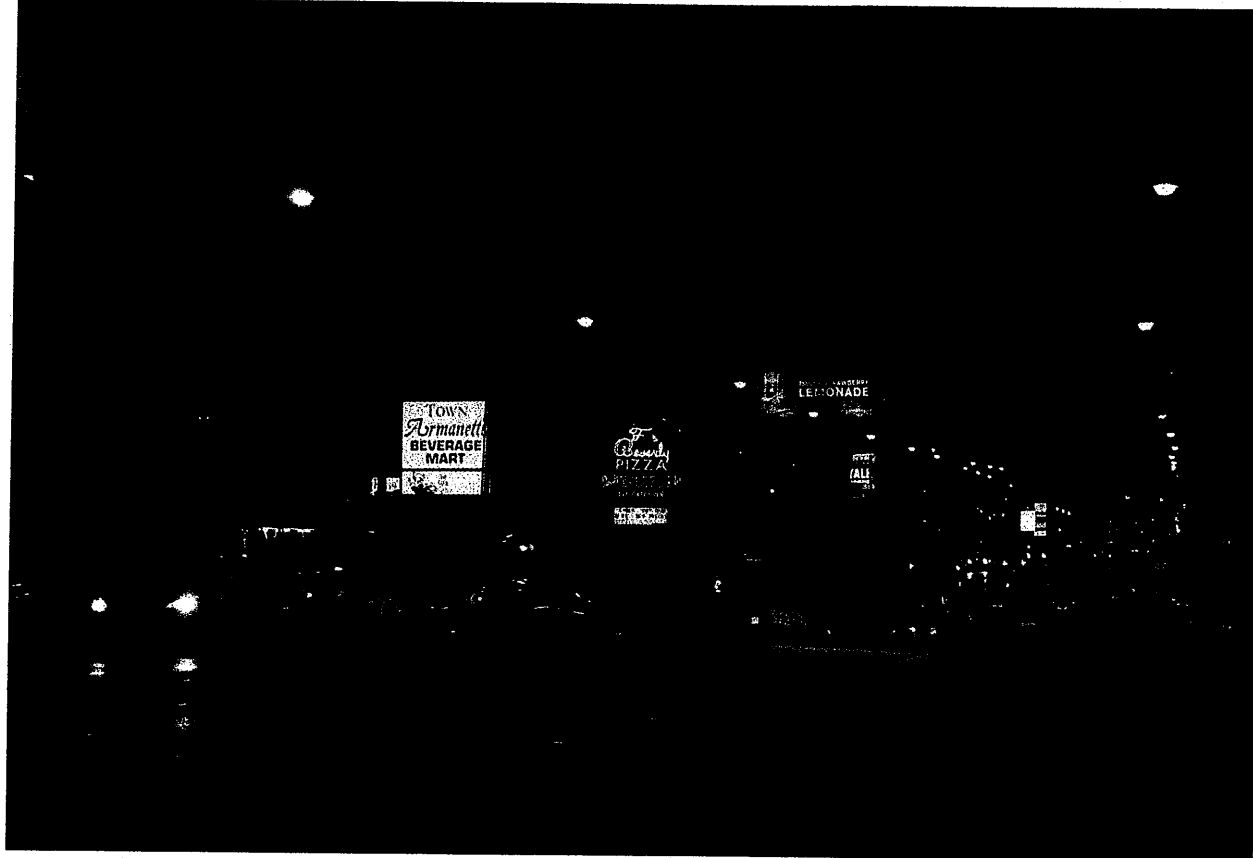


Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 12

Fox's Beverly Location. It is on Western which is a 5-lane main drag that is very busy at night. View is south to north on Western.

Saturday Night
12 May 2012
9:06 PM

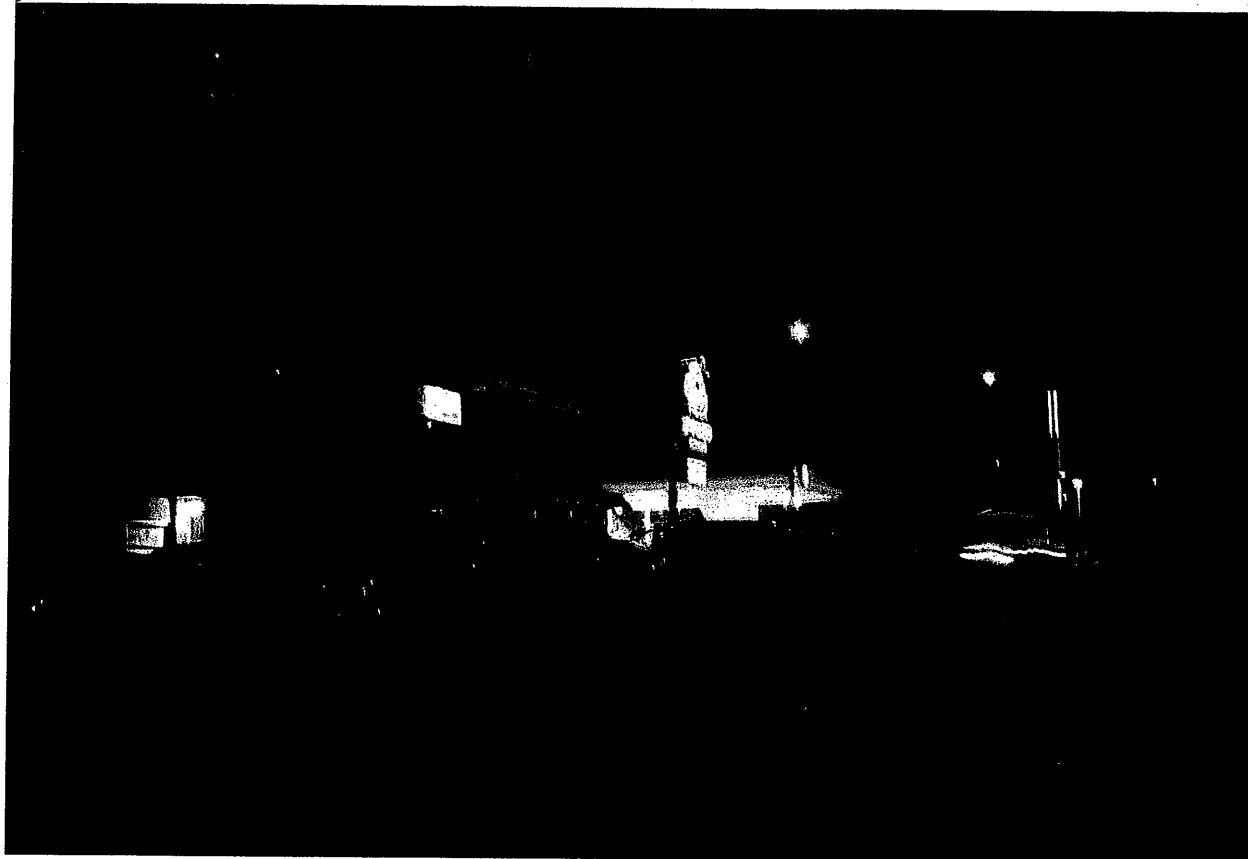


Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Exhibit 13

Fox's Beverly Location. It is on Western which is a 5-lane main drag that is very busy at night. View is West to East of side parking lot.

Saturday Night
12 May 2012
9:06 PM



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

11 May 2012

Hinsdale Planning Commission
Hinsdale Board of Trustees
19 East Chicago
Hinsdale, Illinois 60521

I am writing in regard to the special use approval given to Fox's Restaurant and Pub at the 9 May 2012 Planning Commission public hearing.

I request that a second public hearing be conducted to address the special use approvals for Sec. 5-105.A.5 and Sec. 5-105.A.7

- 5. Live entertainment accessory to permitted eating places.
- 7. Carryout eating places (5812).

Further, I request that the project not be authorized to go forward until such hearings and subsequent approvals have been granted.

The rationale for this request is provided as follows:

1) Insufficient Notice:

The notice for the first hearing did not comply with city zoning regulations. The zoning code requires notice of public hearing for special use approval (Exhibit 1). The city code prohibits "live entertainment or drive-in establishments" (Exhibit 2), unless a special use is approved for those activities (exhibit 3). The notice of public hearing did not contain a notice of the "carryout eating places" special use and thus did not provide effective notice or comply with the code (Exhibit 4). The planning commission learned during the session that the "carryout eating places" was a request for special use approval.

2) A potential high volume drive-through does not "preserve the distinctive character of the Village " and "maintain the local, 'small town' atmosphere of various residential and business areas within the Village." (Exhibit 5)

Appears to be a Drive-Through Concept. During the design review, the representative from Fox's stated that their concept was to include a drive-through pick-up concept. It would have 6 spaces to park and Fox's employees would deliver food to drivers in their cars. The representative said that other Fox's locations were doing 250-300 orders on weekend evenings. The model seems more like a drive-through than a carry-out operation and should be considered as such.

High-Volume Deliveries Would be Inconsistent with the Desired Feel of the City. Additionally, the York location would be performing deliveries and other Fox's locations are performing up to 100 deliveries an evening.

The Fox's representative stated the bulk of this drive-through and delivery activity typically occurs in a four-hour window starting at dinner time (around 5-7 depending on the time of year) and ending 4 hours later.

With the combined drive-through and delivery business, the location could be supporting 100 cars per hour. This seems to be a high-volume operation that is better suited for a high-volume main street rather than on a less traveled street in a light activity plaza were the bulk of the activity and traffic is done during the day and activity falls off substantially before the evening hours.

Traffic Flow Could Substantially Reduce the Use of the Adjacent Properties. The design that was presented at the hearing called for a redesign of the traffic flow which would route the drive-through and the delivery traffic one way around the back of the facility and then passing by the residences that backup to the plaza in a clockwise flow pattern. One hundred vehicles an hour would likely exceed the traffic flow on Elm Street and Fuller at the hours that were discussed in the hearing, putting more cars in the back yards of these homes than on the service streets in front of the homes.

Cars create noise pollution (exhaust, radio and talking), exhaust gas pollution, and light pollution. This potential for a high-volume traffic feels like a strip mall on a main drag vs. the "small town atmosphere" that is the stated goal of the design review. Additionally, this potential volume of traffic would substantially reduce the enjoyment and use of the adjacent properties backyards and thus potentially reduce the property value.

Please note the minutes and video were not published at the time this letter was written. The facts as represented in this letter from the meeting are from memory and are subject to confirmation once the minutes and video are published.

3) Approval is non-compliant with the code.

The permitted uses are limited to: "Eating places (5812), including accessory outdoor seating, but not including live entertainment or drive-in establishments." The code states there are no other uses except those explicitly stated that are allowed unless there is a special use approval for defined special uses (Exhibit 2).

The special use provides for "Carryout eating places (5812)." (Exhibit 3).

The code does not allow for "drive in" or "drive-through." As such, the request from Fox's should be rejected.

The code does recognize the difference between carryout and drive-through/drive-in. Pharmacies and banks have "drive in" and "drive-through" allowances. (Exhibit 6) Restaurants do not.

Additionally, the design review did not consider if the number of "stacking" spaces in the design meets those required by the code. The plan proposed 6 parking spaces, but I maintain this location will function like a drive-through and has the potential for cars to back up on York causing potential congestion. The code requires 6 "stacking" spaces for a drive through. (Exhibit 7).

4) A Traffic and Safety Study should be done.

The bank and pharmacy "drive in" and "drive-through" requires a traffic study as follows: "Traffic Study: An applicant for a special use for a drive-through lane at a drugstore or pharmacy must provide a traffic study provided by an expert transportation planning consultant." (Exhibit 6)

The proposed drive through/carryout/delivery model for Fox's has the potential to have a high traffic volume and potentially a late-night impact as well. As such, since the village has established a standard of care for handling potential traffic changes, it should apply the same standard here.

Additionally, the location will likely deliver to Western Springs and Hinsdale. A good delivery driver will want to avoid the traffic light at York and Ogden under the time-is-money rationale. As such, drivers will tend to cut down North County Line, North Oak, and North Elm to get to Fuller to return to the plaza. This could create some rush hour and night traffic that was not discussed or considered at the meeting.

- 5) Representations made at the meeting appeared to be inconsistent during the meeting, and the representation about operating hours appears inaccurate.

The representative from Fox's mentioned that in many of his locations business fell off and then shut down between 8-10 on weekdays and 10:30 or a bit later on the weekend. He said that when the business falls off, the location is closed and the staff goes home.

The published operating hours of the existing Fox locations tell a different story (Exhibit 8):

Location	Sunday-Thursday	Friday-Saturday
Fox's Beverly 9956 S. Western Ave. Chicago, IL 60643	11AM - 10PM	11AM - 12:30PM
Fox's Oak Lawn 9240 S. Cicero Ave Oak Lawn, IL 60453	11AM-11PM	11AM - 1:00AM
Fox's Plainfield 14206 S. US Route 30 Plainfield, IL 60544	11AM-11PM	11AM - 12:00AM

Location	Monday-Friday	Saturday-Sunday
Taigators Sports BAR 9256 S. Cicero Oak Lawn, IL 60453	2PM-2AM	11AM - 2AM

The representative also stated they played live rock music but he later softened the statement.

It is unlikely a restaurant would stay open until midnight or 1AM without doing some type of business. Also, it is unlikely this late-night weekend business is related to just dining with a family orientation as it was characterized at the hearing.

Having a potentially high-volume, drive-through with delivery, with the potential for late-night music and crowds open to 1AM does not fit with "small town" atmosphere" that is the stated goal of the design review.

The only other restaurant that is open in Gateway Plaza is Hua Tang. (Exhibit 9) Their business fits with the community, and their are hours are as follows:

Monday - Thursday	11:30-9:00
Friday	11:30-10:00
Saturday	12:00-10:00
Sunday	2:00-9:00

- 6) The Committee did not effectively evaluate the request against the standards for special use permits.

The standard for special use (Exhibit 10) has two clauses that may not have been effectively considered without a proper traffic study given the potential for an additional 400 vehicles driving through the parking lot (but not parking) over a 4-hour period:

(b) No undue adverse impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

(e) No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

The proposed drive through lane is an odd configuration relative to other drive-through locations.

- a) Clockwise traffic flow will require employees to walk in between vehicles on an active drive way. That seems dangerous and likely why most drive-through windows (or in this case a door) use a counter clockwise rotation.
- b) Late-night deliveries. Currently, the lot is relatively empty by 7pm most nights. I can visualize delivery drivers that are trying to make a living trying to maximize the number of deliveries by speeding through the empty lot which would be a nuisance to the local houses late at night.
- c) Long Post-Drive-Through Area. While some restaurants like McDonalds route drive-through traffic through a short parking area, the proposed configuration would route traffic through a rather long route, post-drive-through. I have not observed a drive through that could route up to 100 cars an hour through as dense and long a parking lot as the one in York Plaza and also where the pickup and parking are so far removed. This would raise the likelihood of car-into-pedestrian accidents, since the cars going through the lot are not there to park and exit but to drive through the lot, having already done their business on the north side of the complex.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

- d) Additionally, there are 24 doors for access into the businesses in York Plaza. Routing potentially 100 cars per hour next to doors that open right on to the driveway seems unsafe. (Exhibit 11)
- e) As stated above, the delivery drivers would likely use North County Line, North Oak, and North Elm to get to Fuller to avoid the light at Elm and York. Garfield and other streets would also likely see increased delivery traffic.

+++++

I am highly concerned that the implications of the special use approvals did not fully consider the implications of the requested designs and that the facts upon which the decisions were made were inaccurate. I hope you feel the same after reviewing this letter and will reopen the matter for public hearing.

I am a supporter of Fox's Restaurant and Pub coming to Hinsdale, but that we need to make sure it preserves the distinctive character of the Village and "maintains the local, 'small town' atmosphere of various residential and business areas within the Village." (Exhibit 5) I am confident that we all share the same goal of finding a solution that works for the local residents and Hinsdale overall.

To meet that goal, I recommend the following actions for the Planning Commission:

- 1) Call for a new hearing and provide appropriate notice and a meaningful description of the proposed changes.
- 2) Charter a traffic and safety study for consideration in the hearing. Fox's should pay and the city should select an unbiased vendor.
- 3) Review the proposed plans against the standards in the existing code and ensure there is no adverse impact on the properties adjacent to the lot and that traffic and pedestrian safety is considered across Hinsdale.
- 4) During the hearing, use the Planning Commission's authority to define special standards for specified special uses (Exhibit 10) as follows:
 - a. No drive through or delivery - carry out only.
 - b. Develop a vehicle route plan that does not route traffic by the residences adjacent to the York Plaza lot. This would likely require the carry out customers to park in the front and walk into the Plaza. This is the same way Hau Ting operates.
 - c. Limit the hours of operation to the same as Hau Ting. No later than 9PM Sunday-Thursday and not later than 10PM on Friday and Saturday.
 - d. Limit the type of live music to family appropriate.

I would appreciate if you can let me know how you will be proceeding.

Sincerely,



Rodger Howell

Exhibit 1

Sec. 11-303. Public hearings and meetings.

3 (b) *Hearings on amendments, special use permits, and variations.* In addition to notice as required by Subparagraph B3(a) of this Section, notice of every hearing set pursuant to Subsection A of this Section in connection with any application for an amendment to this Code or the Zoning Map, a special use permit, or a variation shall be given:

(ii) If a specific parcel is the subject of the application, by certified mail, return receipt requested, or personal delivery to all owners of property within 250 feet of the subject property. Notice as required by this Subparagraph shall be given by the applicant not less than 15 days nor more than 30 days in advance of the hearing.

Exhibit 2

Sec. 5-102. Permitted Uses:

The following uses and no others are permitted as of right in the business districts indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.

26. Eating places (5812), including accessory outdoor seating, but not including live entertainment or drive-in establishments.

Exhibit 3

Sec. 5-105. Special Uses:

Except as specifically limited in the following table, the uses listed in the following table may be permitted in the business districts indicated subject to the issuance of a special use permit as provided in section 11-602 of this code. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.

5. Live entertainment accessory to permitted eating places.

7. Carryout eating places (5812).

Exhibit 4

**LEGAL NOTICE
VILLAGE OF HINSDALE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN to all persons that the Village of Hinsdale Plan Commission shall conduct a public hearing on Wednesday, May 9, 2012, at 7:30 p.m. in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois for the purpose of considering special use permit for live entertainment and a design review permit application to allow exterior modifications to the property commonly known as 777 N. York Road, and known as Application A-11-2012. The petitioner is Frank Fox, represented by JTS Architects. Copies of documents relating to the proposed request are on file and available for public inspection during regular Village business hours in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois. The common address is 777 N. York Road and legally described as follows:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 4 OF THE TOWN OF FULLERSBURG (NOW KNOWN AS HINSDALE); THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF YORK ROAD (FORMERLY KNOWN AS CASS STREET), A DISTANCE OF 203.99 FEET (RECORDED BEING 223.0 FEET) TO AN EXISTING IRON STAKE FOR THE POINT OF BEGINNING; THENCE EASTERLY, THIS LINE HEREAFTER HINSDALE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1; THENCE SOUTHEASTERLY, ALONG THE WESTERLY LINE LOTS 23, 24 AND 25 OF SAID HINSDALE HIGHLANDS, A DISTANCE OF 478.45 FEET (RECORDED BEING 478.6 FEET) TO THE SOUTHWEST CORNER OF SAID LOT 25, ALSO BEING ON THE NORTH LINE OF LOT 26 OF SAID HINSDALE HIGHLANDS; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID LOT 26 AND ALONG THE NORTH LINE AND THE WESTERLY EXTENSION THEREOF OF WALKER'S FIRST ADDITION TO FULLERSBURG (NOW KNOWN AS HINSDALE) BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1, A DISTANCE OF 507.28 FEET TO THE CENTER LINE OF SAID YORK ROAD, THENCE NORTHERLY, ALONG THE CENTERLINE OF SAID YORK ROAD, A DISTANCE OF 431.35 FEET TO THE WESTERLY EXTENSION OF LINE "A" AFORESAID; THENCE EASTERLY, ALONG SAID WESTERLY EXTENSION OF LINE "A", A DISTANCE OF 33.02 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM, THAT PART OF YORK ROAD (FORMERLY KNOWN AS CASS STREET) AS PLATTED ON SEVERSON'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHEAST QUARTER OF SECTION 1, LYING WESTERLY OF AND ADJOINING LOTS 1 AND 2 OF SAID SEVERSON'S SUBDIVISION, IN DU PAGE COUNTY, ILLINOIS.

At said public hearing, the Plan Commission shall accept all testimony and evidence pertaining to said application and shall consider any and all possible zoning actions, including the granting of any necessary special permits, variations, other special approvals, or amendments to the Zoning Code that may be necessary or convenient to permit development of the proposed type at the described property. All interested persons are invited to attend and be heard.

Dated: April 16, 2012

Christine M. Bruton, Village Clerk

Published in the Hinsdalean, April 19, 2012

Exhibit 5

Sec. 8-101. Purposes.

The regulations of the DR Design Review Overlay District are intended to promote the historic and architectural qualities of the Village and thereby preserve the distinctive character of the Village. Various areas of the Village, such as the area around the old Graue Mill and the downtown business district among others, have special historical, cultural, and design significance. These areas contain historic or unique sites deserving protection. Many areas also serve a sensitive transitional function from one land use to another that must be protected from incompatible development or redevelopment. The preservation and appropriate development of these areas require rules and regulations specifically addressing these distinctive characteristics. The Design Review District has been created and shall be mapped on the Zoning Map in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity, and welfare of the Village and its residents:

- A. *Special character.* To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the Village's cultural, social, economic, political, and architectural history or distinction.
- B. *Local atmosphere.* To maintain the local, "small town" atmosphere of various residential and business areas within the Village.
- C. *Compatibility.* To insure compatibility of new development with the existing characteristics of the area.

Exhibit 6

Sec. 5-109. Special Development And Use Regulations:

H. Drive-In Depository And Nondepository Credit Institutions: The special use set forth in subsection 5-105B2 of this article may be granted for a drive-in depository or drive-in nondepository credit institution subject to the following provisions:

1. Number Of Drive-In Lanes: No more than two (2) drive-in lanes shall be permitted under any circumstances, including any drive-in lane for an automatic teller machine. The board of trustees may further limit the number of, or prohibit, drive-in lanes.
2. Location Of Drive-In Lanes: Drive-in lanes shall not be permitted in any front or corner side yard; provided, however, only that a required access drive aisle from the public street to the drive-in lanes may traverse a front or corner side yard in a manner that minimizes the lot coverage within that front or corner side yard.
3. Traffic Study: With every application for a special use for a drive-in depository or nondepository credit institution, the applicant shall provide a traffic study prepared by an expert transportation planning consultant.
4. Pedestrian Access To Automatic Teller Machines: Pedestrian access to one or more automatic teller machines shall be provided at each drive-in depository and nondepository credit institution, and pathways shall be provided in a manner that keeps pedestrian access separate from vehicular drive-in lanes.
5. Conditions: The board of trustees may impose on the special use such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code as may be necessary or appropriate to limit the impact of the use on the vitality of the commercial/retail environment in the vicinity of the institution and to prevent or minimize adverse effects of the use on property and improvements in the vicinity of the subject property, on public facilities and services, and on the aesthetics of the street frontage in the vicinity of the building.

I. Drive-Through Lane At A Drugstore Or Pharmacy: The special use provided in subsection 5-105A8 of this article may be granted subject to the following conditions:

1. Number Of Drive-Through Lanes: No more than one drive-through lane shall be permitted.
2. Location Of Drive-Up/Pick Up Window And Drive-Through Lane: A drive-up/pick up window and a drive-through lane shall not be permitted in any front or corner side yard. A required access drive aisle from the public street to the drive-through lane, however, may traverse a front or corner side yard in a manner that minimizes the lot coverage within that front or corner side yard.
3. Traffic Study: An applicant for a special use for a drive-through lane at a drugstore or pharmacy must provide a traffic study provided by an expert transportation planning consultant.
4. Conditions: The board of trustees may impose on the special use such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code as may be necessary or appropriate to limit the impact of the use on the vitality of the commercial/retail environment in the vicinity of the use and to prevent or minimize adverse effects of the use on property and improvements in the vicinity of the property that is the subject of the special use, on public facilities and services, and on the aesthetics of the street frontage in the vicinity of the applicable building. (Ord. 97-4, § 3D, 3-4-1997; Ord. O2003-45, § 3, 8-19-2003; Ord. O2005-02, § 4, 1-18-2005; Ord. O2007-62, § 3, 9-4-2007; Ord. O2009-47, § 3, 9-1-2009)

Exhibit 7

Sec. 9-104. Off Street Parking:

J.Required Spaces:

1. Specified Uses: For the following uses, the following minimum number of off street parking spaces or stacking spaces shall be provided:
 - vi) Drive-in facilities 6 stacking spaces leading to each drive-in window

Exhibit 8

Screenshot of Fox's published hours from 6:17Pm on 10 May 2012.

Website URL: <http://www.foxsrestaurant.com/locations.html>

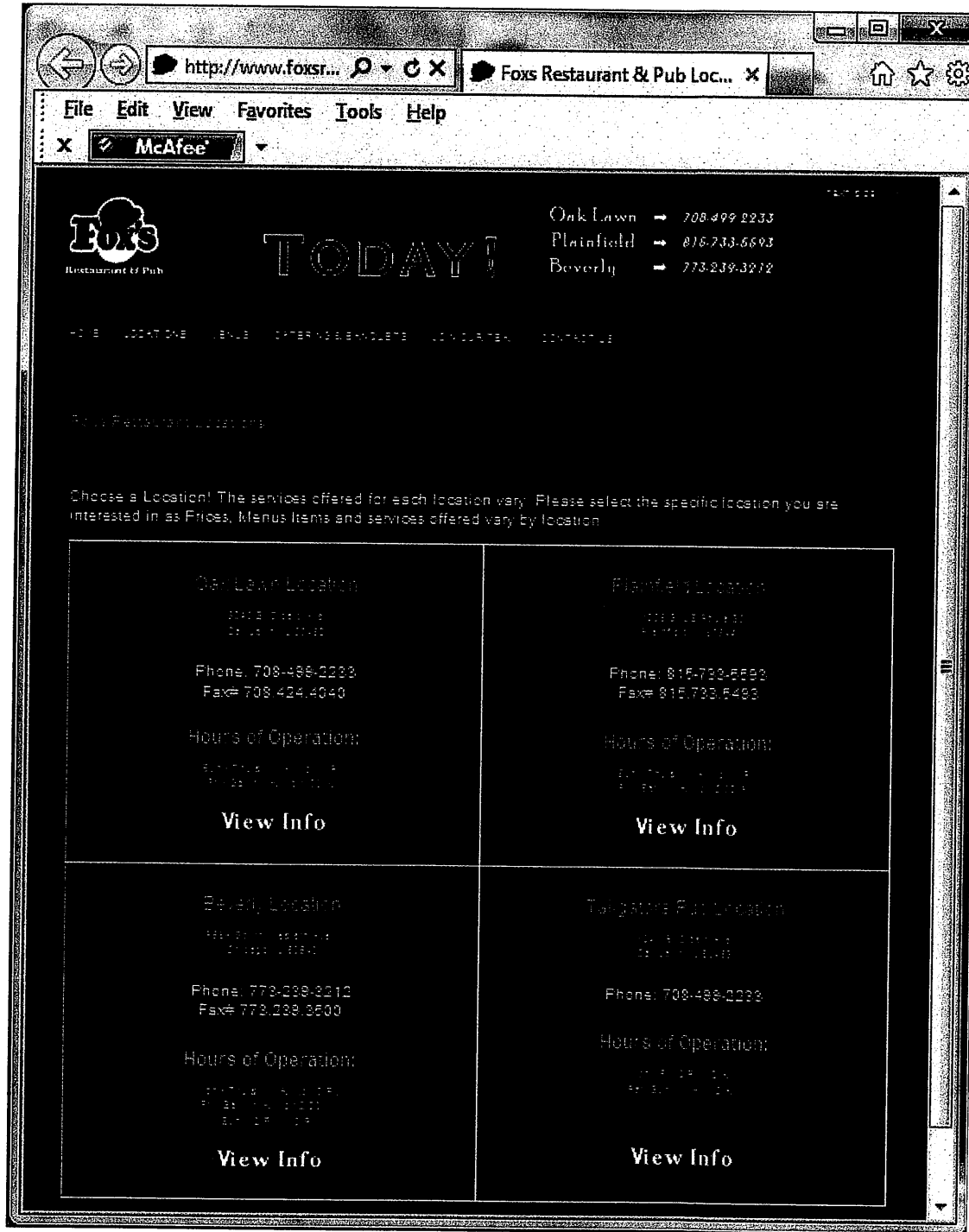


Exhibit 9

Picture of Hua Ting published hours, 10 May 2012



Exhibit 10

Sec. 11-602. Special use permits.

E. Standards for special use permits.

1. General standards. No special use permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:

(a) Code and plan purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

(b) No undue adverse impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

(c) No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

(d) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

(e) No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(f) No destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

(g) Compliance with standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

2. Special standards for specified special uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Exhibit 11

Pictures of access doors to local businesses that are right on the proposed drive way.

Note the proposed driveway has the cars driving right by the doors. With the directions some of the doors open, a person opening the door would have to open the door into the direction of traffic. A driver that is not paying attention and driving close to the doors could hit the door and crush the person. That entire exchange could happen in just a second, and it is likely there will be drivers going 20-25 miles per hour regardless of what is posted.

Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

North side of the building photographed west to east.



Rodger Howell
718 North Elm
Hinsdale, Illinois 60521

Eastside of the building photographed South to North.



Robert McGinnis

From: Sean Gascoigne
Sent: Tuesday, May 15, 2012 11:43 AM
To: Bob Saigh personal e-mail address
Cc: David Cook; Robert McGinnis; Timothy Scott; nhbyrnes@comcast.net
Subject: Letter Follow-up

Bob,

We are in receipt of the letter from Mr. Howell at 718 N. Elm regarding the Fox's Pizza at Gateway Square. We felt it was appropriate to address his main concerns with you first to determine how you would like to proceed. Tim Scott and I met both, before and after the Plan Commission, first to establish the business concept and then after to go over the memo. Even after reviewing Mr. Howell's memo, we still feel the appropriate course was followed and the appropriate process' were requested. Mr. Howell's claim that this is a carry-out restaurant is not supported by our code or the SIC. The SIC actually differentiates on three different levels with carry-out being a separate category in our zoning code and in the SIC. It is suited for those restaurants that are designed specifically for pick-up where there may be one or two tables for people waiting to take their food, but generally not for dining in. This is further supported by our code's definition of "eating place" which states:

"an establishment where food is available to the general public primarily for consumption within a structure on the premises, where at least fifty percent (50%) of the gross floor area of the establishment is devoted to patron seating, and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted".

This a full service eat-in restaurant that has carryout that is only ancillary to the restaurant use, not a primary function. By default in our definitions, what doesn't meet this criteria is considered an "eating place, carryout", and vice versa. The claim that this is either a drive-thru or drive-in, is not supported by the definitions either. Both of these definitions are designed for patrons that come to the location, order the food there, wait in there vehicle and is intended for consumption within the vehicle. Based on the business plan presented to the Village, Fox's will only be doing pick up. By the time they get to the restaurant, the food will be ready, but they will not be ordering it from these spaces (or their vehicles) and waiting. Nor is it intended for consumption in the vehicle either there or on the road. The business plan as the applicant has explained to us is no different than most of the restaurants that we have in town, the only difference being that they have the convenience of a separate door for the patrons to pick up the food on the back side of the tenant space.

In terms of the circulation, Tim confirmed with both the Police and Fire Dept. before the Plan Commission meeting, that the new, one-way circulation pattern as proposed provided no reason for concern. While I don't like to speak for the Plan Commission, many of the Commissioners agreed that the existing configuration (which does nothing to inhibit two way travel) provided some challenges and that the new configuration would actually improve the circulation on the site. Based on the comment and votes, I think it's safe to say that none of the Commissioners had any issue with the live entertainment given that the applicant indicated the use would not include bands (individual performances only), would be entirely inside and given it's location, most of the other tenant spaces are non-operational at the times the applicant would have music.


I am not equipped to answer any of the other claims made in Mr. Howell's letter regarding hours of operation, number of calls/deliveries, etc. but felt it appropriate to respond to the use related comments to see how you would like to proceed. Tim may be able to shed some light on some of the specific business related questions, but I will let him respond to that extent. Thanks Bob and please let us know if you would like us to give you a call to speak directly and answer any questions you may have or if you would like to handle this in a different fashion.

Regards,
 Sean

05/18/2012

Sean Gascoigne
Village Planner
Village of Hinsdale
19 E. Chicago Avenue
Hinsdale, Illinois 60521
(630) 789-7035

REQUEST FOR BOARD ACTION

AGENDA SECTION NUMBER	ZONING & PUBLIC SAFETY	ORIGINATING DEPARTMENT		
		Fire		
ITEM NUMBER	Ambulance Purchase	APPROVED	Chief Rick Ronovsky	

SUMMARY OF REQUESTED ACTION

On April 26th, the Fire Department went out for bids for our replacement ambulance. The FY 2012-2013 Capital Budget included \$225,000 for this replacement - \$110,000 of this was a donation from the Edens project. On May 9th, the bid process was closed after receiving 4 bids. The bids were opened and the results are 1) Horton Of Illinois - \$177,927, 2) Fire Service/Road Rescue - \$185,494, 3) Foster Coach/Medtec - \$189,357, and 4) North Central/Braun - \$193,771. Bidders also were instructed to include trade in value of the current ambulance and listed several options in the purchase. The above figures reflect the bid amount with the trade in value and selected options.

Department members reviewed the bids received as well as the exceptions taken to those specifications. Members reviewing specifications recommend to me that Foster Coach/Medtec has met the specifications with minimal exceptions. The exceptions have acceptable alternatives and after clarification will not impact our day to day operations. While Foster Coach/Medtec is not the lowest bidder, the two lowest had critical exceptions to the requested specifications and their alternatives were not acceptable to the review Committee. In addition, warranty information provided indicates Foster Coach/Medtec has a warranty that is more acceptable than the other bidders.

While not part of the ambulance specifications, the purchase of a new stretcher for this ambulance was planned. Staff researched the two manufacturers and received prices for each of their units. Members recommended to me the Stryker Power Pro Ambulance Cot as they find it is a superior unit to the other manufacturer, it carries the UL certification and has the endorsement of our workman's compensation carrier.

Purchase of both of these items totals \$202,479 which is under the FY Capital Budget figure of \$225,000. At this time, I recommend the following:

MOTION #1: To recommend to the Village Board to award Foster Coach/Medtec the contract for the purchase of one 2012 Type I Modular Ambulance in the amount of \$189,357.

MOTION #2: To recommend to the Village Board to purchase a Power Pro Ambulance Cot from the Stryker EMS Corporation in the amount of \$13,122.

STAFF APPROVALS

APPROVAL	APPROVAL	APPROVAL	APPROVAL	MANAGER'S APPROVAL
-----------------	-----------------	-----------------	-----------------	-------------------------------


COMMITTEE ACTION:

BOARD ACTION:

MEMORANDIUM

May 16, 2012

TO: Robert Saigh, Chairman
Zoning & Public Safety Committee

FROM: Rick Ronovsky, Fire Chief 

REF: Ambulance Purchase

On May 9th, the bid process for the purchase of our new ambulance was closed and the four bids that were received were opened. Lt. Carlson and I were present in the Village Hall to open the four bids. There were three bidders that were also present – North Central/Braun, Fire Service/Road Rescue, and Horton of Illinois. The four bids that were received are as follows:

	N.Central/Braun	Foster/Medtec	Road Rescue	Horton
Ambulance	\$195,622	\$186,757	\$180,494	\$187,772
Options	\$9,149	\$10,100	\$13,000	\$9,155
Trade In	\$11,000	\$7,500	\$8,000	\$19,000
Total	\$193,771	\$189,357	\$185,494	\$177,927

Fire Department personnel, who comprised the committee to develop specifications and review them, evaluated all the specifications that were received. As part of the review process they reviewed the warranties that are available from each bidder. Warranty information is as follows:

	N.Central/Braun	Foster/Medtec	Road Rescue	Horton
Electrical	7 years	Lifetime	7 years	6 yr / 72000
Paint	5 years	10 years	Not Given	4 yr / 48000
Conversion	2 years	3 years	3 years	2 years

Committee members recommended to me that we reject the two lowest bid prices. The second lowest bidder (Fire Service/Road Rescue) took critical exceptions in the patient care area of the ambulance including a substitution of the counter top and cabinet design that our committee specified. Road Rescue manufactured our 2005 model ambulance and we have experienced numerous faults in the workmanship and reliability in electrical systems, paint, and air conditioning systems that has caused the vehicle to be out of service and repaired numerous times.

The lowest bidder (Horton of Illinois) also took critical exceptions to the patient care area of the ambulance similar to the second lowest bidder. Committee members felt that these were critical and would affect the day to day operations.

The highest bidder (North Central/Braun) also took critical exceptions in the specifications; one of those being in the length of the ambulance module. Coupled with being the highest bidder, our committee members eliminated this bidder from consideration.

The committee recommended to me Foster Coach/Medtec as the bidder of choice. While they also took some exceptions to the specifications, all of the exceptions were not critical and the alternatives were acceptable to the committee. There were some added values items found like an interior head room in the patient care area that was higher specified. In addition, their warranty was exceeds the others.

While they are not the lowest total bidder, they are the bidder that meets the specifications for the ambulance that we looking for.

New Stretcher for the Ambulance:

A new patient transport stretcher, while not part of the ambulance specifications, was intended to be purchased. The current stretcher we are using was purchased in early 2005. This would make it seven years old. While this unit has been regularly maintained, we have been exploring new technology in this area. A couple of years back stretcher manufacturers developed units that require less manual lifting. The lifting is aided by a motor that lifts the stretcher (with and without a patient on it) to the desired height and then the unit can be wheeled and placed into the ambulance. Initially, there were some issues with the reliability of these units but those have been worked out and Fire Departments and Ambulance providers that are using them now have seen positive results. Our workman's compensation carrier (IRMA) endorses the use of these units and indicates that they have resulted in less back and lifting related injury claims.

There are two manufacturers of these units – Stryker EMS and Fern-Washington, Inc. Department personnel have had the opportunity to work with the Stryker model. Stryker is the manufacturer of the stretchers that we currently use and they are also the recommended vendor by IRMA. Their product is clearly superior to the Ferno-Washington model and carries the guarantees, endorsements and UL certifications that the Ferno-Washington model does not.

With the ambulance bid prices coming back favorably, I recommend that we purchase a replacement patient transport stretcher from Stryker EMS for the new ambulance. A quotation from Stryker EMS is enclosed with a price of \$13,122.00.

The purchase of both the ambulance at \$189,357 and the stretcher at \$13,122 totals \$202,479 and is well within the budgeted amount of \$225,000.

Stryker
3800 East Centre Avenue
Portage, MI 49002
T: 800-669-4968

PLEASE REMIT PAYMENT TO:
Stryker Sales Corporation
PO Box 93308
Chicago, IL 60673

FISCHER, JOHN D
E: John.fischer@stryker.com
P: 847-989-4536
F: 815-578-1679

stryker®

EMS Equipment

Date : 04/30/2012		Customer Number: 1162365	Spec Number: 34016
Billing Address:		Shipping Address:	EndUser Address: (If Different)
Name: HINSDALE FIRE DEPT		Name: HINSDALE FIRE DEPT	Name:
Address: 19 E CHICAGO		Address: 19 E CHICAGO	Address:
HINSDALE, IL 60521		HINSDALE, IL 60521	Contact
Contact DON NEWBERRY		Contact DON NEWBERRY	Phone #:
Phone #: 630-789-7060		Phone #: 630-789-7060	Email:
Email:		Email:	Fax:
Fax: 630-789-1895		Fax: 630-789-1895	

Qty	Item No#	Name	Price	Extended Price
1	6500000000(M)	POWER PRO AMBULANCE COT 6506	\$12,445.00	\$12,445.00
1	6500082000	Knee Gatch/Trendelenburg	\$604.00	\$604.00
1	6082501010	Single Wheel Lock Option	\$0.00	\$0.00
1	6060036017	Short Safety Hook	\$0.00	\$0.00
1	6082260010	G-Rated EMS Standard Restraint Package	\$0.00	\$0.00
1	6500028000	SMRT 120V AC NORTH AMERICA	\$0.00	\$0.00
1	6500128000	H/E Storage Flat Option	\$104.00	\$104.00
1	6085033000	PR COT RETAINING POST	\$0.00	\$0.00
1	6500081000	DVD In-Service Video Option	\$0.00	\$0.00
1	6500126000	STD COMPONENTS 6500	\$0.00	\$0.00
1	6500600000	ENGLISH OPTION	\$0.00	\$0.00
1	6550001084	G-Rated Knee Gatch/Trend Mattress	\$0.00	\$0.00
1	7777881669	3 Yr X-Frame Powertrain Warr.	\$0.00	\$0.00
1	6500130000	Pocketd Backrest Storage Pouch	\$196.00	\$196.00
1	6500215000	3 Stage IV Pole (PR)	\$260.00	\$260.00
1	6500147000	Equipment Hook Option	\$40.00	\$40.00
1	7777881670	2 Yr Bumper to Bumper Warranty	\$0.00	\$0.00
1	6500141000	Fowler Oxygen Bottle Holder	\$197.00	\$197.00
1	6500034000	SMRT CHARGER MOUNTING	\$26.00	\$26.00
Subtotal			\$13,872.00	\$13,872.00
Trade in credit				\$750.00
PROPOSAL FOR MODEL 6506 POWER-PRO			Shipping cost	\$0.00
All applicable Sales Tax will be calculated at time of Invoicing			Total	\$13,122.00

Stryker
3800 East Centre Avenue
Portage, MI 49002
T: 800-669-4968

PLEASE REMIT PAYMENT TO:
Stryker Sales Corporation
PO Box 93308
Chicago, IL 60673

FISCHER, JOHN D
E: John.fischer@stryker.com
P: 847-989-4536
F: 815-578-1679



Date : 04/30/2012

Customer Number: 1162365

Spec Number: 34016

Comments: PROPOSAL FOR MODEL 6506 POWERI-PRO. TRADE IN CREDIT FOR 1 MXI-PRO.			
Special Shipping Instructions: SHIPPING IS NO CHARGE.			
Credit Card Type:	CC Number:	Expiration:	Security Code:
Name On Card:		CC Name:	

P.O.Number: _____

Signature: _____ Title: _____

Terms: Net 30 days.

Terms & Conditions: Cot, all accessories on original order and aftermarket accessories FOB origin. Order subject to Stryker Corporation's approval. Credit cannot be allowed on returns of special or modified items. All approved returns will be accepted only in Kalamazoo, Michigan. Proposals valid for 30 days from submittal.

Thank You For Your Business

stryker®

EMS Equipment

**THE POWER
TO SAVE**
GUARANTEED!™



Our Promise
to You

Reduce Risk of Cot-Related Injuries to Your Medics

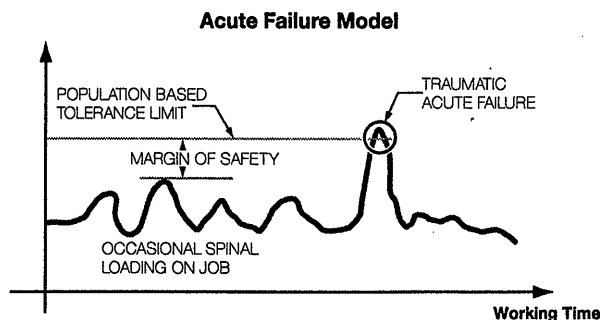
Historically, injuries within the EMS industry have generally been categorized under the acute failure model. This model depicts spinal failure due to a single overexertion event. The graph shows a sharp peak in spinal loading on the job.

However, ergonomic studies have proven that medics in the EMS industry perform repetitive motions such as lifting, lowering, carrying, loading, and unloading, which should be classified under the cumulative model (shown below), which depicts fatigue failure over time.

Stryker EMS is dedicated to understanding the cause of injury in order to reduce spinal load and increase a medic's margin of safety, in turn reducing the risk of injury. The Power-PRO cot is equipped with features that keep a medic's spinal load low, which reduces the risk of injury.

The Power to Save-Guaranteed is our promise to you. This guarantee is based on the ergonomic performance of the Stryker Power-PRO cot, which is designed to reduce spinal loading.

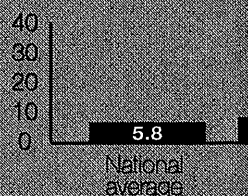
Tissue Load During Work Day



Depiction of spinal motion segment failure due to either a single acute failure (left), or a fatigue failure (right), as adapted from McGill (1997).

Statistics

Nonfatal occupational injury rate per 100 full-time workers per year



THE POWER TO SAVE GUARANTEED!

Stryker will guarantee that you will see at least a 50 percent reduction in cot-related injuries pertaining to raising and lowering cots, or Stryker will replace all Power-PRO cots with equivalently configured manual cots plus the difference in price¹ after the first year².

¹ Minus 10 percent restocking fee.

² Eligibility is dependent on documentation.

Reduce Risk of Costly Injuries to Your Medics

**THE POWER
TO SAVE
GUARANTEED.**

Historically, injuries within the EMS industry have generally been classified under the acute model (shown below). The acute model depicts spinal failure due to a single overexertion event. This model is typical of individuals who experience minimal spinal loading on the job.

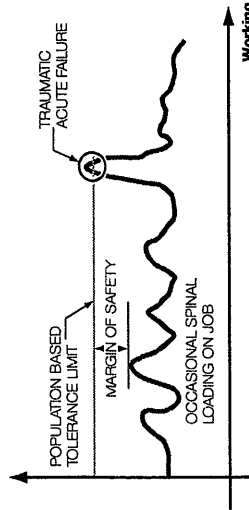
However, ergonomic studies have proven that medics in the EMS industry experience frequent spinal load due to repetitive motions such as lifting, lowering, carrying, loading and bending. For this reason, injuries in the EMS industry should be classified under the cumulative model (shown below), which represents injuries due to frequent exertion and fatigue failure over time.

Stryker EMS is dedicated to understanding the cause of injury in the EMS industry and developing products that reduce spinal load and increase a medic's margin of safety, in turn reducing the risk of trauma failure. The Power-PRO™ XT is equipped with features that keep a medic's spinal load low, which in turn extends their fatigue limit, thus reducing the risk of injury.

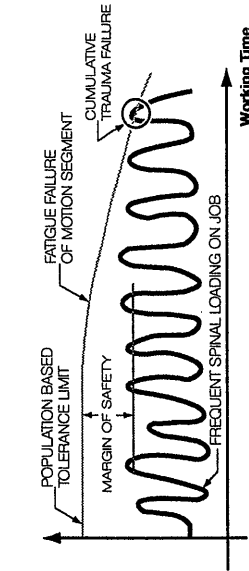
The Power to Save — Guaranteed is our promise to you. This guarantee is an industry first, made possible by the ergonomic performance of the Stryker Power-PRO cot, which is becoming the industry standard of care.

Tissue Load During Work Day

Acute Failure Model



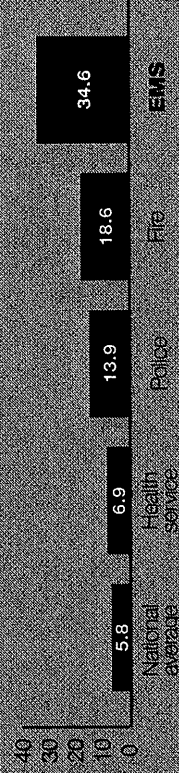
Cumulative Failure Model



Depiction of spinal motion segment failure due to either a single overexertion event (left) or frequent exertion and fatigue failure (right), as adapted from McGill (1987).

Statistics

Nonfatal occupational³ injury rate per 100 full-time workers per year



Survey Shows EMS Risk

- A survey of 1,356 NAEMT members, jointly commissioned by NAEMT and McNeil Consumer & Specialty Pharmaceuticals, reported that four in five EMS workers have experienced some kind of injury or medical condition as a result of their work
 - The risk for EMS workers with injuries and lost workdays is six times more likely than the national average
- ### Lost Personnel Time — The Effect of Injuries on Your Business:
- Almost one in two (47 percent) have sustained back injury while performing EMS duties
 - Back pain is by far the most common cause of disability
 - Back injuries account for approximately 50 percent of all line-of-duty injury retirements each year
 - Sprains and strains routinely account for approximately 50 percent of all line-of-duty injuries
 - Only the common cold accounts for more lost workdays
 - After injuring your back, you are five times more likely to have a repeat episode — hence pre-employment back screening

"If poor physical conditioning, being overweight, hours of sitting and waiting and inferior ergonomics set a person up for back injury, the pre-hospital environment usually finishes the job."

³ Democour, Kate and Casey Tremblin. *Save Your Back: Injury Prevention for EMS Providers*. Journal of Emergency Medical Services (JEMS), Oct 1989.



Joint Replacements

Trauma, Extremities & Deformities

Craniomaxillofacial

Spine

Biologics

Surgical Products

Neuro & ENT

Interventional Pain

Navigation

Endoscopy

Communications

Imaging

Patient Care & Handling Equipment



EMS Equipment

3800 E. Centre Ave.
Portage, MI 49002 U.S.A.

F: 269 329 2100
T: 866 795 2233
toll free: 800 784 4336

www.us.stryker.com

The information presented in this brochure is intended to demonstrate a Stryker product. Always refer to the package insert, product label and/or user instructions before using any Stryker product. Products may not be available in all markets. Product availability is subject to the regulatory or medical practices that govern individual markets. Please contact your Stryker Account Manager if you have questions about the availability of Stryker products in your area.

Products referenced with  designation are trademarks of Stryker.
Products referenced with  designation are registered trademarks of Stryker.

Mkt Fit 248 Rev A
PC-SC-G-3M 0209-08 STM 2396
Copyright © 2009 Stryker
Printed in U.S.A.

MEMORANDUM

TO: Chairman Saigh and the Zoning and Public Safety Committee

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

DATE: May 18, 2012

RE: **Distributed Antenna Systems**

Attached is a draft ordinance regulating Distributed Antenna Systems received today from our village attorney. They suggested that the regulations be included within the Municipal Code in Title 7 and Title 13. It should be noted that staff has not had an opportunity to do a full review yet, but wanted to get Committee input now so that any suggested changes could be included with staff comments. Once the Committee is comfortable with the suggested changes, staff will bring it back with a request for Board Action.

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

**DRAFT – 05-18-12
VILLAGE OF HINSDALE**

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (PUBLIC WAYS AND PROPERTIES), CHAPTER 1 (STREETS AND SIDEWALKS), ARTICLE G (CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS-OF-WAY) AND TITLE 13 (TELECOMMUNICATIONS), CHAPTERS 1 (GENERAL PROVISIONS) AND 6 (FEES AND COMPENSATION) RELATIVE TO INSTALLATIONS OF DISTRIBUTED ANTENNA SYSTEMS IN PUBLIC RIGHTS-OF-WAY

WHEREAS, the Village of Hinsdale ("Village") uses the public rights-of-way within its corporate limits to provide essential public services to its residents and businesses; and

WHEREAS, the public rights-of-way within the Village are a limited public resource held in trust by the Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

WHEREAS, utility service providers, including electricity, telephone, natural gas and cable television and video service providers have placed, or from time to time may request to place, certain utility facilities in the public rights-of-way within the Village; and

WHEREAS, the President and Board of Trustees of the Village have previously adopted regulations, in Title 7 (Public Ways and Property) and Title 13 (Telecommunications) of the Village Code of Hinsdale ("Village Code"), among other places, in order to establish generally applicable standards for construction, installation, use, maintenance and repair of utility facilities on, over, above, along, upon, under, across, or within, the public rights-of-way of the Village; and

WHEREAS, growing demand for wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place distributed antenna systems and other wireless facilities on utility and street light poles and other structures in the public rights-of-way; and

WHEREAS, while State and federal law limit the authority of local governments to enact laws that prohibit or have the effect of prohibiting the provision of telecommunications service, the Village does have the power, under existing State and federal law, to approve appropriate time, place and manner restrictions relative to distributed antenna systems and other wireless antenna installations in the public rights-of-way; and

WHEREAS, in light of the anticipated continuation of increased demand for placement of distributed antenna system facilities within the public rights-of-way, the Village President and Board of Trustees find and determine that it is necessary to and in the best interests of the public health, safety and general welfare to adopt the below amendments to Title 7 (Public Ways and Property) and Title 13 (Telecommunications) of the Village Code, as amended, in order to establish generally applicable standards for construction, installation, use, maintenance and repair of distributed antenna systems within the public rights-of-way of the Village (the "Code amendments"), so as to, among other things, (i) prevent interference with the use of streets, sidewalks, alleys and other public ways and places by the Village and the general public, (ii) protect against visual and physical obstructions to vehicular and pedestrian traffic, (iii) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in public rights-of-way or property, (iv) protect against environmental damage, from the installation of utility facilities, (v) preserve the character of the neighborhoods in which facilities are installed, (vi) prevent visual blight, and (vii) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations; and

WHEREAS, the Zoning and Public Safety Committee of the Village of Hinsdale Board of Trustees, at a public meeting held on _____, 2012, considered the proposed Code Amendments and _____.

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: Title 7 (Public Ways and Properties), Chapter 1G (Construction of Utility Facilities in Rights-of-Way), Section 2 (Definitions), is amended by insertion of the following definition in the existing text:

"DISTRIBUTED ANTENNA SYSTEM: A wireless communications network with multiple spatially separated antenna nodes and related equipment mounted on existing infrastructure (typically power and/or telephone poles), all connected to a common source via fiber optic cable or other transport medium, which provides enhanced coverage within a geographic area."

SECTION 3: Title 7 (Public Ways and Properties), Chapter 1G (Construction of Utility Facilities in Rights-of-Way), Section 4 (Permit Required; Applications and

Fees), subsection D (Supplemental Application Requirements For Specific Types Of Utilities) is amended to read in its entirety as follows:

"D. Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection C of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;

4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois environmental protection agency, division of water pollution control, and other local or state entities with jurisdiction, have been satisfied; or

5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

6. In the case of distributed antenna systems, state whether the applicant is seeking to place all or a portion of the system within a residential zoning district or design review overlay district and, if so, an explanation as to why placement of the system entirely outside of such districts would compromise the functioning of the system or is otherwise impractical. Applications for installation of distributed antenna systems shall also include proof that the telecommunications carrier or provider is registered with the village pursuant to section 13-2-1 of this code.

SECTION 4: Title 7 (Public Ways and Properties), Chapter 1G (Construction of Utility Facilities in Rights-of-Way), Section 5 (Action on Permit Applications), is amended to add a new subsection D., to read in its entirety as follows:

"D. Additional Village Review of Applications for Installation of Distributed Antenna Systems. Applications to install distributed antenna systems in the right-of-way are subject to the following application approval procedures.

1. Initial Application Review. Upon submission of a completed application for installation of a distributed antenna system in the right-of-way, the village manager or his or her designee shall review the application for completeness and compliance with the requirements of this chapter, and for the location of the proposed system.

2. Administrative Approval of Non-Residential Application. If an application seeks installation of a distributed antenna system in right-of-way locations that are entirely outside of residential zoning districts and design review overlay districts, the village manager or his or her designee shall review the application and issue a permit pursuant to subsection A above upon finding that the proposed work conforms to the requirements of this article and applicable ordinances, codes, laws, rules and regulations.

3. Zoning and Public Safety Committee Review of Certain Applications. If an application seeks installation of a distributed antenna system in right-of-way locations that include any locations within a residential zoning district or design review overlay district, the application, upon being found to contain all required information and to be otherwise complete, shall be forwarded for review to the village's zoning and public safety committee. The zoning and public safety committee, upon receipt of an application seeking installation of a distributed antenna system in the right-of-way that includes locations within a residential zoning district or a design review overlay district, shall review the application at its next regularly scheduled meeting. **[Question: do you want to provide notice? If so, to whom? Notice of the meeting at which the application shall be considered shall be provided via hand delivery or regular mail?/certified mail? to all taxpayers of record of properties within 100?/150?/250? feet of any node proposed to be placed in a residential zoning district or within the village's design review overlay district at the address listed with the Treasurer of the applicable County for payment of real estate property taxes on the property.]** At the meeting where the application is considered, the zoning and public safety committee may seek input from the applicant, village engineer and village staff relative to the proposed system and its location. The committee may suggest alternative locations for location of the system or particular nodes and other equipment. The committee may continue the matter for additional input or submissions, or take other action as it deems necessary to reach a reasoned decision on

the application. If the zoning and public safety committee finds that the application conforms to all village requirements for construction of utility facilities in the rights-of-way, including both general requirements and those specifically applying to distributed antenna systems, and that placement of the system at the proposed locations instead of outside of the residential zoning district or design review overlay district is necessary, advisable or otherwise acceptable based on the application and input received by the committee, it may approve the application, with or without reasonable conditions. If the zoning and public safety commission determines that the application fails to conform to all village requirements, or that placement of the distributed antenna system at the proposed locations is neither necessary, advisable nor otherwise acceptable, it may deny the application.

4. Secondary Review by Board of Trustees. Following a vote on an application by the zoning and public safety committee, a seven-(7)-day waiting period shall commence. If, during the waiting period, the chair of the zoning and public safety committee receives a written request from the applicant, the village president or any single member of the board of trustees requesting secondary review of the application by the board of trustees, the application and any materials otherwise considered by the committee in its application review, along with the vote of the committee, shall be forwarded to the board of trustees for secondary review. Upon secondary review, the board of trustees shall consider the application, related materials, any other relevant information or input received by it, and shall approve the application, approve the application with conditions, or deny the application.

5. Time Limit for Village Consideration. The village shall ensure that fully completed applications for installation of distributed antenna systems receive timely consideration. Unless otherwise acted on by the village, a fully completed application shall be deemed granted ninety (90) days after submission, provided the applicant has complied with applicable village codes, ordinances and regulations. The 90-day period can be extended by agreement"

SECTION 5: Title 7 (Public Ways and Properties), Chapter 1G (Construction of Utility Facilities in Rights-of-Way), Section 15 (Location of Facilities), is amended to add a new subsection J., to read in its entirety as follows:

"J. Distributed Antenna Systems:

1. Co-Location; Existing Poles. All equipment related to a distributed antenna system shall be mounted/co-located on existing poles or other

existing structures unless it can be shown by the applicant either that a new pole is required in order for the system to function effectively or that an alternate location will be less obtrusive and/or more beneficial to the public;

2. Blending. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment designed to mimic the colors and/or materials of the tree canopy, co-location structure or other environmental features or nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the systems.

3. Minimum Height. All distributed antenna systems shall be installed at a minimum height of fifteen feet (15') above the ground.

4. Maximum Height. Distributed antenna systems may not extend more than twenty-four inches (24") above the height of the existing pole or other structure on which it is installed.

5. Size. Distributed antenna systems, including related equipment enclosures, shall conform to the size limitations in subsection A.5. above. Equipment enclosures shall not be oversized based on anticipated future needs unless specifically approved by the village.

6. Residential Placements. Where distributed antenna systems are placed in residential or design overlay districts, every effort shall be made to avoid placement at right-of-way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the village has the right to require screening or impose other design mitigation requirements.

7. Alternative Locations. The village may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant shall supply an explanation in writing as to why the suggested alternative location will compromise the functioning of the system or is otherwise impractical."

SECTION 6: Title 7 (Public Ways and Properties), Chapter 1G (Construction of Utility Facilities in Rights-of-Way), Section 7-1G-19 is amended to read in its entirety as follows:

"7-1G-19: CLEANUP AND RESTORATION:

The utility shall, at its sole expense, remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the village manager. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the village manager for good cause shown."

SECTION 7: Title 13 (Telecommunications), Chapter 1 (General Provisions), Section 2 (Definitions), is amended by insertion of the following definition in the existing text:

"DISTRIBUTED ANTENNA SYSTEM: A wireless communications network with multiple spatially separated antenna nodes and related equipment mounted on existing infrastructure (typically power and/or telephone poles), all connected to a common source via fiber optic cable or other transport medium, which provides enhanced coverage within a geographic area."

SECTION 8: Title 13 (Telecommunications), Chapter 6 (Fees and Compensation), is amended by adding a new Section 13 (Distributed Antenna System Application Fee), to read in its entirety as follows:

"13-6-13: DISTRIBUTED ANTENNA SYSTEM APPLICATION FEE:
Applications for installation of a distributed antenna system shall be subject to a one time administrative fee of (\$) relating to the review, issuance and administration of the application. Applicants are required to pay such fee at the date such application is submitted.

SECTION 9: Severability and Repeal of Inconsistent Ordinances. Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. 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 _____ 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2012, and attested to by the Village Clerk this same day.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Village Clerk

This Ordinance was published by me in pamphlet form on the ____ day of _____, 2012.

Christine M. Bruton, Village Clerk

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Christine Bruton, Clerk of the Village of Hinsdale, in the Counties of DuPage and Cook, State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (PUBLIC WAYS AND PROPERTIES), CHAPTER 1 (STREETS AND SIDEWALKS), ARTICLE G (CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS-OF-WAY) AND TITLE 13 (TELECOMMUNICATIONS), CHAPTERS 1 (GENERAL PROVISIONS) AND 6 (FEES AND COMPENSATION) RELATIVE TO INSTALLATIONS OF DISTRIBUTED ANTENNA SYSTEMS IN PUBLIC RIGHTS-OF-WAY

which Ordinance was passed by the Board of Trustees of the Village of Hinsdale at a Regular Village Board Meeting on the ____ day of _____, 2012, at which meeting a quorum was present, and approved by the President of the Village of Hinsdale on the ____ day of _____, 2012.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Hinsdale was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Hinsdale, and that the result of said vote was as follows, to-wit:

AYES: _____
NAYS: _____
ABSENT: _____

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Hinsdale, this ____ day of _____, 2012.

Village Clerk

[SEAL]