

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, 2011 - 7:30 p.m.

1. Call to Order and Roll Call of the Plan Commission
2. Approval of Minutes – February 8, 2011
3. Business at Hand:

RESUBDIVISION CASE #158 - RESUBDIVISION OF LOTS, 200 SOUTH STONE & 201 S. BRAINARD - George Jensen and Matt Menna

PLAN COMMISSION CASE #199 – Workshop Discussion - Amendments to the La Grange Zoning Code - Planned Developments and Open Space District.

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.

MINUTES

Plan Commission of the
Village of La Grange
February 8, 2011

I. CALL TO ORDER AND ROLL CALL:

Chairman Kardatzke called the meeting to order on February 8, 2011, at 7:30 p.m. in the Village Hall Auditorium, 53 S. La Grange Road, La Grange, IL.

Present: Commissioners Nowak, Paice, Reich, Weyrauch, Williams and Kardatzke.

Absent: Commissioner Pierson.

Also, present: Village Trustee Liaisons Bill Holder and Mark Langan, Village Trustees James Palermo and Michael Horvath, Community Development Director Patrick Benjamin, Angela Mesaros, Assistant Director of Community Development and Village Attorney Mark Burkland.

II. APPROVAL OF MINUTES:

The Minutes of the November 19, 2010, Plan Commission meeting were presented for approval. It was moved by Commissioner Nowak, seconded by Commissioner Weyrauch, that the Minutes be approved. Motion carried unanimously by voice vote.

III. OLD BUSINESS:

None.

IV. BUSINESS AT HAND:

PLAN COMMISSION CASE #198 – 1) ZONING TEXT AMENDMENTS 2) SPECIAL USE 3) SITE PLAN APPROVAL, AND 4) DESIGN REVIEW PERMIT TO ALLOW A BED & BREAKFAST ESTABLISHMENT, 232 S. La Grange Road, Thomas W. Perry.

Village Attorney Mark Burkland noted that there are two matters under consideration: (1) Amendment to the Zoning Code to allow Bed & Breakfasts – the Commissioners should determine whether this use is desirable in the Village and where they should be located and (2) application for a bed & breakfast at the specific location, 232 S. La Grange Road.

Chairman Kardatzke swore in Thomas W. Perry owner of the property at 232 S. La Grange Road and his architect, Tim Trompeter, and Business Associates Tim Reardon, 21 S. La Grange Road and Joan Smothers, real estate agent and resident at 240 Sunset who presented the application and answered questions from the Commissioners and Audience. Business Associates Tim Reardon, 21 S. La Grange Road and Joan Smothers,

real estate agent and resident at 240 Sunset were sworn in and spoke in favor of the application.

Audience members, who mostly reside in the surrounding neighborhood spoke in opposition to the proposed B& B and stated their concerns that this would be a commercial use in a residential area.

Commissioners asked questions about parking, safety, number of rooms and the need for a B& B facility at this particular location.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Reich, seconded by Commissioner Weyrauch, that the Plan Commission recommend to the Village Board of Trustees denial of the recommendations as outlined in the Staff Memorandum dated February 8, 2011.

Motion to deny the application carried by a roll call vote:

AYE: Commissioners Nowak, Reich, Weyrauch, Williams, and Chairman Kardatzke.
NAY: Commissioner Paice.
ABSENT: Commissioner Pierson.

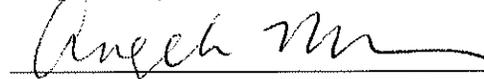
V. NEW BUSINESS:

None.

VI. ADJOURNMENT:

There being no further questions or comments from the audience or Commissioners, A motion was made by Commissioner Paice and seconded by Commissioner Weyrauch that the Plan Commission meeting be adjourned. The meeting was adjourned at 9:26 p.m.

Respectfully Submitted:



Angela M. Mesaros, Assistant Community Development Director

APPLICATION for RESUBDIVISION/CONSOLIDATION of LOTS

Application No.: 158

Date Filed: 4/1/11

TO THE PLAN COMMISSION
VILLAGE OF LA GRANGE, ILLINOIS

GEORGE JENSEN (200 S. STONE AVE)

1. APPLICATION IS HEREBY MADE BY MATT MENNA (201 S. BRANNARD AVE)

2. Address 200 S. Stone JENSEN (TOB) 2107 B Phone Work: _____

City LAGRANGE MENNA Home: _____
(708) 588-9755

3. For Property Located at: _____ La Grange, IL

4. Permanent Real Estate Index Number(s):

18-04-300-046-0000 18- _____

18-04-300-047-0000 18- _____

5. Resubdividing Lot Numbers and Dimensions:

A LOT 3 139.82' x 135.91' (SEE PLAT) B LOT 4 212.14 x 135.91 (SEE PLAT)

C _____ D _____

6. To Lot Numbers and Dimensions:

A LOT 1 212.14 x 145.50 x 129.71 B LOT 2 139.82 x 126.32 x 129.71

C _____ D _____

7. Reason for Resubdivision/Consolidation: _____

TO SQUARE OFF THE IRREGULAR N-S LOT LINE AND
TO ALLOW FOR AN ADDITIONAL TO THE 200 S. STONE PROPERTY

THE FOLLOWING MUST BE SUBMITTED WITH THE APPLICATION IN ORDER TO BEGIN THE PROCESS:

- A. Plat of Survey.
- B. Linen Plat of Consolidation/Resubdivision (including consent of mortgagee, if applicable).
- C. If Property is in Trust, letter of direction from Trustee to Trust Company approving resubdivision/consolidation.
- D. Applicable fee - \$50.00

TJT

TIMOTHY J. TROMPETER - ARCHITECT

318 S. Ashland Avenue, LaGrange, IL. (708) 352-7446
fax (708) 352-7446, email: ttromp4@sbcglobal.net

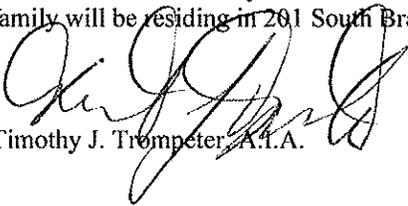
April 6, 2011

Village of LaGrange
Building Department – Angela Mesaros
53 S. LaGrange Road
LaGrange, IL. 60525

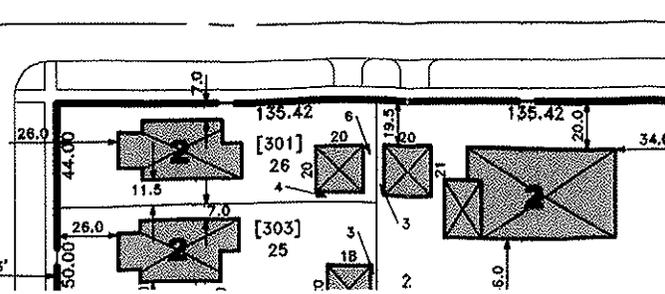
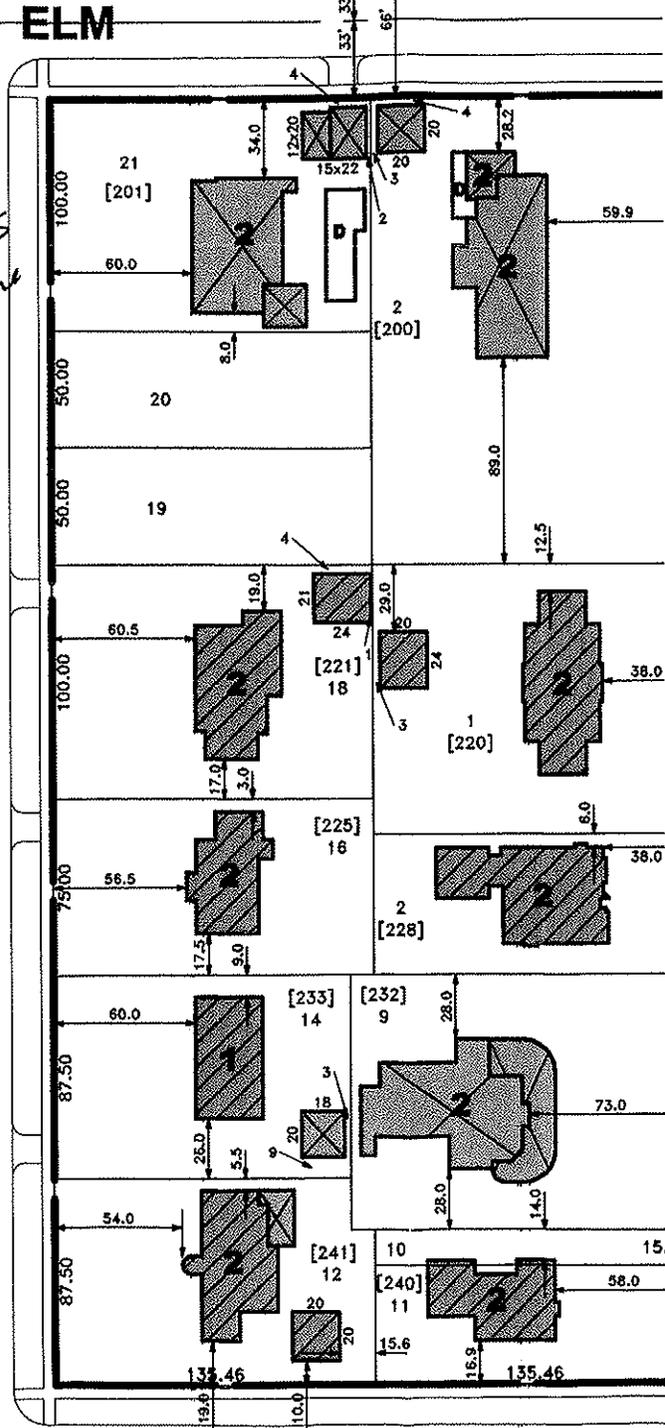
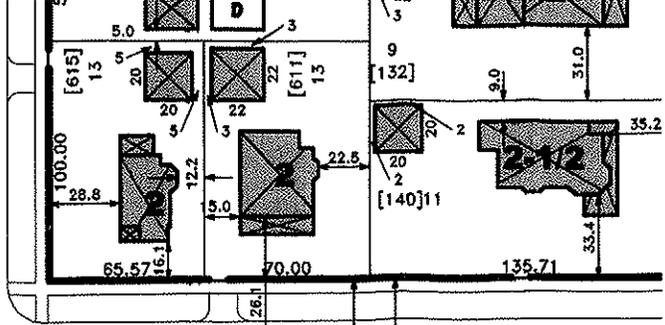
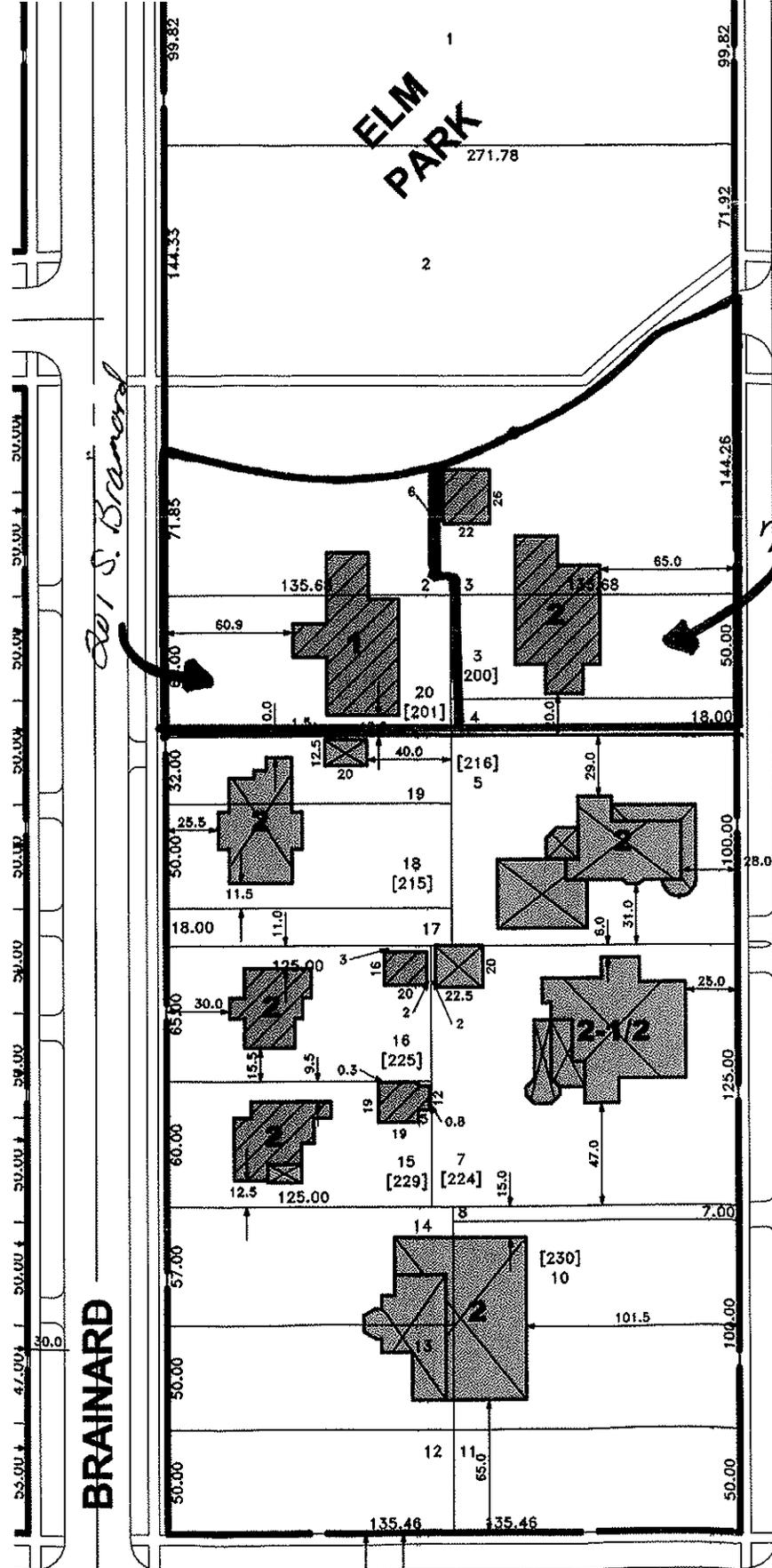
Courtney & Matt Menna
200 S. Stone Avenue
LaGrange, IL. 60525
H (708) 588-9755
M Cell (773) 718-2089
W (312) 364-8622
M Email: mmenna@williamblair.com

Re: 201 South Brainard Avenue (Resubdivision), 200 South Stone Avenue

This letter is to document that we intend to demolish the Single Family Residence at 201 South Brainard Avenue shortly after the addition for 200 South Stone Avenue is complete. Until that time the family will be residing in 201 South Brainard Avenue.



Timothy J. Trompeter, A.I.A.



lk.

BRANARD

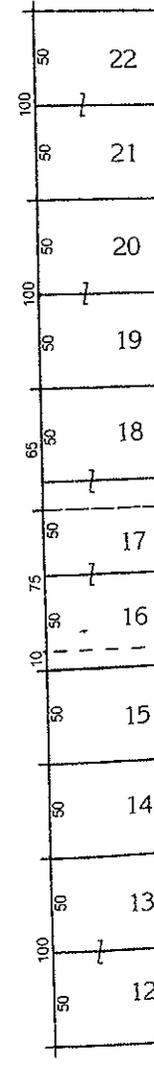
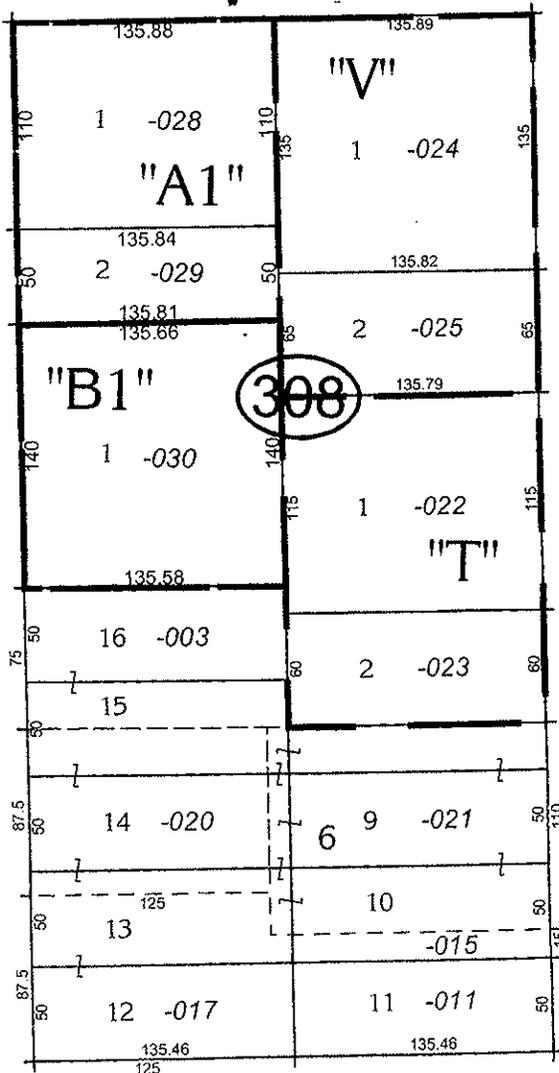
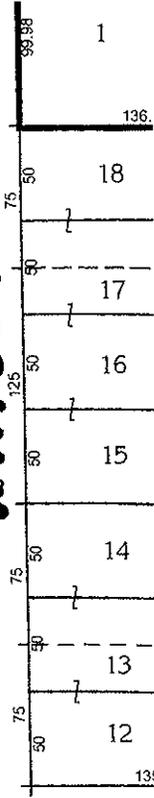
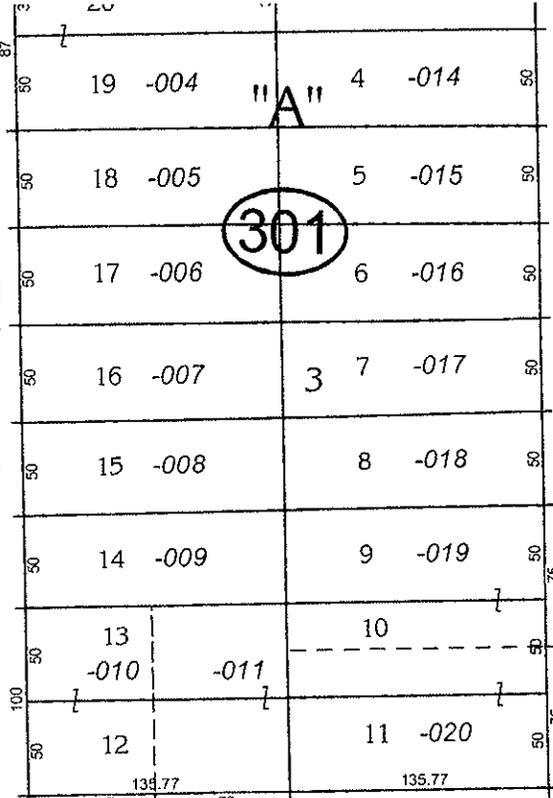
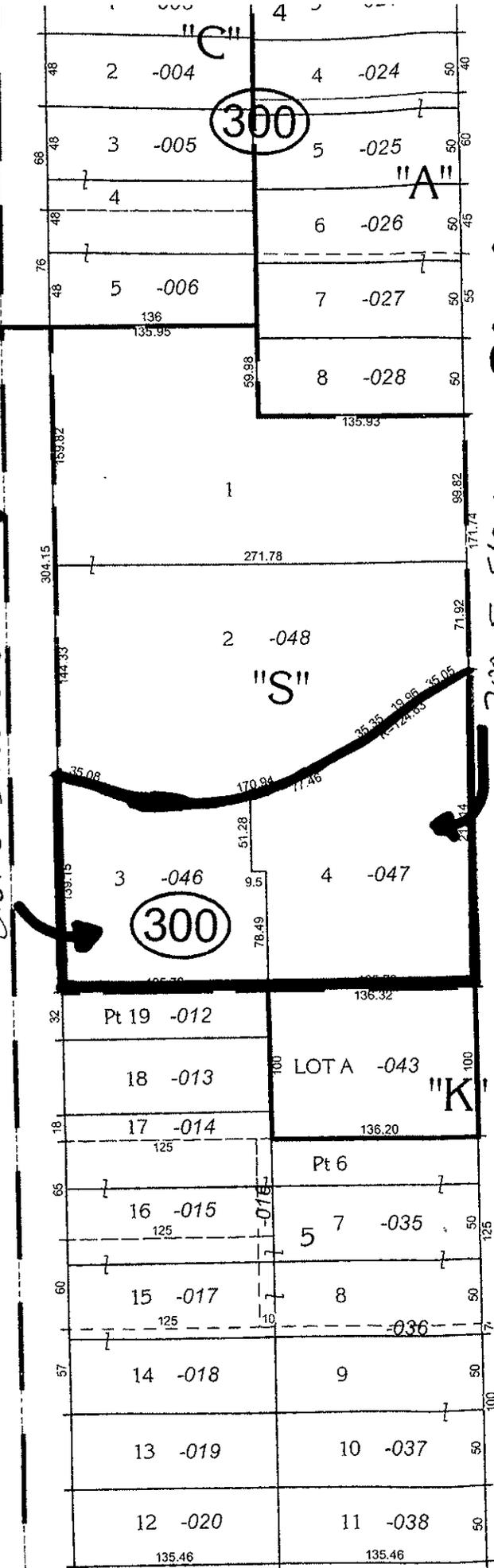
201 S. Brainard

STONE

200 S Stone

ELM

WATOLA



STAFF REPORT

RESUBDIVISION CASE #158

TO: Plan Commission

FROM: Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Community Development Director

DATE: April 12, 2011

RE: **RESUBDIVISION OF LOTS, 200 SOUTH STONE & 201 SOUTH BRAINARD.**

George Jensen and Matt Menna have applied for a resubdivision of the properties located at 200 South Stone and 201 S. Brainard Avenue. The properties currently consist of two lots of record located within the R-4 Single Family Residential District. A two story brick single family residence and detached garage occupies the property at 200 S. Stone and a one story brick residence occupies the property at 201 S. Brainard.

In order to square off the irregular-shaped lots and construct an addition at 200 S. Stone, the owners propose sale of a north-south parcel on the back of 201 S. Brainard that is 9.59 feet by 78.49 feet to 200 S. Stone. The sale would change the back lot lines of the two properties. This requires a re-subdivision of the lots. (See attached Plat of Re-subdivision.)

This parcel, should it be resubdivided, would yield two conforming lots (see chart below).

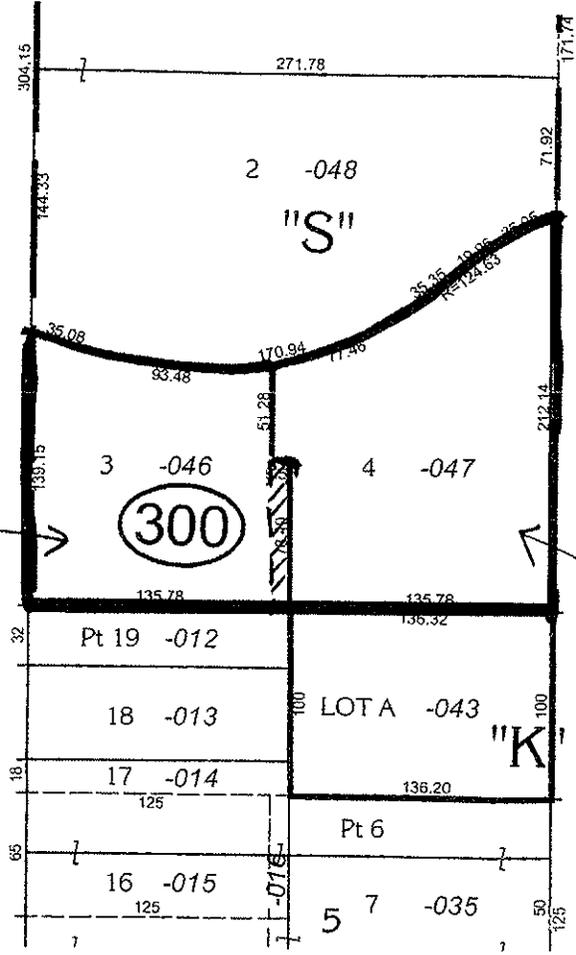
BULK, YARD AND SPACE REQUIREMENTS - R-4 DISTRICT			
	Requirement	Proposed Lot #1 (200 S. Stone)	Proposed Lot #2 (201 S. Brainard)
Minimum Lot Area	6,000 ft ²	24,869.59 ft ²	17,023.51 ft ²
Minimum Lot Depth	125 ft.	145.50 ft.	126.32 ft.

If this parcel is subdivided from the lot, the rear yard of the existing house at 201 S. Brainard would not conform to the Zoning Code. The owner plans to demolish the house, which would eliminate this non-conformity; this must be a condition of any approval.

RECOMMENDATION

Due to the fact that, with the condition that the existing house at 201 S. Brainard be demolished, the two lots created by this re-subdivision would conform to the current Zoning Code and Subdivision Code, staff finds no reason to deny the application.

201 S.
BRAINARD



200 S.
STONE

PC Case #199

TO: Plan Commission

FROM: Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, AICP, Assistant Community Development Director

DATE: April 12, 2011

RE: ZONING CODE REVIEW– Article 14, Part 5, Planned Developments and Article 8, Part I, Open Space District, Village of La Grange.

I. BACKGROUND:

As the next phase in our comprehensive review of the Zoning Code, we plan to evaluate two Sections of the Zoning Code:

- A. Open Space District (Article VIII, Part I) - As part of our ongoing review of the zoning districts, we will be reviewing this district for any updates to uses and bulk, yard and space regulations that might be necessary
- B. Planned Development (Article XIV, Part V) - standards as they relate to infill and redevelopment projects. The original ordinance is structured for larger parcels of land, such as the hospital campus, and it does not necessarily accommodate infill development.

Both Sections of the Code, as currently written, are attached for your review. Staff, with the assistance of Village Attorney Mark Burkland is in the process of analysis of these Sections of the Code. In formulating Staff recommendations, we have examined current regulations in other municipalities in our region and throughout the country as well as best practices identified by the American Planning Association. We also solicited comments from the Park District, area developers and property owners, Village Trustees, Commissioners, and department heads.

II. PROPOSED AMENDMENTS:

A. Open Space District

Staff has reviewed the request of the Park District of La Grange to consider amendments of the following items in the Open Space section:

1. Section 8-105 *Special Uses*

- a. The Park District requested that we consider adding specific uses, if they are not covered by one of the broader categories: “Broadcast booth, concessions stands, splash pads, playgrounds, picnic shelters, restrooms, skate spots.”
- b. Subsection 8-105 D, *Special Uses*, the Park District asked if “recreation facility” includes “playgrounds, basketball courts, and tennis courts?”

Answer: These terms are not currently defined in the Zoning Code. If the Plan Commission agrees that these uses should be allowed with a special use permit, then Staff could work with the Village Attorney to draft definitions.

2. Subparagraph 8-109 C-1, *Minimum Yards, Front and Corner Side Yards*, they believe that the required front and corner side yards of 15 feet required for passive recreation areas and neighborhood playgrounds are much too restrictive for small neighborhood parks.
3. Subparagraph 8-109 C-2 *Minimum Yards, All Other Yards*, (b) should be N/A for neighborhood parks because it is also too restrictive.

Recommendations

Staff would like feedback and direction from the Plan Commission on these questions and any others based on your review of Section VIII, Part 1 of the Zoning Code in order to draft language for revisions to present at your next meeting.

B. Planned Developments

Introduction/purpose of/history of PUD

The purpose of Planned Development zoning was to provide a more flexible alternative to conventional single use districts for more integrated development patterns. Planned Developments are based on a unified master plan that allows flexibility of uses and exemptions from dimensional and density requirements. They typically address a larger scale development and are designed to cluster buildings to provide increased common and public open space. However, they are not usually well integrated into the surrounding community.

As the size of development parcels has declined, the role of the planned development concept has changed. According to a publication by the Urban Land Institute, (ULI), it is seen much

more frequently as a tool to allow development of difficult sites, as opposed to earlier emphasis on facilitating development of larger sites. Today, the Planned Development process is often used to guide development on smaller sites and infill sites that would otherwise be passed over by developers with the goal of achieving the most efficient use of the particular site.

Village of La Grange's Planned Development Ordinance

Since the adoption of our current Zoning Code in 1991, we have amended the code to accommodate many of our planned development infill projects such as 14 S. Ashland, La Grange Pointe, 93 S. La Grange Road (to allow 50% reduction in the minimum lot area per dwelling unit), and the public library (setback from street right-of-way and FAR requirements) as the ordinance as written didn't accommodate these types of infill projects..

Therefore, Staff recommends that we take a close look at significantly changing the structure of our ordinance to fit better with our smaller infill sites. While still recognizing the principles for large scale development such as the hospital campus, the following areas might be considered for revision to accomodate infill projects.

1. Revise our purpose statement to include definitions and standards for different types of Planned Developments
2. Infill development – consider adding contextual design elements for smaller, infill sites such as compatibility with adjacent areas.
3. Reevaluate standards such as building setbacks from street right-of-ways and building spacing.
4. Definitions/requirements of public open space as distinguished from common open space and contributions. Park District representatives in their comments stated that they would really like to see a provision requiring a set aside of open space as a condition of development.
5. Design approval and standards for all PUD/Special uses, including those projects located outside of the Design Review District.
6. Eliminate the two step concept and final plan approach.
7. Include a public art component.

Recommendations

The Village Attorney suggests that we may desire to create a specific type of special use category that utilizes form-based zoning. This method creates an envelope that can be varied to apply contextual design standards for new and infill development. The underlying district regulations will continue to address uses, density and intensity of development. However, the form zoning governs physical design and ensures compatibility with adjacent uses and activities. Staff would like to discuss the concept with the Plan Commission before we move forward with drafting specific regulations.

III. RECOMMENDATION:

After discussion of the Plan Commission regarding potential amendments to the Code, the Village Attorney and staff will draft ordinance language for revisions to Article VIII, Part I, *Open Space District* and Article XIV, Part V, *Planned Developments* for review at your next meeting.

ARTICLE VIII

SPECIAL DISTRICTS

PART I: OPEN SPACE DISTRICT

8-101 PURPOSE

The OS Open Space District is intended to recognize the existence of major open space and recreational areas in the Village. The Open Space District is intended to apply to all public open space of notable quality and to major private open spaces such as golf courses. Any use of such spaces inconsistent with their existing, established character will require rezoning.

8-102 PERMITTED USES

The following uses and no others are permitted as of right in the Open Space District:

- A. Publicly owned parks, playgrounds, forest preserves, botanical and zoological gardens, arboreta, conservatories, recreational areas, and other open areas.
- B. Public or private golf courses, including associated structures such as club houses, maintenance buildings, and pro shops.

8-103 ACCESSORY USES AND STRUCTURES

Accessory uses and structures, including outdoor storage, are permitted in the Open Space District subject to the provisions of Section 9-101 of this Code.

8-104 TEMPORARY USES

Temporary uses are permitted in the Open Space District subject to the provisions of Section 9-103 of this Code.

8-105 SPECIAL USES

The following uses and no others may be permitted in the Open Space District subject to the issuance of a special use permit as provided in Section 14-401 of this Code. In interpreting the use designations, reference should be made to the Standard Industrial Classification Manual (see Appendix A) and Section 14-301 of this Code. SIC codes are given in parentheses following each use listing, when available.

- A. Band Shells and Amphitheaters.
- B. Libraries and Information Centers (823).
- C. Museums and Art Galleries (841).
- D. Public Sports and Recreation Buildings and Facilities.
- E. Membership Sports and Recreation Clubs.
- F. Commercial facilities incidental to the operation of public recreational uses.
- G. Landbanking of required parking, subject to Subsection 10-101E of this Code.

8-106 PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements applicable in the Open Space District are set forth in Sections 10-101 and 10-102 of this Code.

8-107 SIGN REGULATIONS

Sign regulations applicable in the Open Space District are set forth in Article XI of this Code.

8-108 BUFFERS, LANDSCAPING, AND FENCES

Requirements relating to buffering and landscaping of certain uses and structures and fences in the Open Space District are set forth in Sections 9-104 and 9-105 of this Code.

8-109 BULK, YARD, AND SPACE REQUIREMENTS

The building height, lot, yard, and floor area ratio requirements applicable in the Open Space District are set forth in the following table. Footnote references appear in Subsection E of this Section at the end of the table.

A.	<u>Maximum Height</u> (feet) ^{(1) (2)}	35
B.	<u>Minimum Lot Area and Dimensions</u> ⁽³⁾	
1.	<u>Total Lot Area</u> (square feet)	
(a)	Passive Recreation Areas	N/A
(b)	Neighborhood Playgrounds	N/A
(c)	Museums and Art Galleries	7,500
(d)	All Other Uses	15,000
2.	<u>Lot Width</u> (feet)	
(a)	Passive Recreation Areas	50
(b)	Neighborhood Playgrounds	50
(c)	Museums and Art Galleries	50
(d)	All Other Uses	100
C.	<u>Minimum Yards</u> ^{(4) (5) (6) (7) (8)}	
1.	<u>Front and Corner Side</u> (feet)	
(a)	Passive Recreation Areas	15
(b)	Neighborhood Playgrounds	15

	(c) Libraries and Information Centers	15
	(d) Museums and Art Galleries	15
	(e) All Other Uses	35
2.	<u>All Other</u> (feet) ⁽⁹⁾	
	(a) Passive Recreation Areas	N/A
	(b) Neighborhood Playgrounds	5
	(c) Libraries and Information Centers	5
	(d) Museums and Art Galleries	5
	(d) All Other Uses	20
D.	<u>Maximum Floor Area Ratio</u> ⁽¹⁰⁾	
1.	<u>All Permitted Uses</u>	0.10
2.	<u>Special Uses</u>	
	(a) Libraries and Information Centers	0.45
	(b) Museums and Art Galleries	0.45
	(c) All Other	0.25
E.	<u>Exceptions and Explanatory Notes</u>	
1.	<u>Height Limitation for Accessory Structures.</u> No accessory structure shall exceed 15 feet in height measured from grade; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure and the height of any antenna with a surface area in excess of 10 square feet shall be governed by Subsection 9-101C of this Code.	
2.	<u>Increased Height in Areas Remote from Single Family Districts.</u> Maximum height may be increased one additional foot, up to a maximum of 20 additional feet, for every five feet by which the setback of the portion of the building in question from the nearest single family residential district exceeds 20 feet.	
3.	<u>Nonconforming Lots.</u> See Section 12-105 of this Code for lot requirements with respect to nonconforming lots of record.	

4. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum front, side, and rear yard requirements that would otherwise be required for such lot shall be provided and maintained.
5. Visibility Across Corners. Notwithstanding any other provision of this Code to the contrary, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in the Open Space District in violation of the standards established in Chapter 154 of the LaGrange Municipal Code.
6. Special Setbacks for Signs. Special setbacks established for some signs in Article XI of this Code shall control over the yards and setbacks established in the table.
7. Special Yard and Setback Requirements for Recreational Devices. Recreational devices and play fields shall be set back a distance of 15 feet from all property lines. No recreational devices shall be permitted in the required front and corner side yard.
8. Platted Building Lines. See Subsection 15-101F of this Code.
9. Special Yards for Parking Areas and Lots. Parking areas and lots may be located in any required rear yard.
10. No Application of Floor Area Ratio Limitation to Existing Structures. The maximum floor area ratio limitation applies only to structures erected after the effective date of this Code; provided, however, that no structures existing on such effective date shall be expanded in violation of this standard.

PART V: PLANNED DEVELOPMENTS

14-501 AUTHORITY

The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant special use permits authorizing the development of planned developments, but only in the districts where such developments are listed as an authorized special use.

14-502 PURPOSE

Planned developments are included in this Code as a distinct category of special use. As such, they are authorized in the multiple family, commercial, office, industrial, and institutional buildings districts for the same general purposes as all other special uses. In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that traditional use, bulk, space, and yard regulations which may be useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. Through the flexibility of the planned development technique, the Village seeks to achieve the following specific objectives:

- A. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.

- B. Efficient use of land resulting in smaller networks of utilities and streets while lowering development and housing costs.
- C. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- D. Combination and coordination of architectural styles, building forms, and building relationships.
- E. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.
- F. Provision for the preservation and beneficial use of open space.
- G. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
- H. Encouragement of land uses that promote the public health, safety and general welfare.

14-503 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL

An application for a special permit to permit a planned development may be filed by the owner of, or any person having contractual interest in, the subject property.

14-504 PROCEDURE

A. Development Concept Plan.

1. Purpose. The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of entire proposed planned development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. To permit the Village and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the Village with respect to the following basic elements of development:
 - (a) categories of uses to be permitted; and
 - (b) general location of residential and nonresidential land uses; and
 - (c) overall maximum density of residential uses and intensity of nonresidential uses; and
 - (d) the general architectural style of the proposed development; and
 - (e) general location and extent of public and private open space including recreational amenities; and
 - (f) general location of vehicular and pedestrian circulation systems; and
 - (g) staging of development; and
 - (h) nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

2. Application. Applications for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 14-101 of this Article XIV.
3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Action by Plan Commission. Within 60 days after the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 13-103F of this Code, that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.
5. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of Final

Plans in accordance with Subsection 14-504C of this Article XIV and upon the permittee's compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

6. Effect of Development Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Paragraph 14-504A1 of this Section pending the application for approval of a Final Plan. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.
 7. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.
- B. Optional Submission of a Final Plan. The applicant may, at his or her option, submit a Final Plan for the proposed planned development pursuant to the requirements of Subsection 14-504C of this Section simultaneously with the submission of the Development

Concept Plan pursuant to the requirements of Subsection 14-504A of this Section. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Final Plan approval in accordance with the provisions of Subsection 14-504C of this Section.

C. Final Plan.

1. Purpose. The Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough, and permanent public record of the planned development and the manner in which it is to be developed.
2. Application. Upon approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 14-101 of this Code within one year after the date of such approval or in stages as approved in the Development Concept Plan. The application shall refine, implement, and be in substantial conformity with the approved Development Concept Plan.
3. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 14-103 of this Code.
4. Coordination with Subdivision Ordinance. When a subdivision of land subject to the La Grange Subdivision Ordinance is proposed in connection with a planned development, review of the proposed plat of subdivision shall be carried out simultaneously with review of the Development Concept Plan.

5. Action by Plan Commission.

- (a) Evaluation. Within 60 days after the filing of an application for approval of a Final Plan, the Plan Commission shall, with such aid and advice of the Village staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:
- (i) whether the Final Plan is in substantial conformity with the approved Development Concept Plan; and
 - (ii) the merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Development Concept Plan; and
 - (iii) whether the Final Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and
 - (iv) whether the Final Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.
- (b) Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Final Plan and the approved Development Concept Plan and further finds the Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and

with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Board of Trustees approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.

- (c) Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the Final Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 13-103F of this Code, that the Final Plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (d) Recommendation of Denial. If the Plan Commission finds that the Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a plan that are not accepted by the applicant, the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in

Subsection 13-103F of this Code, that the Final Plan not be approved.

- (e) Failure to Act. The failure of the Plan Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.
6. Action by Board of Trustees. Within 60 days after the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either:
- (a) Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a Final Plan pursuant to Subparagraph 14-504C5(b) of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Final Plan by a duly adopted ordinance; or
 - (b) Approval Without Substantial Conformity. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may, if it finds that the Final Plan merits approval and otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance; or
 - (c) Referral Back to Plan Commission. In any case other than that specified in Subparagraph 14-504C6(a) of this Section, the Board of Trustees may refer the Final Plan back to the Plan Commission for further consideration of specified matters; or

- (d) Conditions on Final Plan Approval. The approval of any Final Plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval.
 - (e) Failure to Act. The failure of the Board of Trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Final Plan approval.
- 7. Recording of Final Plan. When a Final Plan is approved, the Village Manager shall cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.
- 8. Limitation on Final Plan Approval. Construction shall commence in accordance with the approved Final Plan within one year after the approval of such plan, or within such time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Village Manager pursuant to Subsection 13-101L of this Code, automatically render void the Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.
- 9. Building and Other Permits. Except as provided in Subparagraph 14-504C9 of this Section, appropriate officials of the Village may upon,

but not before, receiving notice from the Village Manager that the documents required for Final Plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant for the development, construction, and other work in the area encompassed by the approved Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.

Building permits may, however, be withheld at the discretion of the Manager or the Board of Trustees at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved Final Plan.

14-505 STANDARDS FOR PLANNED DEVELOPMENTS

- A. Special Use Permit Standards. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of this Code.

- B. Additional Standards for All Planned Developments. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
 - 1. Unified Ownership Required. The entire property proposed for planned development treatment shall be in single ownership or under such unified control as to ensure that the entire property

will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

2. Minimum Area. The district regulations of this Code establishing standards for particular types of planned development specify the minimum area required for some planned developments. In addition to meeting that specific standard, or where no specific standard is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section.
3. Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
4. Public Open Space and Contributions. Whenever the Official Comprehensive Plan or Zoning Map indicates that development of a planned development will create a need for land for public purposes of the Village within the proposed planned development, the Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition,

the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development, whether or not such proposed development would be otherwise subject to such ordinances.

5. Common Open Space.

(a) Amount, Location, and Use. The failure of a planned development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this Code. When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

(b) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.

- (c) Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.
- (d) Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:
- (i) the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the Final Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subparagraph; and
 - (ii) the association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements; and

- (iii) the association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and
- (iv) membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and
- (v) every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois; and
- (vi) the association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue; and
- (vii) the Village must be given the right to enforce the covenants; and
- (viii) the Village must be given the right, after 10 days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall

VILLAGE OF LA GRANGE

ORDINANCE # 0-00- 20

AN ORDINANCE GRANTING A ZONING TEXT AMENDMENT OF CHAPTER 150 OF THE LA GRANGE CODE OF ORDINANCES, PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS, THIS 26TH DAY OF JUNE, 2000.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: That Paragraph 14-505B7(a) of Chapter 150 of the La Grange Code of Ordinances be hereby amended as follows:

Building Setbacks and Spacing

- (a) Setbacks from Street Rights-of-Way. Every building in a planned development shall be set back from the right-of-way line of every street at least 25 feet plus one-half foot for every foot by which the building exceeds 25 feet in height; provided however that the Board of Trustees may modify this standard for a building in any commercial district so long as such building meets all bulk, yard, and space standards applicable to such building pursuant to Section 5-110 of this code and not otherwise modified pursuant to Section 14-508 of this Code.

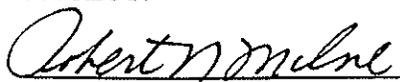
SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form for review at the La Grange Village offices and the La Grange Public Library.

PASSED AND APPROVED this 26TH day JUNE, 2000.



Timothy R. Hansen
Village President

ATTEST:



Robert N. Milne
Village Clerk

have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

6. Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.
7. Building Setbacks and Spacing.
 - (a) Setbacks from Street Rights-of-Way. Every building in a Planned Development shall be set back from the right-of-way line of every street at least 25 feet plus one-half foot for every foot by which the building exceeds 25 feet in height; provided, however, that the Board of Trustees may modify this standard for a building in any commercial district or in the IB Institutional Buildings District so long as such building meets all other bulk, yard, and space standards applicable to such building and not otherwise modified pursuant to Section 14-508 of this code.
 - (b) Building Spacing. No part of any building shall be closer to any part of any other building than 12 feet plus one-half foot for

each one foot by which either or both of such buildings exceed 25 feet in height.

8. Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a hospital or by a property owners' association meeting the requirements set forth in Subparagraph B5(d) of this Section.
 9. Sidewalks. A sidewalk meeting the standards of the LaGrange Subdivision Code shall be provided along at least one side of every street in or abutting a planned development; provided, however, that such sidewalk may be constructed in a street right-of-way or as a specific element of the design of the planned development.
 10. Utilities. All utility lines shall be installed underground.
- C. Additional Standards for Specific Planned Developments. When the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

14-506 CONDITIONS ON PLANNED DEVELOPMENT APPROVALS

The approval of either a Development Concept Plan or a Final Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned

development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the LaGrange Subdivision Code, and the Official Comprehensive Plan; provided, however, that no such condition of Final Plan approval shall impair the rights granted by Development Concept Plan approval. Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

14-507 AFFIDAVIT OF COMPLIANCE WITH CONDITIONS; FEE

Whenever any planned development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Manager, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

14-508 AUTHORITY TO VARY REGULATIONS

- A. Authority. Subject to the standards and limitations hereinafter set forth, the Board of Trustees shall have the authority, in connection with the granting of any planned development approval pursuant to this Section, to change, alter, vary, modify, or waive any provisions of this Code or of the LaGrange Subdivision Ordinance as they apply to an approved planned development.
- B. Standards. No such change, alteration, variation, modification, or waiver shall be approved unless the

Board of Trustees shall find that the proposed planned development:

1. Will achieve the purposes for which planned developments may be approved pursuant to Section 14-502;
2. Will not violate the general purposes, goals, and objectives of this Code and the Official Comprehensive Plan; and
3. Will result in a development providing compensating amenities to the Village.

C. General Limitation. Except as provided in Subsection 14-508D of this Section, no such change, alteration, variation, modification, or waiver shall be permitted with respect to the following:

1. The uses permitted in any district; or
2. Any standard established by Section 14-505 of this Code; provided, however, that the Board of trustees may change, alter, vary, modify or waive the building setback and spacing standards of Paragraph 14-505B7 of this Code in the area north of Hillgrove Avenue, east of La Grange road, and South of Ogden Avenue if the Board of Trustees determines that such change, alteration, variation, modification, or waiver is appropriate and essential to satisfying the standards set forth in Section 14-502 of this Code; or
3. Any standard made specifically applicable to planned developments by the regulations of any particular district unless such regulations expressly authorize such a change, alteration, variation, modification or waiver.

- D. Specific Limitations. In granting any planned development approval pursuant to this Section, the Board of Trustees shall in no event:
1. Reduce the number of off-street parking or loading spaces required by this Code for any commercial use located within a C-2 or C-3 District by more than 50 percent or for any other use by more than 25 percent; or
 2. Make less stringent any performance standard relating to noise, vibration, smoke and particulate matter, odors, toxic and noxious matter, radiation hazards, fire and explosive hazards, or heat or glare, applicable in the district in which the development is to be located or applicable to the particular use by reason of the regulations applicable in any district in which it might be located; or
 3. Reduce the minimum lot area requirements applicable in any district in which the development is to be located by more than 50 percent (for purposes of this provision, the lot area requirements applicable in the two family residences in the R-5 District shall be deemed to apply to multiple family uses in the R-5 District); or
 4. Increase the maximum floor area ratio applicable in any district in which the development is to be located by more than 25 percent; or
 5. Permit the total lot coverage in the planned development to exceed 60 percent when located in any R-1 Single Family Residential District or 70 percent when located in any other residential district; or
 6. Reduce the minimum livable floor area requirements applicable in any district in which

the development is to be located, except as may be specifically provided in the applicable district regulations.

14-509 REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT

Following Final Plan approval, the Final Plan, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the Final Plan shall be permitted within the area of the planned development pursuant to the zoning district regulations otherwise applicable to such area.

14-510 INSPECTIONS DURING DEVELOPMENT

- A. Inspections by Village Manager. After approval of the Final Plan of a planned development or any stage thereof, the Village Manager, at least annually until the completion of development, shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.
- B. Action by Village Manager. If the Village Manager finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the Manager shall immediately notify the Board of Trustees of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned development until such time as any noncompliance is cured.

- C. Action by Board of Trustees. Within 60 days after notification by the Village Manager, the Board of Trustees shall either:
1. Take such steps as it deems necessary to compel compliance with the Final Plan; or
 2. Require the owner or applicant to seek an adjustment to the Final Plan as provided in Section 14-511.
- D. Revocation. Failure of the Board of Trustees to act within such 60 days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the Final Plan approval of all uncompleted portions of the planned development, all prior plan approvals on which such Final Plan approval depends, and all permits based upon such approvals, and the Village Manager shall, without further direction, initiate an appropriate action to revoke the special permit for all portions of the planned development that have not yet been completed. The Manager shall, in addition, take such other action as may be appropriate to abate the violation.

14-511 ADJUSTMENTS TO FINAL PLAN DURING DEVELOPMENT

- A. Minor Adjustments. During the development of a planned development, the Village Manager may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:
1. Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular

circulation element or any boundary of the planned development, whichever is less; and

2. Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and
3. Altering the location of any open space by not more than 20 feet; and
4. Altering any final grade by not more than 20 percent of the originally planned grade; and
5. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

- B. Major Adjustments. Any adjustment to the Final Plan not authorized by the preceding Subsection 14-511A shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review as provided in Subsection 14-504C.

14-512 AMENDMENTS TO FINAL PLAN FOLLOWING COMPLETION OF
 DEVELOPMENT

After completion of a planned development, an approved Final Plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in Section 14-511.