

# Village of La Grange

## AGENDA

PLAN COMMISSION  
of the  
VILLAGE OF LA GRANGE

Village Hall Auditorium

53 S. La Grange Road, La Grange, IL

**Tuesday, April 12, 2016 - 7:30 p.m.**



1. Call to Order and Roll Call of the Plan Commission
2. Approval of Minutes – March 8, 2016
3. Business at Hand:

**PLAN COMMISSION CASE #229 –Amendment to the Village of La Grange Zoning Code Article V, Section 5-102 to allow for services and other complimentary uses in first floor spaces at the property commonly known as 1 N. La Grange Road.**

4. Old Business
5. New Business
6. Adjournment

(Commissioners: Please call 579-2320 to confirm your attendance.)

Individuals with disabilities and who require certain accommodations to participate at this meeting are requested to contact the ADA Coordinator at 579-2315, to allow the Village to make reasonable accommodations.

## STAFF REPORT

### PC Case #229

TO: Plan Commission

FROM: Angela M. Mesaros, Assistant Community Development Director

DATE: April 12, 2016

RE: ZONING TEXT AMENDMENTS TO ALLOW CERTAIN NON-RETAIL USES IN FIRST FLOOR SPACES WITHIN THE C-3 GENERAL SERVICE COMMERCIAL DISTRICT, (SDCO La Grange Crossings, Inc.), 1 North La Grange Road, La Grange Rd. & Ogden Avenue, Suites C-3 to D-E.

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#### **I. BACKGROUND:**

The Village examines its permitted and special uses lists in the zoning code from time to time. Most recently we have adopted comprehensive amendments to the commercial use lists in 2009. Also, with each prospective business that applies for a license and occupancy permit, Staff reviews the zoning code use list. If the particular use is not listed, the business is not permitted, and a business license cannot be issued.

La Grange Crossings at La Grange Road & Ogden Avenue was constructed as a joint public-private partnership. Although the underlying zoning remained C-3 General Service Commercial, as part of the development agreement the users of the first floor spaces were limited to mainly retail to keep consistent with the retail center. The uses permitted were similar to the core retail area of the C-1 Central Commercial District. When the development agreement expired in December 2009, the Village adopted amendments to the Zoning Code to limit the uses that are permitted within certain areas of the C-3 district (called the "C-3 Limited.") The limitations are consistent with those established in the redevelopment agreement.

Since that time, the Borders bookstore has vacated its two-story retail store within La Grange Crossings. The property owner tried to lease out the space as a single unit, but could not. Therefore, they subdivided the space into six separate businesses – three first floor spaces and three second floor spaces. Current tenancy includes AT&T retail and Smashburger on the first floor, and Massage Envy, ATI Physical Therapy on the second floor. According to the property manager, the spaces that do not have frontage on La Grange Road or Ogden Avenue have been difficult to lease and have had prolonged vacancies.

The owner, SDCO La Grange Crossings, has interest from a prospective tenant, Union Bank. Financial institutions are not permitted on the first floor in the C-3 Limited district. Therefore, an amendment to the Zoning Code is required to authorize financial institutions. At the same time, the applicant requests other non-retail uses be allowed in the spaces that do not have frontage on La Grange Road or Ogden Avenue for future tenants. Proposed uses include: financial institutions (depository and non-depository) but not including drive-in establishments, security and exchange

brokers, insurance, real estate, investment offices, medical and dental offices, photographic studios, interior decorating services with retail displays, and travel and tour agencies. Each requested use is discussed individually in the report below.

## II. APPLICATION:

### 1. ZONING TEXT AMENDMENTS

SDCO La Grange Crossing, Inc., owner of the property at La Grange Road & Ogden Avenue, 1 N. La Grange Road has filed an application with the Community Development Department for text amendments to Subsections 5-102D, 5-102E and 5-102F of the Zoning Code to authorize certain financial, service and transportation uses on the first floor in the C-3 Limited. The proposed location is 1 N. La Grange Road, Suite C-3 to Suite D-E (see attached site plan). Any amendment would include the limitation that these uses have no frontage on La Grange Road or Ogden Avenue:

#### Additions to the C-3 District Permitted Use List (ZC §5-102)

#### Additions to Finance, Insurance, and Real Estate (Subsection 5-102 D)

The applicant has requested that all uses within this category be added as permitted uses at La Grange Crossing in first floor spaces with no La Grange Road or Ogden Avenue frontage (as outlined below). None of the uses in this category are currently permitted on the ground floor in the C-3 Limited or on the ground floor in the C-1 core retail area:

- *Depository and Nondepository Credit Institutions (60-61), but not including drive-in establishments or automatic teller machines, except automatic teller machines attached to the principal structure on the lot* – This use is currently permitted without restriction in the C-2 and C-3 districts. In 2009, as part of Staff review of the commercial uses lists in the Zoning Code, the Village adopted an amendment to add spacing limitations for this use so that this use may not be located, established, maintained, or operated on any portion of that zoning lot is located within 400 feet of any portion of any other zoning lot.

Banks are not permitted on the ground floor in the C-1 core retail area: (1) they are not retail uses and do not generate retail sales tax; (2) they are not considered a destination that draws customers, who would stay and shop around town during visits; and (3) customers of banks do not necessarily spend time and money locally.

Staff recommends that this use would not be authorized with a drive-in establishment. In addition, Commissioners might ask that Union Bank address the potential to locate at alternative locations such as the long-vacant bank building on the 300 W. block of Burlington Avenue.

- *Security and Commodity Brokers, Dealers Exchanges, and Services (62)* - This is currently permitted in all districts but is limited from the first floor in the core retail area. With the amendments in 2009, this use was restricted from the ground floor in the core retail area. Staff recommends that the Code not be amended to allow this use.
- *Insurance Carriers, Agents, Brokers, and Services (63-64)* – This use is currently allowed as a permitted use in all commercial districts but not on the ground floor in the core retail area.
- *Real Estate Offices (65)* – This use is currently authorized as a permitted use in all commercial districts but not on the ground floor in the core retail area.
- *Holding and Other Investment Offices (67)* – This use is allowed as a permitted use in the C-1, C-2 and C-3 Districts but not on the ground floor in the core retail district. Allowing this type of office use would be expanding the focus of the center beyond retail uses.

Additions to Services (Subsection 5-102E)

- *Photographic Studios, Portraits (722)* – This use is currently allowed as a permitted use in all commercial districts but not on the ground floor in the core retail area. This use may be appropriate at it has the possibility of a retail component.
- *Interior Decorating (with retail inventory on display) (7389)* – Currently this use is allowed as a permitted use in all of the commercial districts. This is a retail use and would be consistent with the goals of the C-3 Limited.
- *Offices and Clinics of Doctors of Medicine, Dentists, Osteopaths, Chiropractors, Optometrists, Podiatrists, and Other Health Practitioners (801-804)* – This use is currently allowed as a permitted use in all commercial districts but not on the ground floor in the core retail area. Medical clinics and offices usually have a high parking demand. Attached is the parking analysis for the entire La Grange Crossings center. If medical uses were added, the required parking would exceed the allowable number of parking spaces.

Additions to Transportation and Utility Services (Subsection 5-102F)

- *Travel Agencies (4724)* – This use is currently authorized as a permitted use in all commercial districts but not on the ground floor in the core retail area. This use is currently permitted on the ground floor in C-3 Limited; therefore, no change to the Zoning Code is necessary.

- *Tour Operators (4725)* – This use is allowed as a permitted use in the C-1, C-2 and C-3 districts but not on the first floor in the core retail district. This use may cause increased traffic and have high parking demand depending on the size of tour groups. Also, this use may require vehicles for tours.

## 2. AMENDMENT CRITERIA

*The wisdom of amending the Zoning Map or the text of this 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 be made. In determining whether that principle is satisfied in any particular case, the Board of Trustees should weigh data required in 14-101E and among other factors, the following standards as they may be relevant to a particular application:*

- (1) *The consistency of the proposed amendment with the purposes of this Code.*

The C-3 General Service Commercial District is intended for uses that require “direct vehicular access.” However, the subject property has additional limitations for first floor users that was established to maintain the retail character of the La Grange Crossings retail center.

Staff suggests that the list of Permitted Uses authorized at street level in the C-3 District as well as the C-1 District be reviewed in comparison to the services that the applicant proposes. (Attached is the list of permitted uses in the commercial districts. Note that any use with an \*asterisk or \*\*double asterisk is *not* permitted on the ground floor.) Since the applicant has requested that the services be permitted on the first floor in the La Grange Crossings center, in consideration of this application, review those uses listed in the C-3 District and C-1 District that do *not* have an \*asterisk or \*\*double asterisk.

La Grange Crossings was built as a retail center; therefore, Commissioners should discuss the impact of each proposed amendment on the character to open the center up to additional non-retail users. The applicant states that the proposed businesses offer needed services and are consistent with the character of the retail center.

- (2) *The community need for the proposed amendment and for the uses and development it would allow.*

The applicant states that since the previous owner filed bankruptcy, the former Borders building has had frequent and prolonged vacancies in any spaces that do not have frontage on La Grange Road. According to the applicant, occupancy of these spaces would provide additional service options for the community.

### 3. PAYMENT IN LIEU OF SALES TAXES

On at least one occasion in the past, the Village has considered a request for occupancy on the first floor in the C-3 District or C-1 District core retail area by a use that was not expected to generate significant retail sales tax. The Village authorized the use, but only subject to a condition imposed on the business license issued by the Village that the user licensee would pay the Village a fee in lieu of sale taxes if the licensed business did not generate a certain amount of retail sales tax per square foot. This condition should not be considered as a “cure-all” applicable to any non-retail business. Some businesses do not contribute to a retail area even if the business pays a fee in lieu of sales taxes. Other businesses, like those considered by the Village were deemed not to be noncontributory under the particular circumstances related to the business, the place, and other considerations. The Plan Commission might consider whether certain of the proposed uses discussed above may be appropriate, under all of the circumstances, on the first floor of a building despite low or zero generation of sales taxes because the use otherwise is contributing positively to the retail area.

### III. RECOMMENDATION:

After consideration, the Plan Commission should make its recommendation to the Board of Trustees. If the Commissioners find that the applicant has shown that the proposed uses are suitable in nature in the La Grange Crossings center, that the business serves the needs of community residents by providing services needed within the community and consistent with the purposes of the Zoning Code, then **the Plan Commission recommend to the Village Board of Trustees approval of each of the following text amendments:**

**[NOTE: The Commissioners should consider each of these uses one at a time for their appropriateness.]**

- Additions to Subsection 5-102D, Finance, Insurance and Real Estate, to add the categories:
  - *Depository and Nondepository Credit Institutions, but not including drive-in establishments (60-61),*
  - *Security and Commodity Brokers, Dealers Exchanges, and Services (62),*
  - *Insurance Carriers, Agents, Brokers, and Services (63-64),*

- *Real Estate Offices (65),*
- *Holding and Other Investment Offices (67),*
  
- Additions to Subsection 5-102E, Services, to add the categories:
  - *Photographic Studios, Portraits (722),*
  - *Interior Decorating (with retail inventory on display) (7389),*
  - *Offices and Clinics of Doctors of Medicine, Dentists, Osteopaths, Chiropractors, Optometrists, Podiatrists, and Other Health Practitioners (801-804);*
  
- Additions to Subsection 5-102F, Transportation and Utility Services, to add the categories:
  - *Tour Operators (4725)*

as a permitted use on the first floor only for properties with no frontage on La Grange Road or Ogden Avenue in the C-3 Limited General Service Commercial District.

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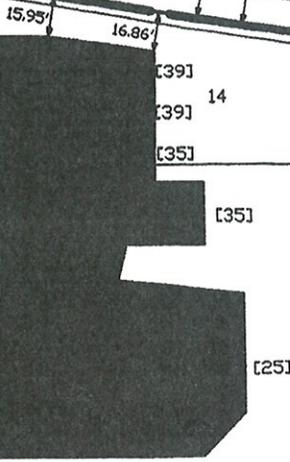
HILLGROVE

BURLINGTON NORTHERN ST

LA GRANGE

BURLINGTON

6TH AVENUE



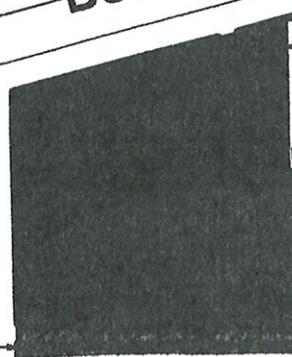
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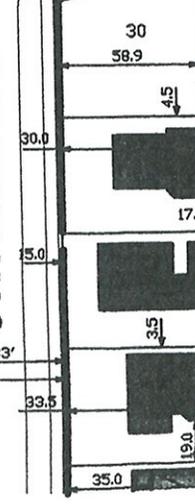
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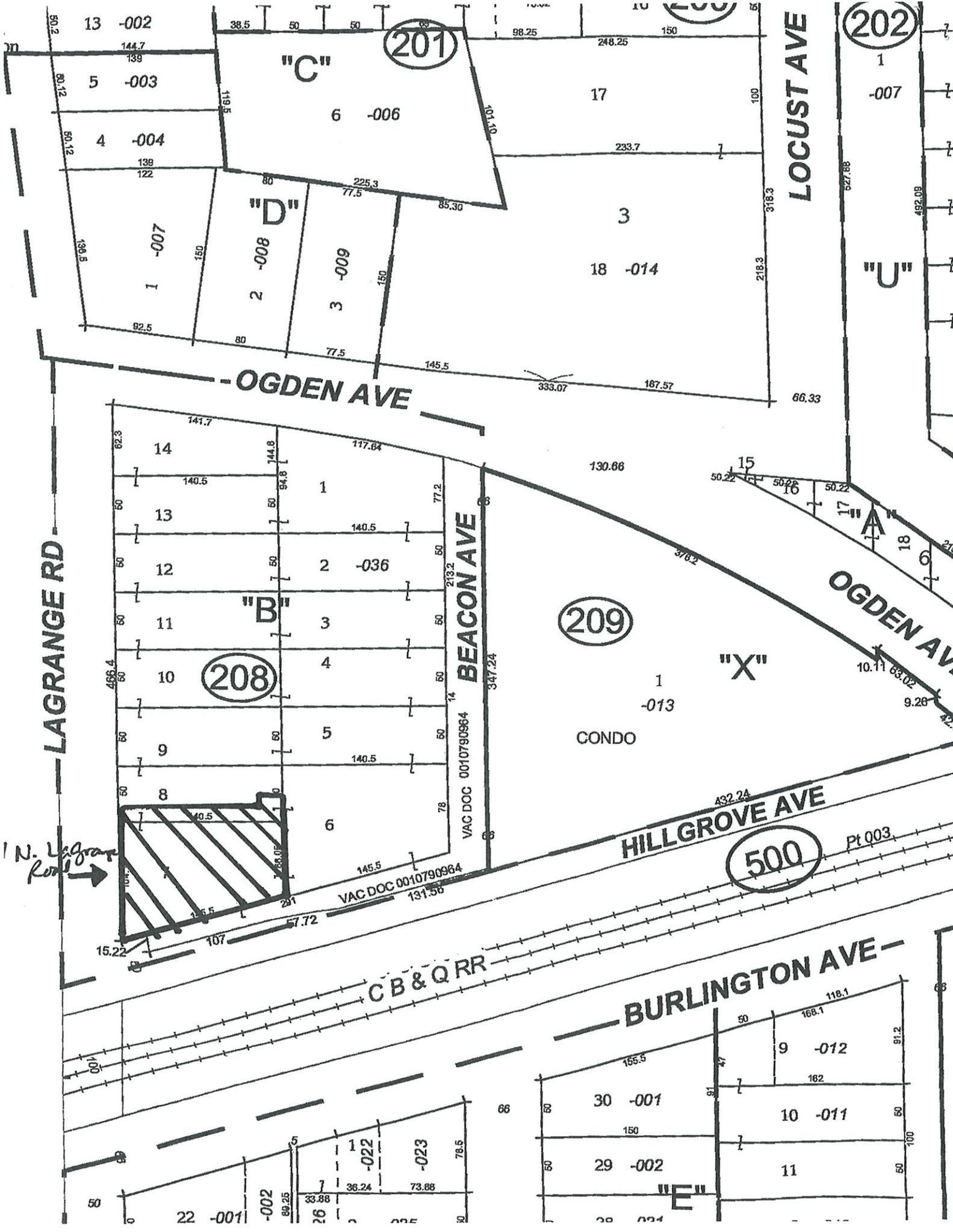
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LAGRANGE RD

LOCUST AVE

OGDEN AVE

BEACON AVE

OGDEN AVE

HILLGROVE AVE

BURLINGTON AVE

CB & Q RR

1 N. Lagrange Road

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# LA GRANGE CROSSING

SWC & SEC Ogden Avenue (Route 34) & La Grange Road | La Grange, IL



## CONTACT

SARAH DRUMGOULD

T: 630.954.7290

F: 630.954.7306

sdrumgould@midamericagr.com



One Parkview Plaza, 9th Floor  
Oakbrook Terrace, IL 60181  
www.midamericagr.com

Space	SF	USE	Required Parking Ratio	Required Spaces	Existing Spaces
Chipotle	3,000	Carry-out	0.005	15	
Sports Clips	1,167	Service	0.004	5	
Nothing Bundt Cakes	1,600	Retail	0.004	7	
Walgreens	15,965	Retail	0.004	64	
<b>West Subtotal</b>	<b>21,732</b>			<b>91</b>	<b>87</b>
Corner Bakery	3,200	Carry-out	0.005	16	
Trader Joe's	12,521	Retail	0.004	50	
Pier 1 Imports	9,003	Retail	0.004	36	
Smash Burger	2,011	Carry-out	0.005	10	
AT&T	3,468	Retail	0.004	14	
Great Clips	975	Retail	0.004	4	
Vacancy (First floor)(Union Bank)**	2,124	Service	0.004	8	
Massage Envy	3,400	Service	0.004	14	
Vacancy (2nd Floor)	1,612	Health	0.005	8	
ATI Physical Therapy	3,240	Health	0.005	16	
Landlord room	568			0	
Common Area	3,602			4	
<b>East Subtotal</b>	<b>45,724</b>			<b>180</b>	<b>192</b>
<b>TOTAL</b>	<b>67,456</b>			<b>271</b>	<b>279</b>

\*\*Medical at vacant=11 spaces (same as previous carry out)

Bank = 9 spaces

Service = 9 spaces

**APPLICATION FOR AMENDMENTS**

Application # 229  
Date Filed: 3/7/16  
UARCO No.: 7133

TO THE PRESIDENT AND BOARD OF TRUSTEES  
VILLAGE OF LA GRANGE, ILLINOIS

(please type or print)

Application is hereby made by SDCO La Grange Crossing, Inc.

Address: La Grange & Ogden, 1 N. LaGrange, Suite C-3 to Suite D-E Phone No. Michelle Panovich (630) 954-7351

Owner of property located at: c/o Mid-America Asset Management, Inc., as agent for Owner One Parkview Plaza, 9th Floor, Oakbrook Terrace, IL 60181

Permanent Real Estate Index No: 18-04-208-036-0000

as set forth by plat of survey attached hereto.

(1) REZONING FROM N/A TO N/A

(2) AMENDMENT (other than rezoning) OF THE ZONING ORDINANCE, as follows:

(Indicate Article, Section, etc. where applicable) Article V, Section 5-102, currently applies to these first floor spaces. To allow for service and other complimentary uses that are currently allowed on the second floor to also be allowed in the first floor spaces with no LaGrange Road or Ogden Avenue exposure. More specifically, these allowable uses would be financial institution (depository and non-depository), security and exchange brokers, insurance, real estate, investment offices, medical and dental offices, photographic studios, interior decorating services with retail displays, and travel and tour agencies.

(3) PURPOSE of rezoning/amendment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STANDARDS:** The petitioner should state reasons and submit any pertinent evidence to support the following factors:

(1) The consistency of the proposed amendment with the purposes of this code.  
Service uses currently are allowed under the code on second floor locations. We believe the non-primary roadway facing locations should follow code for the second floor.

(2) Community need for proposed use. The community need for the proposed amendment and the uses and development it would allow.  
Since the bankruptcy filing of Borders and the subsequent redevelopment of that first and second floor space, there has been frequent and prolonged vacancies in the spaces that do not have exposure to LaGrange Road. Occupancy of these spaces provides additional service options for the community.

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(3) The following standards related to a particular property:

(a) Existing Uses and Zoning. The existing uses and zoning classifications of properties in the vicinity of the subject property. The properties immediately adjacent to this property are mixed-use retail and service uses. The zoning classifications are:

LaGrange Crossing C3-L (General Service Commercial with limitations)

Directly East Zoned R-8 (Multiple Family Residential)

Directly West Zoned C3-L, North Zoned C-3 (General Service Commercial)

South C1-CR (C-1 Core Retail District)

(b) Trend of Development. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification. Recent development within the area consists of mixed use with retail, service uses and residential uses.

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(c) Adverse Impact on Subject Property Value. The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it. We do not believe there would be any adverse impact on the property and in fact, the change will facilitate in taking vacant space to occupied space.

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(d) Presence or Absence of Offsetting Public Benefit. The extent to which such diminution in value is offset by an increase in the public health, safety, and welfare. N/A

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(e) Suitability for Use as Currently Zoned. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification. The property is physically and locationally suited for a mix of both retail and services uses.

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(f) Lack of Development as Zoned. 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. The property has on and off since the departure of the two level Borders Store been plagued with ongoing and reoccurring vacancy. This change will facilitate the lease up of this property.

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**NOTICE:** This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee escrow a minimum of thirty days in advance of the public hearing date.

The escrow for the application is \$1,500.00. Should the funds in escrow fall below \$300 the Village will request that the applicant replenish the escrow funds prior to further processing of said application.

The above filing fee and escrow shall be payable at the time of the filing of such request. Any funds remaining in escrow will be returned to the applicant after the Village Board approval and all staff and consultant work is completed.

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the village any additional costs over and above these minimums, which are incurred by the Village, including but not limited to the following:

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct costs);
- (c) Court Reporter (direct cost);
- (d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation and Advice (direct cost);
- (h) Copy Reproduction (direct cost);
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

I, the undersigned, do hereby certify that I am the owner or contract purchaser (evidence of title or other interest you have in the subject property, date of acquisition of such interest and the specific nature of such interest must be submitted with application) and do hereby certify that the above statements are true and correct to the best of my knowledge. I also acknowledge that Village staff will prepare a report with a recommendation to the Plan Commission prior to my

hearing. I understand that this report will be available for my viewing the Friday prior to my hearing and it is my responsibility to contact the Village to view this report or obtain a copy.

(Name) *C. Michelle Panovich*  
C. Michelle Panovich, as Agent for Owner  
\_\_\_\_\_(City)  
(State) (Zip Code)

(Address)  
c/o Mid-America Asset Management, Inc.  
One Parkview Plaza, 9th Floor  
Oakbrook Terrace, IL 60181

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
4th DAY OF FEBRUARY, 2016.



NOTARY PUBLIC

PLACE SEAL HERE

**(FOR VILLAGE USE ONLY)**

1. Filed with Office of the Community Development Director: March 7, 20 16.
2. Transmitted to Plan Commission at their meeting held: April 12, 2016
3. Continuation (if any):
4. Notice of hearing published in: Sublife on:
5. Findings and Recommendations of Plan Commission referred to Village Board at meeting of \_\_\_\_\_
6. Final action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held: \_\_\_\_\_
7. Payment of expenses satisfied:

REMARKS:

# Company Retail Strategy

MUFG Union Bank, N.A., is introducing a new financial services concept that is dedicated to offering high rate FDIC insured saving and CD products (subject to regulatory limits) to metropolitan markets outside of its existing retail operations.

Expected to open in October 2016, the new financial services concept will deliver a private banking experience to clients, complete with best-in-class customer service, high quality furnishings, rich color finishes and the latest in self-service and interactive technology.

## RETAIL DESIGN STANDARDS



**Office exterior:** high-end wood finishes; clear and frosted glass; dark, high quality ceramic flooring



**Client waiting area:** high quality, comfortable chairs; coffee table; warm and attractive inlaid carpeting



**Media Wall:** High definition screens will display localized content

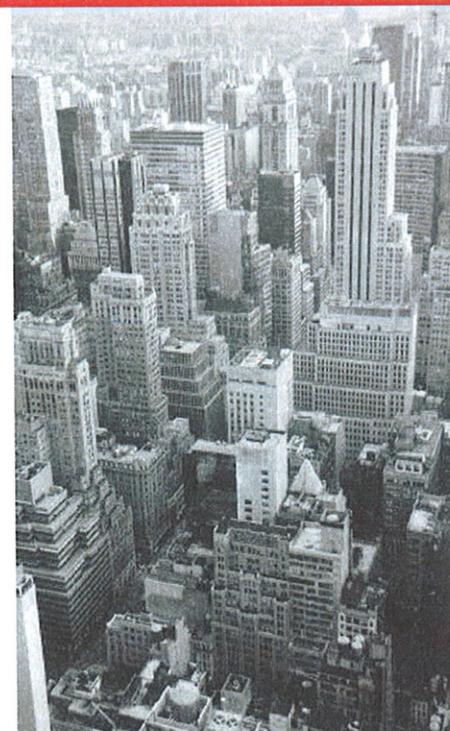
# Company Profile

MUFG Union Bank, N.A., is a full-service bank with offices across the United States. It provides a wide spectrum of corporate, commercial, retail banking and wealth management solutions to meet the needs of customers.

The bank also offers an extensive portfolio of value-added solutions for customers, including investment banking, personal trust, capital markets, global treasury management, transaction banking and other services.

With assets of \$113.7 billion (USD), as of December 31, 2014, the bank has strong capital reserves, credit ratings and capital ratios relative to peer banks.

The company's corporate headquarters are located in New York City.



## Selected Highlights:

- Net income for the second quarter FY2015 was \$181 million, up \$44 million from the first quarter of 2015 due to an increase in pre-tax, pre-provision income, partially offset by higher provision for credit losses and income tax expense.
- Credit quality remained strong in the second quarter of 2015 reflected by continued low levels of nonperforming assets and net charge-offs.
- In June 2015, Moody's Investors Service upgraded Company's long-term deposit rating to Aa2 from Aa3 and confirmed the Bank's long-term and short-term senior debt ratings at A2 and P-1, respectively.

## Credit Ratings (as of June 30, 2015)

	Company		Holding Company
	Deposits	Senior Debt	Senior Debt
Standard & Poor's	Long-term Short-term	N/A N/A	A+ A-1
Moody's	Long-term Short-term	Aa2 P-1	A2 P-1
Fitch	Long-term Short-term	A+ F1	A F1