



Village of Hanover Park Administration

Municipal Building
2121 Lake Street
Hanover Park, IL 60133-4398

630-823-5600
FAX 630-823-5786
www.hpil.org

PRESIDENT
RODNEY S. CRAIG

VILLAGE CLERK
EIRA CORRAL

TRUSTEES
WILLIAM CANNON
JAMES KEMPER
JENNI KONSTANZER
JON KUNKEL
RICK ROBERTS
EDWARD J. ZIMEL, JR.

VILLAGE MANAGER
JULIANA A. MALLER

VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION SPECIAL MEETING

**Municipal Building, Room 214
Hanover Park, IL**

Thursday, June 17, 2014

7:00 p.m.

AGENDA

1. **CALL TO ORDER: ROLL CALL**
2. **PLEDGE OF ALLEGIANCE:**
3. **ACCEPTANCE OF AGENDA:**
4. **PRESENTATIONS/REPORTS:** None.
5. **APPROVAL OF MINUTES:**
 - 5-a. Regular meeting Minutes of May 8, 2014.
6. **ACTION ITEMS:**
 - 6-a. **Public Hearing:** to consider major and comprehensive Text Amendments to the following Sections of the Village of Hanover Park Zoning Ordinance:
 - i. Section 110-4.3 Site Plan Review
 - ii. Section 110-4.7 Variations
7. **TOWNHALL SESSION:**

Persons wishing to address the public body must register prior to Call to Order. Please note that public comment is limited to 5 minutes per speaker.
8. **OLD BUSINESS (NON-ACTION ITEMS):** None.
9. **NEW BUSINESS (NON-ACTION ITEMS):**
 - 9-a. Community Development Update.
10. **ADJOURNMENT:**



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VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION Regular Meeting

Municipal Building, Village Board Room 214
2121 W. Lake Street
Hanover Park, IL 60133

Wednesday, May 8, 2014
7:00 p.m.

MINUTES

1. CALL TO ORDER: ROLL CALL

Chairperson Wachsmuth called the meeting to order at 7:01 p.m.

Chairperson Wachsmuth appointed Auxiliary Member Ruder as a full voting member of the Commission for this meeting.

PRESENT:	Commissioners:	Arthur Berthelot, Mark Mercier, Scot Neil, Gary Rasmussen, Katie Ruder, Chairperson Virginia Wachsmuth
ABSENT:	Commissioners:	Jim Aird, Patrick Watkins
ALSO PRESENT:		Director Shubhra Govind, Planner Katie Bowman, Recording Secretary Regina Mullen Jason Green, W-T Civil Engineering LLC, 2675 Pratum Avenue, Hoffman Estates, IL 60192; Thomas G. Moffitt, Stahl Cohen Crowley Addis LLC, 55 W. Monroe St., Ste 1200, Chicago, IL 60959; Charles P. Riesterer, Grund & Riesterer Architects, Inc., 20 N. Wacker Dr., Ste 2418, Chicago, IL 60606; Jon C. Stickney Barrington Bank & Trust Company, 201 S. Hough Street, Barrington, IL 60010

2. PLEDGE OF ALLIEGENCE:

3. ACCEPTANCE OF AGENDA:

Motion by Commissioner Berthelot, seconded by Commissioner Rasmussen.

Voice Vote:

All AYES.

Motion Carried: Agenda Accepted.

4. PRESENTATIONS/REPORTS: None.

5. APPROVAL OF MINUTES:

a. Regular meeting minutes of April 10, 2014.

Motion by Commissioner Berthelot to approve the Minutes of April 10, 2014, seconded by Commissioner Rasmussen.

Voice Vote:

All AYES

Motion Carried: Approved the Minutes of April 10, 2014.

6. ACTION ITEMS:

6-a. Public Hearing to consider a request by Thomas G. Moffitt of Stahl Cohen Crowley Addis LLC on behalf of Hanover Park Community Bank (applicant) on behalf of Buchanan Energy (S) LLC and the Village of Hanover Park (property owners) for a Plat of Subdivision to consolidate two parcels into one lot, a Special Use to permit a drive-through facility, and a Variance to permit a commercial lot size of under one acre, for the construction of a bank building at 6800 Barrington Road and the vacant lot to the west, Hanover Park, Illinois.

Chairperson Wachsmuth: Entertains a motion to Open the Public Hearing.

Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Neil.

Voice Vote:

All Ayes

Motion Carried: Public Hearing Opened.

Village Planner Katie Bowman presents a summary of the request before the Commission for a Special Use and Variance. Visual slides were presented identifying the location and building rendering. Hardcopies of updates to the landscaping plan were

presented to the Commission meeting Village code requirements. Also, an additional handicap ramp was added to the site plan per the Illinois Accessibility Code.

The Public Notice was published in the *Daily Herald* on April 13, 2014, and record of mailing of the Notice to property owners within 250 ft has been received from the applicant. No public comments have been received.

Chairperson Wachsmuth invited representatives of the applicant up to the podium to speak on behalf of the Bank.

Sworn In – Thomas G. Moffitt, Stahl/Cowen Attorneys

Thomas G. Moffitt presents their request for a Special Use, purchase of two properties for consolidation, and a Variance for a drive-through facility.

Sworn In – Jon C. Stickney, Barrington Bank & Trust.

Jon C. Stickney the bank is renting its current location on Irving Park Road. Due to the costs associated with updating the facility, the bank has decided to build a facility nearby that will include a community room used by local groups.

Sworn In – Charles P. Riesterer, AIA, Grund & Riesterer Architects, Inc.

Charles P. Riesterer presented a brief overview of the facility and design, as it will sit on this site.

Commissioner Mercier – Confirmed the location of a separate entrance for the Community Room use after normal business hours. Requested an overview of the environmental issues in demolishing the gas station. (They will be working closely with the EPA and receiving all required permits.) Questioned the vehicle entrance on Barrington Road. Will northbound traffic on Barrington Road be allowed to turn left into the bank? (They are working with IDOT on their recommendation.) Confirmed the ATM will be located in the outside lane of the drive-through. Confirmed egress and ingress from Walnut Avenue.

Commissioner Ruder: Questioned sidewalks and parking spaces around the facility. (The Village Public Works Department will ensure appropriate sidewalks are installed.)

Sworn In – Jason Green, W-T Civil Engineering, LLC

Jason Green clarified the entrances on Barrington Road.

Commissioner Rasmussen questioned water detention. (The property will include onsite detention with a depth of 3 ft.)

Commissioner Neil questioned Fire Department access throughout the property to ensure ladder and engine truck can get through. (Ensured access of all Fire Department vehicles.)

Commissioner Berthelot – No Questions.

Chairperson Wachsmuth Questioned how use of the Community Room will be handled. (This room will be used to conduct Money Smart seminars and various other educational seminars, Chamber events, etc.)

Chairperson Wachsmuth entertained a motion to close the Public Hearing. Motion by Commissioner Berthelot to close the Public Hearing, seconded by Commissioner Neil.

Voice Vote:

All AYES:

Motion carried: Close the Public Hearing.

Village Planner Bowman presents the Draft Findings of Facts and recommendations to the Commission.

Chairperson Washsmuth entertained a Motion to approve the Draft Findings of Facts. Motion by Commissioner Berthelot to approve the Draft Findings of Facts, seconded by Commissioner Rasmussen.

Roll Call Vote:

AYES: Commissioners: Berthelot, Mercier, Neil, Rasmussen,
Ruder, Chairperson Wachsmuth

NAYS: Commissioner: None.

ABSENT: Commissioners: Aird, Watkins

Motion Carried. Approved the Draft Findings of Facts.

Chairperson Wachsmuth entertained a Motion to approve consolidation of two parcels into one lot, a Special Use to permit a drive-through facility, and a Variance to

permit a commercial lot size under one acre for the construction of a bank building at 6800 Barrington Road and forward to the Village Board for their consideration.

Motion by Commissioner Neil to approve consolidation of two parcels, a Special Use and a Variance and forward to the Village Board for their consideration, seconded by Commissioner Rasmussen.

Roll Call Vote:

AYES:	Commissioners:	Berthelot, Mercier, Neil, Rasmussen, Ruder, Chairperson Wachsmuth
NAYS:	Commissioner:	None.
ABSENT:	Commissioners:	Aird, Watkins

Motion Carried. Approved

7. **TOWNHALL SESSION:** None
8. **OLD BUSINESS (NON-ACTION ITEMS)** None.
9. **NEW BUSINESS (NON-ACTION ITEMS)**

9-a. Director Govind and Village Planner Bowman

1. **Hanover Park Education & Work Center** – The Village Board approved a Special Use for this facility within the Hanover Square Shopping Center.
2. **Renovations** - Burger King, west of Barrington Road on Irving Park Road, and Dunkin Donuts on Barrington Road, are renovating their properties.
3. **Wendys** – Submitted a building permit to remodel their restaurant on Lake Street. It will include outdoor seating and renovated interior seating area.
4. **CarX** – west of Barrington Road on Irving Park Road will be opening this weekend.
5. **ICSC** – Staff will be attending the annual International Conference of Shopping Centers the week of May 19 and meeting with various developers and retailers promoting Hanover Park available properties.
6. **Medical Marijuana** - The Village Board will be considering an Ordinance amending our comprehensive zoning ordinance adding definitions and special uses for medical cannabis cultivation center and medical cannabis dispensing facility.
7. **Westview Shopping Center** – Property owners are considering demolition of the existing Baker Square restaurant and building a multi-tenant retail center.
8. **French Market** – The Village Board approved a French Market. It will be held at the Park District Parking lot. Opportunities for vendors are available. The Market will be open on Friday, June 13 through August 29 from 9:00 a.m. – 2:00 p.m.

9. **Village Commuter Parking** - The Village Board will consider allowing free parking at the west end of the Metra Lot for Ontarioville businesses after 3:00 p.m. on weekdays and all day on Saturday and Sunday, which will be posted. It will not affect commuters.

10. ADJOURNMENT:

Motion by Commissioner Berthelot, seconded by Commissioner Rasmussen

Voice Vote:

All AYES.

Motion Carried. Meeting adjourned at 7:59 p.m.

Recorded and Transcribed by:

Regina Mullen, Secretary
this 8th day of May, 2014

Virginia Wachsmuth, Chairperson



Village of Hanover Park
Community Development Department

INTEROFFICE MEMORANDUM

TO: Chairman Wachsmuth and members of the Development Commission

FROM: Katie Bowman, Village Planner

SUBJECT: Public Hearing for Site Plan Review and Variation Regulations

ACTION REQUESTED: Approval Disapproval Information

MEETING DATE: June 17, 2014

Request Summary

Hold a public hearing to review final draft of updated Site Plan Review and Variation Regulations and provide a recommendation to the Village Board regarding adoption.

Background

On July 11, 2013 and January 16, 2014, the Development Commission reviewed recommended changes to Site Plan Review and Variation Regulations as a part of the finalization of recommended changes to the Zoning, Sign, and Subdivision Ordinances, and incorporation of such changes into a Unified Development Ordinance.

At this time, Staff proposes to incorporate changes to individual development regulations into the existing Municipal Code (Zoning, Sign, and Subdivision) sections rather than into a new Unified Development Ordinance. Such process will allow for regulations to become applicable as they are finalized and approved, rather than waiting until all sections are finalized for approval. This process may be a more practical way to move new regulations forward within existing time and staffing constraints.

Discussion

Following Development Commission discussions, several additional updates have been made to the Site Plan Review and Variation Regulations. These updates have been developed based upon additional research and consultation with the Village Attorney and include some consolidation of requirements, removal of redundant or unneeded language, and updates based upon legal considerations. Additionally, the numbering of such sections has been changed to correlate with the current Zoning Ordinance. Updates are outlined below and included in the attached ordinances.

Site Plan Review Regulations - Section 110-4.3

- 4.3.2.a.5 – Authority – Reworded definition of major building renovations to be when the value of construction being performed is over 50% of the replacement cost of the building.

This is consistent with similar requirements in the Zoning Code related to when a legal nonconforming use may be reconstructed.

- 4.3.4 – Site Plan Review Procedure – Per Village Attorney recommendations, updates are proposed to make process more in line with current regulations and provide more flexibility to applicant and the Development Commission regarding timeline of steps.
 - a. Removal of details for Staff process for site plan review. Typically internal processes are outlined in an administrative policy of the Village, rather than a requirement in the Municipal Code.
 - b. Removal of requirement that appeals be heard by the Development Commission. Per Illinois Code, only one body is to review appeals and in Hanover Park, this has been designated to be the Village Board.

Variance Regulations – Section 110-4.7

- 4.7.5 – Process – The process for variation review has been updated to better correlate with current code and provide more flexibility to applicant and Development Commission.
- 4.7.6 – Decisions – Same as above. Removal of specification that public hearings occur at a regularly scheduled meeting allows for the option to hold public hearings during a special meeting as needed. Specification of procedure for when findings of fact not adopted at the close of a public hearing not found to be required at this time.
- 4.7.7 – Minor Variations - Not recommending minor administrative variations at this time. Following research, it has been determined that a more detailed process and further discussion would be required for such variations. Staff will continue to monitor the need for such variations, and more detailed procedures may be proposed in the future if needed/requested.
- 4.7.7.g – Landscape Variations - Clarification of section and rewording per Village Attorney. Landscape variations of up to 20% are permitted as a part of the variance process. A variation of up to 10% from any individual landscape requirement may be permitted administratively by the Zoning Administrator. Such variation must be requested and will be reviewed according to the standard considerations for variations. If the Zoning Administrator does not grant the administrative variance, an applicant may make a formal application for variance to the Development Commission/Village Board.
- 4.7.7.i – Signage Variations – Regulations for sign variations have been removed and may be located in the updated Sign Code. As individual zoning elements are being incorporated into the existing code format, the Sign Code will remain a separate chapter of the Municipal Code.
- 4.7.9.e – Conditions and Restrictions – Potential conditions for landscape variations have been moved to the conditions section to better correlate with the organization of the section.

Public Comment

To date, no public comments have been received on the proposed regulation changes. On July 9, 2013, the CONECT Business Committee reviewed the proposed regulations and found them to be acceptable. They commented that they supported updates which more clearly outline requirements and processes and provide flexibility to businesses.

Recommendation

Move to adopt the Findings of Fact recommending approval of the request for text amendment to include major and comprehensive Text Amendments to Chapter 110, Article IV, Section 110-4.3, Site Plan Review, and Section 110-4.7, Variations, of the Village of Hanover Park Zoning Ordinance.

Attachments

- Exhibit 1 - June 13, 2014 Draft Site Plan Review Regulations - Section 110-4.3
- Exhibit 2 - June 13, 2014 Draft Variance Section - Section 110-4.7
- Exhibit 3 - Draft Findings of Fact

ARTICLE IV: DEVELOPMENT REVIEW PROCEDURES

Sec. 110-4.1. Required permits, certificates, and approvals.

Sec. 110-4.2. Comprehensive plan amendments.

Sec. 110-4.3. Site plan review.

Sec. 110-4.4. Permitted uses.

Sec. 110-4.5. Special uses.

Sec. 110-4.6. Planned unit development.

Sec. 110-4.7. Variations.

Sec. 110-4.8. Text amendments and rezonings.

Sec. 110-4.9. Administrative appeals.

Sec. 110-4.10. Procedures of general applicability.

Section 110-4.3. Site Plan Review

4.3.1. Purpose

4.3.2. Authority

4.3.3. Scope of Site Plan Review

4.3.4. Site Plan Review Procedure

4.3.5. Required Information on Site Plans

4.3.1. PURPOSE

It is recognized that the very nature of development of vacant land, and redevelopment of improved land create potential for traffic congestion problems, overcrowding, and adverse environmental effects. The purpose of this section is to establish a comprehensive set of procedures, standards and guidelines for the layout, appearance, design, landscaping, and environmental quality of properties within the Village, and to further:

- a. Promote the public health, safety, and general welfare of the citizens of the Village.
- b. Promote orderly community development, as well as encourage both high quality and innovative designs.
- c. Protect and enhance property values.

Exhibit 1

- d. Protect and enhance the social, cultural, economic, environmental and aesthetic development of the community.
- e. Ensure that the Village remains a safe and attractive community in which to reside and operate a business.

4.3.2. AUTHORITY

a. Site plan review approval shall be required prior to issuance of building permits in instances listed below, unless waived by the Zoning Administrator but only for temporary construction and additions, the use of which shall be for less than six (6) months.

Comment [BK1]: Moved from bottom per Attorney

1. New Development: When any development involves the construction of a new, or addition to an existing non-residential or multiple-family building, or a new single-family or two-family building.

4-2. Special Use Permit; Variation; Planned Unit Developments: When development of property requires a Special Use Permit, a Variation, or Planned Unit Development Permit.

2-3. Intensity of Use Increases: The intensity of use of any existing building, structure or premises is increased through the addition of: one (1) or more dwelling units; the gross floor area of the building is increased to require the construction of one (1) or more additional off-street parking spaces to meet the off-street parking requirement; when there is an exterior addition or enlargement of the building, structure, or premises.

3-4. Expansion or reconstruction of Parking Areas: When any existing off-street parking area is expanded or undergoes major reconstruction. Major reconstruction means removal of existing pavement and replacement of such pavement. Resurfacing without reconstruction does not constitute major reconstruction.

5. Major Building Renovations and Tenant Changes: Physical improvements or change of business or tenant for uses with 10,000 square feet or more of gross floor area. Building renovations shall include work for over 50% of the replacement cost of a building, to include but not be limited to, façade renovations and interior remodeling.

4-6. Re-occupation of Buildings: Re-occupation of vacant freestanding single-user buildings of any size, or reoccupation of 3 or more tenants in a shopping center building, when vacant for more than 180 days.

5-7. Access and Drainage Changes: Any change to the access between the site and any arterial road. Any change in the grading or drainage on the site.

6-8. Landscaping: When Site Plan Review is required, landscaping shall be reviewed and meet the standards of section 110-6.3. Removal of existing

Exhibit 1

landscape materials shall not be permitted unless the remaining landscaping conforms to the landscape requirements. The addition of new landscape material or the relocation or replacement of existing landscape material shall be permitted without conforming to the requirements of the landscape section when no other site improvements are involved.

- b. All appearance standards ~~and design guidelines of the Village described in Article 3, Division 4, "Design Guidelines"~~ should be considered in the creation of development plans.
- c. Unless otherwise noted, all standards within this section 110-4.3 are required and shall be subject to review by the Zoning Administrator. Variations from the standards in section 110-4.3 may be sought in accordance with section 110-4.7 of this Chapter.
- ~~c.d.~~ The review of architectural and site plans provided for in this section is intended to be only a part of the zoning and subdivision review procedure of the Village of Hanover Park development review process. Site plan approval does not in any way signify final approval of any portion of a project.
- ~~d.e.~~ A building permit for uses that are subject to site plan review may be issued after the Zoning Administrator approves a site plan, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.
- ~~e.~~ ~~Exceptions. Site plan review is not required for any use permitted on a temporary basis for a period not to exceed six (6) months.~~

4.3.3. SCOPE OF SITE PLAN REVIEW

- a. The Zoning Administrator, when evaluating site plans, will review:
 - (1) The relationship of the site plan to the policies, goals and objectives of the Comprehensive Plan.
 - (2) Traffic and parking layout shall be reviewed by the Director of Engineering and Public Works so as to:
 - a. Minimize danger and conflicts between pedestrians and motorists;
 - b. Achieve traffic flow in accordance with standards in the most current edition of Institute of Traffic Engineers Transportation and Traffic Engineering Handbook;
 - c. Provide for the optimum number of parking spaces, complying with the standards set forth in section 110-6.2 of this Chapter; and
 - (3) Traffic studies may be required by the Village Zoning Administrator or Director of Engineering and Public Works. Such studies may include: a projection of the number

Exhibit 1

of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, (as may be updated from year to year), projected traffic flow patterns, impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Village, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

- (4) Landscaping, to comply with section 110-6.3 of this Ordinance.
- (5) Consistency with Design Guidelines ~~of the Village as outlined in Article 3: Division 4.~~
- (6) Location of principal structures, accessory structures and freestanding signs, so that the location of these uses do not impede safe and efficient traffic flow.
- (7) Compliance with this Chapter and other provisions of the Municipal Code.

4.3.4. SITE PLAN REVIEW PROCEDURE

~~b. The Zoning Administrator shall review/check the site plan for compliance with the requirements of this section 110-4.3 and provide approval or general completeness, and shall forward copies of the submission to the Development Review Committee for review and comments. Such committee shall consist of the Staff deemed appropriate by such administrator, which may include the following departments: Village Manager, Community and Economic Development, Engineering and Public Works, Fire, including Inspectional Services, and Police.~~

Comment [BK2]: Per Attorney, this process may be better outlined in an administrative policy of the Village, rather than required in the code.

- ~~(1) After receiving a complete application, the Zoning Administrator shall set a date for a Development Review Committee meeting. The purpose of the Development Review Committee meeting is to provide the applicant with the results of Village staff's initial review of his/her proposal by identifying ways in which the proposed site plan complies or does not comply with the requirements of this Unified Development Ordinance.~~

~~e.b. If the Zoning Administrator does not approve or provide review comments for a site plan within thirty (30) days of receipt of the completed application, unless such time is extended by mutual consent of the Zoning Administrator and the petitioner, the applicant may appeal the Zoning Administrator's decision to the Development Commission.~~

Comment [BK3]: No timelines in current code, removal provides greater flexibility in process.

- (1) A notice of appeal must be filed with the Zoning Administrator no later than fifteen (15) days after receipt by the applicant of the decision of the Zoning Administrator.
- (2) Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a building permit.

Exhibit 1

~~(3) The Development Commission shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and act on the appeal within 30 days after the conclusion of its hearing.~~

Comment [BK4]: Requirement does not exist in current code and is not recommended per IL law.

- (4) The Village Board shall approve or disapprove the site plan appeal by action taken by a majority of the Trustees present at any meeting at which a quorum is present.
- (5) If the Village Board approves the site plan a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

~~d.c.~~ d.c. Effect of Approval

Approval of a site plan submitted under the provisions of this section is valid for a maximum duration of one (1) year, unless a building permit(s) has been obtained, in which case the site plan approval, or part thereof for which a building permit is obtained, is extended for the life of the building permit.

4.3.5. REQUIRED INFORMATION ON SITE PLANS

Ten (10) hard copies, and a digital copy in PDF or other approved format, of the site plan submission shall be provided, which shall include the following:

- a. Site plans, or any portion thereof, involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by an engineer, architect, landscape architect, or land surveyor authorized by the State to practice as such.
- b. Site plans shall be prepared to a reasonable scale, not greater than 1" = 50.
- c. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- d. All site plans shall be submitted to the Zoning Administrator in legible blue or black line copies.

~~e.~~ e. ~~Each~~ site plan shall be accompanied by a receipt evidencing the payment of all required site plan fees for processing and approval as set by the Village Board from time to time.

Comment [KT5]: Need to set Site Plan Review fee and application.

~~e.f.~~ e.f. Where applicable, all site plans shall contain the following information:

- (1) Location of tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 500'), indicating such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, or other landmarks sufficient to clearly identify the location of the property.

Exhibit 1

- (2) On every sheet, the name and address of the owner and developer, the north point, date and scale of drawing, and number of sheets.
- (3) A boundary survey of the property.
- (4) All existing and proposed streets and easements, their names, widths and whether such streets will be publicly dedicated; existing and proposed utilities; watercourses and their names; owners of adjacent properties and the zoning and present use of all adjoining properties.
- (5) A landscape plan prepared by a registered landscape architect or contractor, drawn to scale, including dimensions and distances and the location, size and description of all proposed landscape materials as required by the provisions of section 110-6.3.
- (6) A survey of existing trees on the property as required by the provisions of section 110-6.3.
- (7) The size and location of all floodplains, floodways, and wetlands.
- (8) The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be wet or dry bottom.
- (9) Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of section 110-6.3.
- (10) All off-street parking, driveways, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by section 110-6.2.
- (11) All bike trails provided on the property.
- (12) The proposed location, general use, number of floors, height and the net and gross floor area for each building; including outside display areas, and, where applicable, the number, size and type of dwelling units.
- (13) The proposed floor area ratio and impermeable lot coverage calculations.
- (14) Architectural elevations.
- (15) Sufficient information, as determined by the Zoning Administrator, to show how the physical improvements associated with the proposed development interrelate with existing or proposed development on adjacent properties.
- (16) Existing topography with a maximum contour interval of one (1') foot, with high and low spot elevations indicated
- (17) Proposed finished grading by contours and ground floor elevation.

Exhibit 1

- g. Where applicable, the Zoning Administrator may require less information, or any other additional information to appropriately evaluate the impacts of the proposed development or improvement.

ARTICLE IV: DEVELOPMENT REVIEW PROCEDURES

Sec. 110-4.1. Required permits, certificates, and approvals.

Sec. 110-4.2. Comprehensive plan amendments.

Sec. 110-4.3. Site plan review.

Sec. 110-4.4. Permitted uses.

Sec. 110-4.5. Special uses.

Sec. 110-4.6. Planned unit development.

Sec. 110-4.7. Variations.

Sec. 110-4.8. Text amendments and rezonings.

Sec. 110-4.9. Administrative appeals.

Sec. 110-4.10. Procedures of general applicability.

Section 110-4.7. Variations

- 4.7.1 Purpose
- 4.7.2 Authority
- 4.7.3 Initiation
- 4.7.4 Notice of Hearing
- 4.7.5 Processing
- 4.7.6 Decisions
- 4.7.7 Authorized Variations
- 4.7.8 Standards of Review
- 4.7.9 Conditions and Guarantees

4.7.1 PURPOSE

The variation process is intended to provide limited relief from the requirements of this Chapter in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this chapter. In no event, however, shall the Village Board grant a variation that would allow the establishment of a use not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property.

4.7.2 AUTHORITY

Variations shall be authorized or denied by the Village Board in accordance with the regulations and conditions set forth in this section 110-4.7 for Variances. No application for a

variation shall be acted upon by the Village Board until after:

- a. A public hearing has been held by the Development Commission after due notice by publication as required by section 110-4.7.4 herein; and
- b. A written report containing recommendations, findings of fact, and other appropriate commentary and conditions is adopted by the Development Commission and forwarded to the Village Board.

4.7.3 INITIATION

An application for a variation may be made to the Zoning Administrator by the owner of the property, or his/her designated representative, for which the variance is proposed to be located or established.

4.7.4 NOTICE OF HEARING

Notice shall follow the procedures for notice of public hearings in section 110-4.10.1 of this chapter.

4.7.5 PROCESSING

- a. Upon receipt of a complete application, including all required supporting documentation, the Zoning Administrator shall schedule the petition for a public hearing ~~within 30 days~~.
- b. All information and documents applicable to the variance application shall be submitted to the Zoning Administrator at least ~~30 days~~ ~~four weeks~~ prior to the regularly scheduled meeting of the Development Commission, during which a public hearing will be held.
- ~~c. The completed application and all relevant reports shall be forwarded to the Development Commission at least seven days prior to the public hearing date.~~

Comment [BK1]: Removal of required dates provides more flexibility to applicant and DC

4.7.6 DECISIONS

- a. The Development Commission shall hold a public hearing ~~during one of its regularly scheduled meetings~~, which hearing may be continued ~~for an additional 60 days~~ by the Development Commission.
- ~~a. Continuation of the public hearing beyond 60 days shall only occur with the mutual consent of the petitioner.~~
- b. ~~Following~~ ~~Within 30 days of~~ the adjournment of the public hearing, the Development Commission shall adopt and forward its written recommendations and findings of fact on the variance to the Village Board. The Village Board shall make the final decision on the variation.
- ~~b. If the Development Commission has failed to adopt and submit its findings of fact and recommendations on an application for a proposed variation within 30 days of the date~~

Comment [BK2]: Also have option to hold public hearings during a special meeting as needed.

Comment [BK3]: No need to specify dates, not required in current ordinance.

Comment [BK4]: Simplification of process to align better with current practice, which is functioning well.

~~when the public hearing on the application was adjourned, and such time is not extended by the Village Board, or at the request of the petitioner, the proposed amendment shall be deemed to have received a recommendation of denial.~~

~~e. If an application for a proposed variation is not approved or denied by the Village Board within 30 days of the date of receipt of the Development Commission's recommendations, and such time is not extended by mutual consent of the Village Board and the applicant, it shall be deemed to have been denied.~~

4.7.7 AUTHORIZED VARIATIONS

Variations from the regulations of this Chapter may be recommended by the Development Commission to the Village Board only in accordance with the standards set forth in this Section, and may be granted only in the following instances, and in no others:

a. To permit up to 20 percent reduction in the front, rear, or side yards in residential zoning districts as required by this Chapter, and to permit an unlimited reduction in the front, rear and side yards in all other zoning districts as required by this Chapter.

~~b.~~ To reduce the applicable off-street parking or loading facilities required by not more than 20 percent, or a minimum of one space, of the applicable regulations.

~~b-c.~~ To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations.

~~c-d.~~ To recommend the issuance of a permit for the reconstruction of a nonconforming building that has been destroyed or damaged to an extent of more than 50 percent of its value by fire, acts of God, or the public enemy, where the Development Commission shall find some compelling public necessity requiring a continuation of the nonconforming building.

~~d-e.~~ To exceed any of the authorized variations allowed under this Chapter, when a lot of record or a zoning lot is, by reason of the exercise of the power of eminent domain by any authorized jurisdictional body, changed from a complying lot to a lot in violation of applicable requirements hereof.

~~e-f.~~ To eliminate the requirement of enclosing loading spaces when a building fronts on more than two streets.

~~f. Minor Variations, being less than 10% alteration from the requirements of this Article may be approved administratively by the Zoning Administrator without approval of the Development Commission. Any decision of the Zoning Administrator may be appealed to the Development Commission.~~

Comment [BK5]: Not recommending minor variation at this time. Further research may be performed for implementation in the future as needed. Staff will continue to monitor need for such variances.

~~g. Landscape Variations To permit up to 20 percent reduction in any particular landscape requirement.~~

Comment [BK6]: Clarification of section and rewording per Village Attorney.

Exhibit 2

~~(1) Additionally, application may be made to the Zoning Administrator for an administrative variance of no more than 10% of any particular landscape requirement in lieu of the Development Commission process, provided the intent of such requirements are met and the variance otherwise meets all requirements for a variation. The application or decision concerning an administrative landscape variance shall not eliminate the potential to apply to the Development Commission for the same or similar variation.~~

Comment [BK7]: If an applicant is denied an administrative variance, they may complete the formal variation process.

~~g.h.~~ To recommend a variation to other development requirements where, by reason of an exceptional situation, surroundings, or a condition of a zoning lot or lot of record, or by reason of exceptional narrowness or shape of a zoning lot or lot of record, or by reason of exceptional topographic conditions, the strict application of provisions of this Chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere inconvenience to such owner, provided such relief as recommended be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Chapter.

~~(1) Flexibility in the Administration of Required Landscape Standards. To meet the objectives outlined in Article 5, Division 2, specific landscape, buffer, and screening requirements are established. However, the Village recognizes that, because of the wide variety of types of developments and the relationships between them, some flexibility in applying standards set forth in Article 5, Division 2 is appropriate as long as the intent of specified requirements are met. Minor deviations from any specific requirement of this Division may be approved administratively by the Zoning Administrator; deviations of twenty percent (10%) or more of an individual regulation shall require a variation.~~

Comment [BK8]: Reorganized. See above.

~~(1) Application: A Property Owner may file an application for a variation of landscape requirements when compliance with the requirements of Article 5, Division 2 "Landscaping, Buffering, and Screening" for a new or pre-existing building or use will:~~

Comment [BK9]: Separate application requirements for landscape variances not needed. Elements are covered in general standards for review of a variance.

~~(a) Reduce or interfere with the number of existing off-street parking spaces, parking and driveway aisle requirements or off-street loading requirements;~~

~~(b) Not be possible because of property configuration, unusual shaped lot, or the location of existing structures and other built features.~~

~~(2) Conditions: If the Development Commission determines that a need for a variation exists, the Development Commission may recommend, and the Village Board may impose, any one or more of the following conditions and restrictions on the property benefited by a variation as may be deemed necessary to assure compliance with the applicable standards of Article 5, Division 2 (Landscape and Tree Preservation), to reduce or minimize the effect of such variation upon other property in the neighborhood, or to implement the general purpose of Article 5, Division 2:~~

Comment [BK10]: Conditions moved to condition section below.

- ~~(a) Additional or substitute landscape plantings or areas on-site.~~
- ~~(b) Construction of masonry walls in lieu of landscape screening.~~
- ~~(c) Installation of decorative wrought iron or other appropriate fencing.~~
- ~~(d) Removal of excess pavement areas.~~
- ~~(e) Rearrangement or removal of on-site parking spaces and drive aisles.~~

~~Other conditions as determined by the Development Commission or the Board of Trustees. **Signage Variations**~~

Comment [BK11]: As individual zoning elements are being incorporated into the existing code format at this time, signage variation guidelines will remain in the sign code.

~~(1) Standards For Review. The Development Commission shall take the following additional standards into consideration for sign variations:~~

- ~~(a) Graphic Effectiveness Demonstrated. The petitioner has demonstrated that all reasonable efforts (utilizing color, contrast, lettering legibility, illumination, and graphic composition) have been made to increase the reading effectiveness of the proposed sign within the normal requirements of Article 6, "Sign Regulations".~~
- ~~(b) Consistent with Intent of Sign Regulations. The proposed variation is consistent with the general intent, purpose, and objectives of Article 6, "Sign Regulations".~~
- ~~(c) Special Site Conditions. The petitioner has demonstrated that the natural or man-made characteristics of the site, including, but not limited to, the amount of landscaped area, type of landscape materials, berms, screening buffers, sign setback requirements, building and parking areas, and other site improvements are able to mitigate the visual impact of the proposed variation.~~

~~(2) Authorized Sign Variations: Variations from the regulations of Article 6, "Sign Regulations," may be recommended by the Development Commission to the Village Board only in accordance with the standards set forth in this Section, and may be granted only in the following instances, and in no others:~~

- ~~(a) To permit the erection of a sign for a legal nonconforming use in a residential zone which would not conform to the regulations of a residential district, but which would not exceed the regulations for a sign located in the most restrictive business district.~~
- ~~(b) To permit the location of an off-premise sign within 500 feet of the premise, where it can be demonstrated that because of unique physical surroundings, shape, or topographical conditions of the specific business premises, a particular hardship would be brought on the owner, and no other reasonable alternatives exist which would conform to this Article.~~

~~Such sign must comply with all other regulations of the zoning district in which it is located.~~

- ~~(c) To permit a variation from the maximum number, location, and area of wall signs allowed for a business where it can be demonstrated that due to a unique configuration of the building or site, the business does not have direct building display frontage to a street and therefore is unable to erect a wall sign adequate to meet the advertising needs of the business under the provisions of this Article. In no case shall the number of permitted wall signs be increased greater than two, and the permissible sign area shall not be increased greater than 20 percent.~~
- ~~(d) To permit an increase in the number of directional signs allowed on a business property where it can be demonstrated that due to a unique configuration of the parcel, additional traffic control signage is required to promote safe on-site circulation, or in the instance of a business which requires unusual on-site traffic circulation due to a multi-lane drive-through or other unique business use. The number of on-site directional signs shall not be increased more than 75 percent. The number of directional signs at each curb cut shall not exceed one.~~
- ~~(e) To permit an increase in the maximum square footage of a church identification sign for churches with seating capacity exceeding 500. Larger churches uniquely draw attendees from greater distances and in larger numbers and therefore require a larger identification sign. In no case shall a church identification sign be exceed a maximum of 100 square feet per side, or be permitted to exceed ten feet in height. Any church requesting such a variance must provide proof of seating capacity.~~
- ~~(f) To permit a freestanding sign to have more than two sides on unusually shaped lots where it can be demonstrated that a two-sided sign will not be clearly visible from all street directions. No sign shall be permitted to have more than three sides and the total square footage for the freestanding sign in the district where the sign is located shall not be exceeded.~~
- ~~(g) To permit the reconstruction of an existing, legal, nonconforming shopping center identification sign at the same gross sign area as the existing sign. The height of the sign and all other characteristics of the sign must be brought into compliance with this Article at the time of construction. A legal, nonconforming shopping center identification sign shall not be permitted to be reconstructed greater than 428 square feet in gross surface area. If the shopping [center] is allowed a second freestanding identification sign under the provisions of this Article, the total square footage for both signs shall not exceed 428 square feet.~~
- ~~(h) To permit a shopping center wall identification sign where a unique site configuration creates the need for additional shopping center identification in addition to or in lieu of, a freestanding sign the sign shall not exceed 75 percent of the total permitted area of the allowed freestanding sign, or of~~

Comment [BK12]: There may be instances where individual businesses meet this criteria as well.

~~the larger freestanding sign where two freestanding signs are permitted for the shopping center, and shall conform to the shopping center sign plan. The wall sign shall include the name of the shopping center and may include tenant panels provided they do not exceed the maximum sign area for the sign. Each tenant panel shall be a minimum of 12 inches in height and shall only list the name of a shopping center tenant. The wall sign shall face the arterial street which the shopping center fronts and no variation shall be given allowing the wall sign to face a residential district.~~

~~(a)(i) To recommend a variation to other development requirements where, by reason of an exceptional situation, surroundings, or a condition of a zoning lot or lot of record, or by reason of exceptional narrowness or shape of a zoning lot or lot of record, or by reason of exceptional topographic conditions, the strict application of provisions of this Chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere inconvenience to such owner, provided such relief as recommended be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Chapter.~~

4.7.8 STANDARDS FOR REVIEW

- a. ~~Standard Variation:~~—No variation shall be recommended for approval by the Development Commission to the Village Board unless the variation meets the following standards:
- (1) That the variation, if granted, will not alter the essential character of the locality, and will be consistent with the goals and objectives set forth in the Comprehensive Plan.
 - (2) That the plight of the owner is due to unique circumstances.
 - (3) For the purpose of supplementing the above standards, the Development Commission, in determining that there are particular difficulties or hardships, shall also take into consideration the extent to which the following standards, favorable to the applicant, have been established by the evidence:
 - (a) That the particular surroundings and topographical conditions of the specific property involved will bring hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - (b) That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning classification.
 - (c) That the purpose of the variation is not based exclusively upon a desire to receive a greater economic return.
 - (d) That the alleged difficulty or hardship has not been created by any person previously or currently having an ownership interest in the property.

- (e) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the general area in which the property is located.
- (f) That the proposed variation will not impair an adequate supply of light and air to abutting property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the general area.
- (g) The design of the proposed variation will minimize adverse effects, including visual impacts, of the proposed use on abutting and nearby properties.
- (h) For variations from landscape requirements in section 110-6.3 the use of impervious surfaces on the property has been minimized to the greatest extent feasible.

~~a.b. Signage Variation: The Development Commission may recommend to the Village Board that a variation to Article 6, "Sign Regulations," be granted when it shall be determined from evidence presented at the public hearing that the variation will not merely serve as a convenience to the petitioner but is necessary to alleviate some demonstrable hardship or unusual practical difficulty and that the granting of the variation will not in any way be inconsistent with the intent, purpose, and objectives of this Article.~~

Comment [BK13]: Signage variation regulations to remain in sign code.

4.7.9 CONDITIONS AND RESTRICTIONS

~~a.~~ Petitions for variations shall include submittal of a site plan to demonstrate conformance to the requirements, where practical, of section 110-4.3, ~~with consideration of the flexibility provided under Section 3.7.h.2, Landscape Variations.~~

Comment [BK14]: See landscape conditions below.

~~a.b.~~ The Development Commission may recommend and the president and board of trustees may require such conditions and restrictions upon the property to be benefited by a variation as may be necessary to comply with the standards set forth in this chapter, to reduce or minimize the effect of such variation upon other property in the general area, and to implement the general purpose and intent of this chapter.

~~b.c.~~ No variation granted by ordinance of the president and Village Board shall be valid for a period longer than 12 months from the effective date of the ordinance granting such variation, including sections, phases or portions thereof granted prior to the passage of this Chapter, unless a building permit has been issued and the construction or alteration of a building started or the use commenced within such period.

~~d.~~ A Variation approved shall contain the following condition: If the property to which the variation applies becomes subject to: new development; a new application for a variation; increase in the intensity of use; or substantial building renovation; or, expansion or reconstruction of parking areas, the variation(s) previously granted pursuant to this section may become null and void if noted in subsequent site plan,

special use, variance, or other development approval.

e.

For variation of landscape requirements, the Development Commission may recommend, and the Village Board may impose, any one or more of the following conditions and restrictions on the property benefited by a variation as may be deemed necessary to assure compliance with the applicable standards of section 110-6.3, to reduce or minimize the effect of such variation upon other property in the neighborhood, or to implement the general purpose of section 1106.3:

Comment [BK15]: Moved from section above.

- (1) Additional or substitute landscape plantings or areas on-site.
- (2) Construction of masonry walls in lieu of landscape screening.
- (3) Installation of decorative wrought iron or other appropriate fencing.
- (4) Removal of excess pavement areas.
- (5) Rearrangement or removal of on-site parking spaces and drive aisles.
- (6)
- (7) Other conditions as determined by the Development Commission or the Board of Trustees.

DEVELOPMENT COMMISSION
DRAFT FINDINGS OF FACT
TEXT AMENDMENT TO
SITE PLAN REVIEW AND
VARIATION REGULATIONS

I. Subject

Consideration of a request by the Village of Hanover Park for a text amendment to include major and comprehensive Text Amendments to Chapter 110, Article IV, Section 110-4.3, Site Plan Review, and Section 110-4.7, Variations, of the Village of Hanover Park Zoning Ordinance.

II. Findings

On June 17, 2014, after due notice as required by law, the Hanover Park Development Commission held a public hearing on the subject request concerning the text amendment ____ objectors appeared and ____ written objections were filed.

The Development Commission has made the following findings regarding the text amendment request:

Conformance with Comprehensive Plan

Approval of the text amendment is in conformance with the Comprehensive Plan. Such regulations will work towards key visions and goals of the Comprehensive Plan, including Vision 3: to “foster a positive community image through the promotion of quality community aesthetics” and Vision 4: to “promote sustainability in land-use patterns and development.”

Public Interest

The text amendment is in the public interest and is not solely for the interest of the applicant, providing regulations that promote improved physical and community development and provide guidelines for property owners, businesses, and developers to make such improvements.

Necessity of Amendment

The amendment is necessary due to changed conditions upon which the current Zoning Ordinance is based. Over time, general conditions within the Village, the needs and desires of its residents and leaders, and standard development practices change. The amendment makes updates to address such changes.

III. Recommendations

Accordingly, by a vote of ____ to ____, the Development Commission recommends approval of the request.