



**PLANNING, BUILDING AND ZONING COMMISSION MEETING  
THE VILLAGE OF HAWTHORN WOODS  
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS  
TUESDAY JULY 9, 2013  
6:00 P.M.**

**MINUTES**

**I. Call to Order and Roll Call**

Chairperson Susy Rein called the meeting to order at 6:03 p.m.

Present: The following members were present: Kaiser, LaGro, Lindquist and Rein  
Absent: Salvi and Merkel  
Staff: Donna Lobaito, Chief Administrative Officer  
Trustee Liaison: Dominick DiMaggio  
Attorney: Patrick Brankin

A quorum was established.

**II. Opportunity for the Public to Address the Commission**

None at this time.

**III. Approval of Minutes**

A. Approval of the Minutes of the June 11, 2013 Planning, Building and Zoning Commission

Motion by Kaiser, second by Rein to approve the minutes of the June 11, 2013 Planning, Building and Zoning Commission.

Upon a voice vote, all voted aye and the motion carried.

**IV. Public Hearing**

A. Consideration, Review and Recommendation of a Request to Amend Title 9, Section 9-6A1-2 of the Zoning Ordinance – Inclusion of Private Tutoring/Personalized Educational Services as a Permitted Use in the ORD Office Research and Development District

Motion by Lindquist, second by Kaiser to open the public hearing. Upon a voice vote, the motion carried unanimously.

Ms. Lobaito reported that the public hearing was noticed in the Daily Herald. The Village has received an application by Mr. Richard Sova to amend the ORD Office Research and Development District to include private tutoring/personalized educational services as a permitted use.

Mr. Sova testified that the Discovery Learning Institute has been located in Cherry Hill Plaza for many years, and has interest in relocating their business to the Commons of Hawthorn Woods Business Park. Presently, the ORD zoning district does not provide for private tutoring/personalized educational services. Mr. Sova said he would like to see this business remain in the Village of Hawthorn Woods.

Commissioner Merkel arrived at 6:10 p.m.

Commissioner Kaiser commented that tutoring facilities are typically not a permitted use in office zoned property, and that in his opinion was that it should be a special use. Village Attorney Brankin said the intensity of the tutoring facility use should be compared to other permitted uses in this zoning district. He also said traffic impact should be considered and whether the tutoring facility would have a negative impact on the current traffic volume.

Ms. Lobaito noted private tutoring/personalized educational services are presently a special use in the Business zoning district. Mr. Sova commented that the owner of the tutoring facility will have to leave town if he cannot get this approval. Ms. Lobaito stated that retaining the businesses we have in Hawthorn Woods is very important, and that this approval is needed to keep the Discovery Learning Institute in Hawthorn Woods.

Trustee DiMaggio commented that he thinks a private tutoring/personalized educational business in an office district seems a better fit than in a business zoning district.

The Commission discussed whether “professional, business and personal service” as a permitted use in the ORD Office Research and Development district would apply to the tutoring center use. Since it’s not a defined term in the Village Code, Ms. Lobaito was asked to research a definition for “professional, business and personal service” and bring that information forward in the future.

Mr. Sova noted that Discovery Learning Institute has been in existence in Hawthorn Woods for 11 years, and that it serves many of our residents.

Motion by Lindquist, second by LaGro to close the public hearing. Upon a voice vote, the motion carried unanimously.

Motion by Merkel, second by Lindquist to recommend the request to amend Title 9, Section 9-6A1-2 of the Zoning Ordinance to include private tutoring/personalized

educational services as a permitted use in the ORD Office Research and Development District.

Mr. LaGro questioned whether a text amendment was necessary considering the discussions about whether the tutoring center could be classified under the “professional, business and personal service” use. Ms. Lobaito responded that it is her opinion it would not fall under that classification, because our code specifically defines private tutoring/personalized educational services and it is listed as a special use in the Business zoning district. Mr. Brankin stated staff has made a determination already that a tutoring center would not fall under this classification. He said the applicant can appeal the zoning administrator’s decision, but that appeal would be to the Zoning Board of Appeals. The other relief vehicle would be to recommend the text amendment before the Commission to the Village Board.

The Commission also discussed timing of when a text amendment would be addressed by the Board.

Roll call vote.

Ayes: Merkel, LaGro, Lindquist

Nays: Kaiser

Absent and not voting: None

The motion carried.

Ms. Rein asked if the findings of fact were a requirement of the code, because they add additional time to the approval process. Mr. Brankin responded they were, but the Village could look to streamline the process.

B. Consideration, Review And Recommendation Of A Request For Rezoning Of Property To The Village of Hawthorn Woods R-2 One Family Residence District—Lot 12, Cypress Grove (Hawthorn Trails) Subdivision – Village of Hawthorn Woods; Applicant

Motion by LaGro, second by Kaiser to open the public hearing. Upon a voice vote, the motion carried unanimously.

Ms. Lobaito reported that the public hearing was noticed in the Daily Herald and a sign was placed on the subject property regarding this public hearing. The Village of Hawthorn Woods is the applicant. Ms. Lobaito reported that at the time Cypress Grove (Hawthorn Trails) subdivision was annexed into Hawthorn Woods, this lot was not a part of the annexation. The Village is now moving forward to annex this property with R-2 zoning upon annexation, which will be consistent with the zoning of the other properties in the subdivision.

Motion by Kaiser, second by Merkel to close the public hearing. Upon a voice vote, the motion carried unanimously.

Motion by Merkel, second by Kaiser to recommend the rezoning of Lot 12, Cypress Grove (Hawthorn Trails) subdivision to R-2 One Family Residence upon annexation. Upon a voice vote, the motion carried unanimously.

C. Consideration, Review And Recommendation Of A Request For Rezoning Of Property To The Village of Hawthorn Woods R-2 One Family Residence District—Lot 58, Cypress Grove (Hawthorn Trails) Subdivision – Village of Hawthorn Woods; Applicant

Motion by LaGro, second by Merkel to open the public hearing. Upon a voice vote, the motion carried unanimously.

Ms. Lobaito reported that the public hearing was noticed in the Daily Herald and a sign was placed on the subject property regarding this public hearing. The Village of Hawthorn Woods is the applicant. Ms. Lobaito reported that at the time Cypress Grove (Hawthorn Trails) subdivision was annexed into Hawthorn Woods, this lot was not a part of the annexation. The Village is now moving forward to annex this property with R-2 zoning upon annexation, which will be consistent with the zoning of the other properties in the subdivision.

Motion by Lindquist, second by Kaiser to close the public hearing. Upon a voice vote, the motion carried unanimously.

Motion by LaGro, second by Lindquist to recommend the rezoning of Lot 58, Cypress Grove (Hawthorn Trails) subdivision to R-2 One Family Residence upon annexation. Upon a voice vote, the motion carried unanimously.

**V. New Business**

A. None this month.

**VI. Department Head Report**

Ms. Lobaito reported that Village Board approved the ordinance amending the permitted uses and special uses of the B Retail Business/Commercial District. She stated the findings of fact from tonight's public hearings will be on the September Planning, Building and Zoning agenda. Lastly, Ms. Lobaito reported that the Committee of the Whole/Finance Committee meeting to review and recommend the 2014 budget has been moved to Saturday, September 28, 2013 at 9:00 a.m.

**VII. Adjournment**

Motion by Mr. Kaiser, second by Mr. LaGro to adjourn the meeting. Upon a voice vote, all voted aye and the motion carried.

Meeting was adjourned at 7:10 p.m.

  
Susy Rein-Chairperson

Next Scheduled Regular Meeting is October 8, 2013