

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, JULY 13, 2009

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

AGENDA

Monday, July 13, 2009 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL
*President Elizabeth Asperger
Trustee Bill Holder
Trustee Mike Horvath
Trustee Kuchler
Trustee Mark Langan
Trustee Tom Livingston
Trustee James Palermo*
2. PRESIDENT'S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
3. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
4. OMNIBUS AGENDA AND VOTE
Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.
 - A. Resolution – Identity Theft Prevention Policy
 - B. Award of Contract And Materials Purchase – Central Business District Paver Rehabilitation Project
 - C. Award of Contract – Parking Structure Repairs
 - D. Consolidated Voucher 090713
 - E. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, June 22, 2009

5. CURRENT BUSINESS

This agenda item includes consideration of matters being presented to the Board of Trustees for action.

- A. Text Amendments to Sections 5-102 and 5-105 of the Zoning Code, Permitted and Special Uses, C-1 Central Commercial District: *Referred to Trustee Kuchler*
- B. Special Event – Park District of La Grange / Public Display of Fireworks at Community Family Fest: *Referred to Trustee Palermo*
- C. Ordinance – Second Distribution of Surplus TIF Funds: *Referred to Trustee Holder*

6. MANAGER'S REPORT

This is an opportunity for the Village Manager to report on behalf of the Village Staff about matters of interest to the Village.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

This is an opportunity for members of the audience to speak about Village related matters that are not listed on this Agenda.

8. EXECUTIVE SESSION

The Board of Trustees may decide, by a roll call vote, to convene in executive session if there are matters to discuss confidentially, in accordance with the Open Meetings Act.

9. TRUSTEE COMMENTS

The Board of Trustees may wish to comment on any matters.

10. ADJOURNMENT

The Village of La Grange is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions, regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (708) 579-2315 promptly to allow the Village to make reasonable accommodations for those persons.

OMNIBUS VOTE

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

TO: Village President, Board of Trustees, and Village Clerk

FROM: Robert J. Pilipiszyn, Village Manager
Lou Cipparrone, Finance Director

DATE: July 6, 2009

RE: **Resolution – Identity Theft Prevention Policy**

On December 4, 2003, President Bush signed the Fair and Accurate Credit Transactions Act of 2003 (FACTA), which added several new provisions to the Fair Credit Reporting Act (FCRA). The FACTA directed several government agencies to issue regulations and guidelines regarding the detection, prevention, and mitigation of identity theft. On November 9, 2007, the Federal Trade Commission and other federal bank regulatory agencies issued joint regulations collectively known as the “Red Flag Rules”. Organizations subject to the Red Flag Rules are required to have programs in place by August 1, 2009.

Under the Red Flag Rules, financial institutions and creditors with covered accounts must have identify theft prevention programs to identify, detect, and respond to patterns, practices or specific activities that could indicate theft. Federal law defines a creditor to be: any entity that regularly extends, renews, or continues credit; any entity that regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor which is involved in the decision to extend, renew, or continue credit. A “covered account” is an account used mostly for personal, family or household purposes that involves multiple payments or transactions. Covered accounts generally include credit card accounts, mortgage loans, automobile loans, cell phone accounts and utility accounts. Municipalities that offer services such as water, sewer or electric are considered a “creditor” under this regulation and are therefore required to establish an identity theft program. Because we directly bill residents and businesses for water and sewer usage, we are a creditor as defined under the Act and thus the Village of La Grange is required to comply with these federal credit regulations.

In response to these new federal requirements, Holland & Knight has drafted a model Identity Theft Prevention Program which we have attached and a corresponding resolution approving the policy. Please note, the Red Flag Rules envision a degree of confidentiality regarding the Village’s specific practices relating to identity theft detection, prevention and mitigation. Therefore, under the Program, knowledge of such specific practices is limited to the Program Administrator and those employees who need to know for the purposes of preventing identify theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list the specific practices. As such, only the programs general Red Flag detection, implementation and prevention practices are listed in the document.

We recommend approval of the attached resolution authorizing the approval of an identity theft prevention program.

4-A

VILLAGE OF LA GRANGE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE APPROVAL
OF AN IDENTITY THEFT PREVENTION POLICY

WHEREAS, the Village of LaGrange desires to adopt a written Identity Theft Prevention Program ("*Program*") to establish rules and procedures to detect, prevent and mitigate identity theft; and

WHEREAS, the Program also meets the requirements of, and brings the Village into compliance with, certain identity theft prevention laws and regulations, including those promulgated by the Federal Trade Commission;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Resolution by this reference as findings of the President and Board of Trustees.

Section 2. Adoption of Policy. The "Identity Theft Prevention Policy," attached to this Resolution as *Exhibit A*, establishing rules and procedures to detect, prevent and mitigate identity theft ("*Program*") is hereby approved.

Section 3. Identity Theft Prevention Administrator. The Village President and Board of Trustees of the Village of LaGrange, Illinois appoints the Village Finance Director as the Administrator of the Program.

Section 4. Effective Date. This Resolution and the Program will be in full force and effect from and as of August 1, 2009, and approval in the manner provided by law.

4-A.1

PASSED this ____ day of July 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of July 2009.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

6301869_v1

4-A.2

Village of LaGrange
Identity Theft Prevention Program

Effective beginning August 1, 2009

4-A-3

I. BACKGROUND

Identity theft has become the number one consumer fraud issue in the country. In 2007, more than 10,000 identity theft complaints were filed with the Federal Trade Commission ("FTC") by Illinois residents. The Village of LaGrange ("Village") recognizes that the risk to the Village, its employees, residents, and customers from data loss and identity theft is a significant concern to the Village, which this Identity Theft Prevention Program ("Program") seeks to address.

II. PROGRAM ADOPTION

The Village developed the Program in an effort to battle identity theft. The Program was developed with oversight and approval of the President and Board of Trustees of the Village. After consideration of the size and complexity of the Village's operations and account systems, and the nature and scope of the Village's activities, the President and Board of Trustees determined that this Program was appropriate for the Village, and therefore approved the Program on June __, 2009.

III. PROGRAM PURPOSE

The Village adopts the Program to help protect employees, customers, contractors, and itself from harm and damage related to, or caused by, the loss of misuse of sensitive information. The Program also will assist the Village in detecting, preventing, and mitigating identity theft. The Program does so by identifying certain "red flags" that suggest or indicate the possibility of identity theft, and by providing guidelines on how the Village should respond once it detects any such Red Flags. Further, the Program will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed;
and
4. Place the Village in compliance with state and federal law regarding identity theft protection.

The Program has been tailored to the size, complexity and the nature of the Village's operations. The Program also has been designed in order to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;

4-A.4

3. Allow the Village to respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure that the Program is reviewed periodically, and updated, if necessary, to reflect changes in risks to customers or to the safety and soundness of the Village from identity theft.

IV. PROGRAM DEFINITIONS

1. "Covered Account" means: (i) an account that the Village offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a utility account; and (ii) any other account that the Village offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Village, including financial, operational, compliance, reputation, or litigation risks.
2. "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
3. "Creditor" means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, including utility companies.
4. "Customer" means a person that has a covered account with a creditor.
5. "Identity Theft" means a fraud committed or attempted using identifying information of another person without authority.
6. "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
7. "Sensitive Information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including, but not limited to, a person's credit card account information, debit card information, bank account information, drivers' license information, social security number, mother's birth name, date of birth, electronic identification number, computer Internet Protocol address, and routing code.

8. "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
9. "Service Provider" means a person that provides a service directly to the city.

V. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Village considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Village identifies the following Red Flags, in the following listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or otherwise inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other documentation with information that is not consistent with existing customer information (e.g. a person's signature on a check appears forged); and

4-A.6

4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (*e.g.* inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (*e.g.* an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (*e.g.* an invalid phone number or an answering service, or fictitious billing address, mail drop or prison);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so; and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (*e.g.* very high activity);

4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Village that a customer is not receiving mail sent by the Village;
6. Notice to the Village that an account has unauthorized activity;
7. Breach in the Village's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Village from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

VI. DETECTING RED FLAGS.

A. New Covered Accounts

In order to try and detect any of the Red Flags identified in Section V above associated with the opening of a new Covered Account, Village personnel should take the following steps to obtain and verify the identity of the person opening the Covered Account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (e.g. review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer if appropriate.

B. Existing Covered Accounts

In order to detect any of the Red Flags identified in Section V above for an existing Covered Account, Village personnel will take the following steps to monitor transactions with a Covered Account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email, or otherwise);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

VII. PREVENTING AND MITIGATING IDENTITY THEFT

A. Securing Sensitive Information

Village personnel are encouraged to use common sense judgment in securing sensitive and confidential information. Furthermore, in exercising such judgment, consideration should be given to the Illinois Freedom of Information Act ("FOIA"). If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their supervisor or the Program Administrator. Further, if the Village receives a FOIA or other request seeking Sensitive Information, or documents containing Sensitive Information, said requests should be forwarded to the Village Administrator and the Village Attorney.

In order to further prevent the likelihood of Identity Theft occurring with respect to Village accounts, the Village shall make reasonable efforts to take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Take steps to ensure that the Village's website is secure or provide clear notice that the website is not secure;
2. Attempt to ensure destruction of paper documents and computer files containing Sensitive Information;
3. Keep file cabinets, desk drawers, cabinets, and any other storage space containing documents with Sensitive Information locked when not in use;

4. Lock storage rooms containing documents with Sensitive Information and record retention area at the end of the work day or when unsupervised.
5. Attempt to ensure that office computers with access to Covered Accounts and/or Sensitive Information are password protected and that computer screens lock after a set period of time;
6. Keep workstations, work areas, and offices clear of papers containing Sensitive Information;
7. Request only the last 4 digits of social security numbers (if any);
8. Attempt to ensure that computer virus protection is up to date;
9. Require and keep only the kinds of Sensitive Information that are necessary for the Village's purposes; and
10. Account statements and receipts for Covered Accounts shall only include the last four digits of the credit card, debit card, or the bank account used for payment of the covered account.

B. Electronic Distribution

Each employee, service provider, or contractor performing work for the Village will comply with the following policies:

1. With respect to internal electronic distribution, Sensitive Information may be transmitted using approved Village electronic mail.
2. With respect to external electronic distribution, Sensitive Information should only be transmitted in an encrypted format and should contain a statement such as this:

"This message may contain sensitive, confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited".

C. Responses When Red Flags Detected

In the event Village personnel detect any identified Red Flags, such personnel should take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to Covered Accounts;
4. Decline or otherwise refuse to open a new Covered Account;
5. Close an existing Covered Account;
6. Reopen a Covered Account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

VIII. PROGRAM UPDATES

This Program will be periodically reviewed and updated to try and reflect changes in risks to customers and the soundness of the Village from Identity Theft. At least once a year, the Program Administrator will consider the Village's experiences with Identity Theft, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Village maintains and changes in the Village's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the President and Board of Trustees of the Village with his or her recommended changes and the President and Board of Trustees of the Village will make a determination of whether to accept, modify or reject those changes to the Program.

IX. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with the Program Administrator. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Village staff on the Program, for reviewing any staff reports regarding the detection of Red Flags

and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Village staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Further training shall also be provided on a yearly basis or as needed to address changes in the Program.

C. Service Provider Arrangements

In the event the Village engages a Service Provider to perform an activity in connection with one or more Covered Accounts, the Village will take the following steps to ensure the Service Provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that Service Providers have such policies and procedures in place; and
2. Require, by contract, that Service Providers review the Village's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Village's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices is to be limited to the [Program Administrator or Identity Theft Committee] and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general Red Flag detection, implementation and prevention practices are listed in this document.

4-A.12

VILLAGE OF LA GRANGE
Public Works Department

BOARD REPORT

TO: Village President, Village Clerk
Board of Trustees, and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works

DATE: July 13, 2009

RE: **AWARD OF CONTRACT AND MATERIALS PURCHASE - CENTRAL
BUSINESS DISTRICT PAVER REHABILITATION PROJECT**

The FY 2009-10 Village budget provides funds to reset brick paver panels in the Central Business District (CBD) which have settled over time in an uneven pattern, thus creating trip hazards for pedestrians. In order to stabilize the panels and eliminate trip hazards, the bricks will be removed and reset into a poured concrete base. To date approximately 12,500 square feet of paver panels have been rehabilitated at a cost of \$168,806. We have identified 118 additional panels (approximately 12,500 square feet) in the downtown area in need of rehabilitation and have budgeted \$200,000 in FY2009-10 for their replacement.

Proposals were solicited from four contractors known to be capable of completing this type of work. The contractors were asked to provide a proposal on a square foot unit price basis. Two contractors provided the following proposals:

Below is a tabulation of the proposals received for this rehabilitation project.

VENDOR/LOCATION	Sq. Ft. Installation
Prairie Path Pavers/La Grange, IL	\$15.00
LPS Pavement/Oswego, IL	\$15.75

The low bid was submitted by Prairie Path Pavers. The cost of the work to be performed by Prairie Path Pavers is estimated to be \$187,500. The final cost of the project will be based on the actual measured quantity of material installed multiplied by the agreed unit price.

To keep the project cost as low as possible, we order and supply the brick material to the contractor awarded the installation contract. For the work identified above, we need to order an additional 6,527 square feet of new brick pavers to complete this phase of the rehabilitation project. This in addition to the 3,073 square feet of brick pavers that were ordered earlier this year and is in storage at

4-B

Award of Contract and Materials Purchase
Central Business District Paver Rehabilitation Project
Board Report - July 13, 2009 – Page 2

Public Works awaiting installation.

Because our CBD granite green Holland stone pavers are a special order item, they are only available from one supplier, Unilock Paver located in Aurora, Illinois. At our request, Unilock Paver has submitted a quote in the amount of \$2.55/square foot, plus a delivery charge of \$1,800. This brings the total cost for purchase and delivery of the remaining pavers to \$18,444.87. Because this is a sole source purchase, we recommend that the Village Board waive the competitive bidding process and authorize staff to purchase approximately 6,527 square feet of brick paver material from Unilock Paver of Aurora, Illinois in the amount of \$18,444.87.

The following table represents the anticipated expenses for this project:

Description	Amount
Prairie Path Pavers – Paver Installation	\$187,500.00
Unilock – Paver Purchase	\$8,736.66
Unilock – Paver Purchase	\$18,444.87
Total	\$214,681.50
FY2009-10 Budget	\$200,000.00

For budgetary purposes, the purchase of the pavers from Unilock in the amount \$8,736.66 was made in FY2008-09, but delivery did not occur until after May 1, 2009. Therefore the expense is noted above since it will be recorded in FY2009-10. Sufficient funds exist within the Capital Improvement Fund to cover the additional expenses for this project, since funds for this project from the previous fiscal year were not spent. If necessary, a budget amendment would be prepared at the end of the year to reflect the additional funds required to complete the project that exceed the budgeted amounts.

We recommend that the Village Board waive the competitive bidding process and authorize staff to enter into contracts with Unilock Paver for the purchase of pavers in the amount of \$18,444.87 and Prairie Path Pavers for installation of the brick pavers in the amount of \$187,500.

4-B.1

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works

DATE: July 13, 2009

RE: **AWARD OF CONTRACT – PARKING STRUCTURE REPAIRS**

Several repairs to the Village's parking structure have been identified by staff. Staff consulted with Matocha Associates, the construction manager for the parking garage, as to the scope and recommendations for repairs. Quotes were received by Spectrum Contracting Corporation for each of the repairs due to their experience and familiarity with our parking structure. The Village previously contracted with Spectrum Contracting Corporation for the installation of the Kelmar finish to the parking deck, for which they performed satisfactorily.

The first proposal from Spectrum is for the repair of a joint that is leaking in the interior of the parking structure. Specifically the joint is located above the first floor stairs that connect the east and west sides of the parking structure. The scope of work includes patching the concrete, re-caulking the joint, and sealing cracks in order to eliminate the leak that occurs above the stairs. The estimated cost for these repairs is \$2,450.

The second proposal is to repair the Kelmar coating that was damaged as a result of vehicles doing "burn-outs." Vehicles spun their tires resulting in the removal of the Kelmar coating in several isolated areas. We estimate that approximately 350 square feet of Kelmar will need to be repaired at a cost of \$2,585.

The final proposal is for repairs to the expansion joint on the top of the parking deck that was damaged during snow plowing operations. The damage occurred when the front edge of the plowing equipment caught the edge of the expansion of the joint. The scope of work includes the complete removal and replacement of the expansion joint at a cost of \$9,425. This accident was reported to IRMA and these costs will be reimbursed to the Village less the deductible.

4-C

The following table provides a summary of the expenses for this project

Description	Amount
Concrete Crack and Joint Repair	\$2,450.00
Kelmar Repair – Burn outs	\$2,585.00
Joint Repair – Snow plowing damage	\$9,425.00
Total	\$14,460.00

We propose to engage Spectrum as a sole source vendor for this work for three reasons. First, there are a limited number of vendors licensed to install Kelmar. When the Village solicited competitive proposals in August 2006 for the initial installation of Kelmar, Spectrum was the only vendor out of three which met all project specifications. Matocha continues to recommend Spectrum because of their consistent performance. Second, because of the specialized nature of the work, we would like to develop a “chain of responsibility” leading back to one vendor. Finally, although product and workmanship warranties last for only one year, Spectrum has come back from time-to-time and performed spot repairs at little or no cost to the Village. By way of example, Spectrum has agreed to repair some Kelmar damaged by the leaking joint (as described in the first proposal) at no cost to the Village. In our opinion, it is in the Village’s best interest to maintain a working relationship with Spectrum for major flat-work maintenance activities on the parking structure.

Funding for these repairs is available in the Parking Fund, Maintenance - Parking Garage line item. If these expenditures would cause the account to be over budget at year end, a budget amendment would be prepared if necessary.

We recommend that the Village Board waive the competitive bidding process and authorize staff to enter into a contract with Spectrum Contracting Corporation for repairs to the parking deck structure in the amount of \$14,460.

4-C-1

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

July 13, 2009

Consolidated Voucher 090713

<u>Fund No.</u>	<u>Fund Name</u>	<u>07/13/09 Voucher</u>	<u>06/26/09 Payroll</u>	<u>07/10/09 Payroll</u>	<u>Total</u>
01	General	183,881.60	268,309.69	272,292.84	724,484.13
21	Motor Fuel Tax				0.00
22	Foreign Fire Insurance Tax	70.12			70.12
23	TIF				0.00
24	ETSB	2,487.54			2,487.54
40	Capital Projects	55,474.19			55,474.19
50	Water	153,666.57	38,046.99	35,790.30	227,503.86
51	Parking	4,303.60	22,566.77	22,218.79	49,089.16
60	Equipment Replacement	102,333.24			102,333.24
70	Police Pension				0.00
75	Firefighters' Pension	300.00			300.00
80	Sewer	2,328.95	9,033.84	9,027.08	20,389.87
90	Debt Service				0.00
91	SSA 4A Debt Service				0.00
93	SAA 269				0.00
94	SAA 270				0.00
		<u>504,845.81</u>	<u>337,957.29</u>	<u>339,329.01</u>	<u>1,182,132.11</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-D

MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, June 22, 2009 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:30 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were present:

PRESENT: Trustees Holder, Langan, Horvath, Kuchler, and Palermo

ABSENT: Trustee Livingston

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Assistant Community Development Director / Planner Angela Mesaros
Finance Director Lou Cipparrone
Public Works Director Ryan Gillingham
Fire Chief David Fleege
Police Chief Mike Holub

2. PRESIDENT'S REPORT

A. Employee Recognition – Fire Lieutenant Bill Bryzgalski, 25 Years of Service

President Asperger elaborated on the vast amount of accomplishments and numerous certifications received by Fire Lieutenant Bryzgalski during his years of dedicated service to the Village of LaGrange. Congratulations were extended to Fire Lieutenant Bill Bryzgalski.

B. Employee Recognition – Police Department Unit Citation

President Asperger recognized the Police Department for their superior performance surrounding the apprehension and arrest of an offender related to a home invasion and sexual assault incident which occurred in February.

Police Chief Holub initiated Unit Citation certificates for Sergeant Tom Cimbalista; Squad Leader Miles Odom; Officer Julie Burrell; Officer Jerry

4-E

Moncivais; Investigator Dave Rohlicek; Investigator Rob Wardlaw; Telecommunications Operator Patti Borowitz; Telecommunications Operator Tom Perfect; Part-time Officer Joe McGuire; Part-time Officer James King; and Auxiliary Officer Alex Avalos.

On behalf of the residents of La Grange, President Asperger, the Village Board of Trustees and the audience applauded all involved in this endeavor.

President Asperger commented on the success of the 63rd Annual La Grange Pet Parade and offered thanks to the Department of Public Works along with the La Grange Garden Club for their plantings and beautification efforts.

Congratulations were extended to all graduates.

President Asperger announced receipt of the \$3.2 million dollar federal grant for the parking structure and thanked Congressman Dan Lipinski for his efforts in seeking such funds.

President Asperger updated the audience on the comments and concerns presented by area residents at the neighborhood meeting related to traffic management and pedestrian safety on 47th Street. State Representatives Jim Durkin and Mike Zalewski along with representatives from Congressman Dan Lipinski's office have expressed their support in working with the Illinois Department of Transportation (IDOT) to resolve concerns related to traffic control and pedestrian safety.

Meetings with traffic consultant KLOA and Village staff were held to format a base plan to present to IDOT. President Asperger relayed some of the highlights from the meetings with IDOT and gave details of short-term and long-term goals for the 47th Street corridor with progress for completion targeted prior to the beginning of the school year. President Asperger invited residents to provide feedback on the plan and ideas for best practices.

Lastly, President Asperger noted that numerous residents have expressed concerns related to the approval of a pawn shop to operate in the Central Commercial District. Explaining the outdated coding system used in the past, President Asperger noted that the Plan Commission will conduct a public hearing on Monday, June 29 to discuss proposed zoning text amendments to the C-1 Central Commercial District regarding possible changes to the list of permitted and special uses.

Based upon recommendations made by the Plan Commission, the Village Board will consider such amendments at their next regularly scheduled meeting on July 13.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4-E.1

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-09-16) – Extension of Time Limitation for Planned Development – Village Bluffs, 400 East Elm Ave., Gallagher and Henry
- B. Resolution (#R-09-11) – Ratification of Collective Bargaining Agreement Between the Village of La Grange and IAFF Local No. 2338 (Fire Fighters and Fire Lieutenants)
- C. Award of Contract – 2009 & 2010 Tree Removal Program
- D. Construction Contract, MFT Resolution & Engineering Services Agreement – Central Business District Street Resurfacing Project
- E. Intergovernmental Agreement With The Village of Western Springs & MFT Resolution – Willow Springs Road Resurfacing Project
- F. Engineering Services Agreement & MFT Resolution Neighborhood H Street Resurfacing Project
- G. Ordinance (#O-09-17) – Prevailing Wages
- H. Consolidated Voucher 090525 (\$424,864.18)
- I. Consolidated Voucher 090608 (\$728,402.20)
- J. Consolidated Voucher 090622 (\$665,959.15)
- K. (Moved to Current Business for further discussion.)
- L. Minutes of the Village of La Grange Board of Trustees Special Meeting Monday, May 18, 2009

Trustee Palermo requested item 4-K be removed from the Omnibus Agenda and placed under Current Business for further discussion.

It was moved by Trustee Langan to approve items A, B, C, D, E, F, G, H, I, J, and L of the Omnibus Agenda, seconded by Trustee Horvath. Approved by roll call vote.

Ayes: Trustees Holder, Horvath, Kuchler, Langan, Livingston, Palermo, and President Asperger
Nays: None
Absent: Trustee Livingston

4-E.2

5. CURRENT BUSINESS

4-K Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, May 11, 2009

Trustee Palermo requested an amendment to the minutes of the Board of Trustees Regular Meeting from Monday, May 11, 2009 regarding his voice vote on the appointment of the advisory boards and commission. Trustee Palermo noted his voice vote was "present" and therefore requested the word unanimous be removed from the minutes.

Trustee Langan questioned this unusual voice vote response and Trustee Palermo explained that he would like to see the Village President actively seek more candidates for the various boards and commissions. Trustee Palermo believes that press releases; on-line applications; email blasts; and public announcements should be made when vacancies occur on advisory boards and commissions.

President Asperger indicated that a request had also been made by Joan Hoigard to amend her statement contained in the minutes of May 11, 2009 to clarify that she was concerned with the process in the selection of appointments to the advisory boards and commissions, not of the individuals appointed.

It was moved by Trustee Palermo to approve item K as amended, of the Omnibus, seconded by Trustee Horvath. Approved by voice vote.

A. Special Event – La Grange Art & Craft Fair: Referred to Trustee Langan

Trustee Langan noted that the Village has received a request from the La Grange Business Association to hold the annual art and craft fair on Saturday and Sunday, July 11 and 12, 2009. The location utilized for the past few years was found to be favorable and is being requested again this year, however it will again be necessary for the Board to approve various road closures.

It was moved by Trustee Langan to approve the closure of Harris Avenue west of La Grange Road to Ashland Avenue and Madison Avenue from Harris Avenue south to just north of the entrance to the parking lot located at Harris and Madison Avenues and the closure of Village Parking Lots 3 and 4 on July 11 and 12, 2009 for the 2009 La Grange Art and Craft Fair, seconded by Trustee Holder. Approved by voice vote. Trustee Horvath requested that clean up not be too early the day after the event.

6. MANAGER'S REPORT

Village Manager Robert Pilipiszyn noted that the Department of Public Works would be removing storm debris throughout the community. The next free monthly brush pick-up will begin the week of Monday, July 6. Village offices will be closed on Friday, July 3 in

4-E.3

observance of Independence Day however a full compliment of emergency personnel will be available throughout the holiday weekend.

Mr. Pilipiszyn added that street resurfacing in the Central Business District will begin and anticipated to be completed prior to the start of the school year.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Shawn Temple, of Belcaster Realty noted the Village issued a business license to All Star Jewelry and Loan. Mr. Temple expressed his concerns for the proposed amendments to the zoning code. President Asperger suggested he present his views at the Plan Commission meeting.

Kathy Wolf spoke of community support to increase awareness for pedestrian safety in light of the recent fatality on 47th Street.

Kathy Deane 100 S. Ashland, inquired if the upcoming Plan Commission meeting to discuss zoning code amendments would be televised. President Asperger indicated that advisory board and commission meetings are not televised. Ms. Deane requested that the report be made available and was informed it would be posted on the Village website.

Randy Valenta 240 S. Park, wished to announce that the La Grange Little League would be competing in the Illinois State tournament on July 24 at Sedgwick Park.

Tim Trompeter requested notification of the upcoming Plan Commission meeting to discuss zoning code amendments be sent out via email.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Horvath thanked those in attendance relative to traffic and pedestrian safety matters on 47th Street. Trustee Horvath believes the community and local officials are working together to achieve short-term goals. Trustee Horvath also indicated that he was in favor of taping the upcoming Plan Commission meeting. Lastly, Trustee Horvath thanked the Department of Public Works for their efforts in the cleanup of debris after the weather related storm.

Trustee Kuchler commended staff on their consultation with traffic experts KLOA for guidance prior to the meetings with IDOT. Trustee Kuchler noted his belief that safe driving begins with education and is controlled with traffic enforcement. Trustee Kuchler extended congratulations to the La Grange Little League. Trustee Kuchler added his belief that landlords need to be good citizens and maintain and improve their property. Lastly, Trustee Kuchler commended the Department of Public Works.

Trustee Palermo expressed his belief that working together can and will increase public safety and encouraged individuals to communicate with the Village Board any areas of

4-E.4

concern. Parents are also encouraged to educate their children about pedestrian safety. Trustee Palermo noted some inconsistencies regarding signage throughout the Village. Trustee Palermo also expressed his belief that the upcoming Plan Commission meeting should be taped and televised. Lastly, Trustee Palermo announced the outcome of the Relay for Life run for cancer research.

Trustee Kuchler suggested that the Village should consider limiting ice cream trucks, which cause unsafe conditions.

10. ADJOURNMENT

At 8:55 p.m. it moved by Trustee Langan to adjourn, seconded by Trustee Horvath. Approved by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

4-2-5

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Administration

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Director of Community Development
Angela M. Mesaros, Assistant Community Development Director

DATE: July 13, 2009

RE: **TEXT AMENDMENTS TO SECTIONS 5-102 AND 5-105 OF THE ZONING CODE, PERMITTED AND SPECIAL USES, C-1 CENTRAL COMMERCIAL DISTRICT**

In June 2009, Staff undertook an examination of the permitted use and special use lists in the Village's C-1 Central Commercial District and proposed amendments to those lists. The proposed amendments have been considered at a public hearing and are now before the Board of Trustees.

The Village's Zoning Code was comprehensively amended in 1991. Since that time the Zoning Code has been amended from time to time to address particular matters and changing circumstances throughout the Village. Most recently, certain bulk, yard, and space regulations in the single family residential districts were revised in October 2007.

Also since 1991, the lists of permitted uses and special uses for the various zoning districts have been amended from time to time for particular reasons. It is useful and appropriate, however, to also undertake a comprehensive review of the use lists from time to time because, over time, the character and demographics of a community change, and so does the character of a particular district. Further, some existing uses evolve in character and new uses come into being as well.

When the character of a zoning district changes, or when the nature of a particular use changes or new uses come into being, not all of the uses that previously have been authorized in that zoning district necessarily continue to best serve the intent and purposes of that district. And uses that have not previously been authorized in that zoning district ought to be considered because they may serve the intent and purposes of that zoning district and thus enhance that district.

Staff's examination of the uses in the C-1 District identified certain uses that no longer serve the intent and purposes of the C-1 District and the Zoning Code generally. Staff's examination also identified certain uses not currently authorized in the C-1 District that would serve the intent and purposes of the C-1 District and the Zoning Code. Staff thus proposed 14 amendments to the C-1 District permitted use list and the special use list.

5-A

The Plan Commission conducted a public hearing on the proposed amendments on June 29. Many members of the Board of Trustees were able to attend that public hearing. After the public hearing and substantial deliberation on the proposed amendments, the Plan Commission unanimously recommended that the Board of Trustees make 12 changes to the use lists. In making its recommendation, the Plan Commission found among other things (a) that the character of Downtown La Grange has changed significantly in recent years, (b) that the uses recommended for removal from the permitted use and special use lists no longer serve the intent or purposes of the C-1 District or the Zoning Code generally, (c) that the uses recommended for addition to the permitted use and special use lists will serve the intent and purposes of the C-1 District, and (d) that the recommended amendments satisfy the standards of the Zoning Code for amendments of general applicability.

The recommended amendments include:

1. Additions to the permitted use list of (a) personal physical fitness training and supervised exercise facilities, (b) consumer lending with the exclusion of loan agents, consumer loans, and payday loans, and (c) massage therapy services accessory to beauty shops, exercise centers, and fitness salons.
2. Removal from the permitted use list of (a) used building materials stores, (b) pawnshops, (c) retail sales of monuments, (d) retail ice dealers, and (e) retail swimming pool stores.
3. Additions to the special use list of (a) exercise centers, fitness salons, and spas above the first floor and (b) bowling centers.
4. Removal from the special use list of (a) yoga instruction and (b) firearms and ammunition.

Staff concurs with the Plan Commission's findings that the proposed amendments are logical and appropriate and promote the best interests of Downtown La Grange and of the Village and its residents and guests.

The Village Attorney has prepared the attached ordinance for Board consideration. The ordinance provides that the amendments will apply to uses throughout the C-1 Central Commercial District and to all proposed, prospective, or potential uses in the C-1 District except only uses for which a building permit or certificate of occupancy has been issued by the Village prior to the effective date of the ordinance.

Staff recommends approval of "An Ordinance Amending Sections 5-102 And 5-105 Of The La Grange Zoning Code Related To Permitted Uses And Special Uses In The C-1 Central Commercial District."

5-A.1

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 5-102 AND 5-105
OF THE LA GRANGE ZONING CODE
RELATED TO PERMITTED USES AND SPECIAL USES
IN THE C-1 CENTRAL COMMERCIAL DISTRICT

WHEREAS, the La Grange Zoning Code was comprehensively amended in 1991;
and

WHEREAS, since 1991, the character of the Village has evolved, with significant changes occurring particularly in the Village's downtown shopping district ("*Downtown La Grange*"); and

WHEREAS, as the result of creation of a TIF District for Downtown La Grange, careful comprehensive planning and zoning, and other efforts by the Village and its residents and business owners, Downtown La Grange has been revitalized, changing from a place of empty storefronts and few shoppers into a thriving shopping and community gathering center; and

WHEREAS, Downtown La Grange is classified in the Village's C-1 Central Commercial District under the La Grange Zoning Code; and

WHEREAS, the intent and purposes of the C-1 District and the core retail center within the C-1 District is to create and maintain a friendly, concentrated, family- and pedestrian-oriented retail shopping environment; and

WHEREAS, as a result of how Downtown La Grange has changed, certain uses that were useful or beneficial in Downtown La Grange in 1991 are now not compatible with the intent and purposes of the C-1 District and thus are undesirable within the C-1 District; and

WHEREAS, land uses have evolved over the years and new uses have been created that will be useful and beneficial to Downtown La Grange; and

WHEREAS, in light of the changed character of revitalized Downtown La Grange and the evolution of land uses in recent years, among other factors, the Village filed an application for amendments (removals and additions) to the permitted use list and special use list in the C-1 District (the "*Application*"); and

WHEREAS, the La Grange Plan Commission conducted a public hearing on June 29, 2009, pursuant to notice thereof duly published in the Suburban Life to

5-A.2

consider the Application and all of the facts and circumstances related to the permitted uses and special uses in the C-1 District; and

WHEREAS, after the conclusion of the public hearing, the Plan Commission determined that 12 of the proposed amendments to the permitted use and special use lists met the standards stated in the Zoning Code for amendments of general applicability, and the Plan Commission unanimously recommended that the Board of Trustees approve those 12 amendments; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have considered the findings and recommendation of the Plan Commission and all of the facts and circumstances affecting the 12 proposed amendments to the C-1 District permitted use and special use lists recommended by the Plan Commission, and the President and Board of Trustees have determined that the 12 proposed amendments satisfy the standards applicable to them in Section 14-605 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it is (a) consistent with the intent and purposes of the C-1 District and its core retail center, (b) consistent with the purposes of the Zoning Code as provided in Section 1-102 of the Zoning Code, (c) for the benefit and protection of the public health, safety, and welfare, and (d) appropriate and in the best interests of the Village and its residents to amend Section 5-102 ("Permitted Uses") and Section 5-105 ("Special Uses") of the C-1 District as provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as a findings of the President and Board of Trustees.

Section 2. Amendment of Prefatory Language of Zoning Code Section 5-102. The first paragraph (prefatory language) of Section 5-102, titled "Permitted Uses," of the La Grange Zoning Code is hereby amended by adding thereto the following new fourth sentence to that first paragraph, as follows:

For uses with "NAICS" in parentheses following that use, reference should be made to the North American Industrial Classification System Manual (1997).

Section 3. Amendment of Prefatory Language of Zoning Code Section 5-105. The first paragraph (prefatory language) of Section 5-105, titled "Special Uses," of the La Grange Zoning Code is hereby amended by adding thereto the following new fourth sentence to that first paragraph, as follows:

For uses with "NAICS" in parentheses following that use, reference should be made to the North American Industrial Classification System Manual (1997).

5-A.3

Section 4. Amendment of Use Lists in Zoning Code Sections 5-102 and 5-105. Section 5-102, titled "Permitted Uses," and Section 5-105, titled "Special Uses," of the La Grange Zoning Code are hereby amended as set forth in Exhibit A attached to the Ordinance and by this reference incorporated into this Ordinance.

Section 5. Applicability. The amendments to the La Grange Zoning Code approved in this Ordinance shall apply throughout the C-1 Central Commercial District and shall apply to all proposed, prospective, and potential uses in the C-1 Central Commercial District except only uses for which a building permit or certificate of occupancy has been issued by the Village prior to the effective date of this Ordinance under Chapter 150 of the La Grange Code of Ordinances.

Section 6. Effective Date. This Ordinance will be in full force and effect from and after its passage and approval.

PASSED this ____ day of _____ 2009.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2009.

Elizabeth Asperger, Village President

ATTEST:

Robert Milne, Village Clerk

8688993_v1

5-A.4

EXHIBIT A

TO ORDINANCE NO. _____

AMENDMENTS TO SECTION 5-102 (PERMITTED USES)
AND SECTION 5-105 (SPECIAL USES)

1. Amendment of Paragraph 20 of Subsection 5-102C to read as follows:
 20. Used Merchandise Stores (593) but not including pawnshops or used building materials stores.
2. Amendment of Paragraph 35 of Subsection 5-102C to read as follows:
 35. Miscellaneous Retail Stores (5999) but not including auction rooms, firework sales, gravestone sales, sales barns, tombstone sales, monuments sales, retail ice dealers, or retail sale of swimming pools.
3. Amendment of Subsection 5-102D to add the following new permitted use, in proper numerical order:
 - Consumer Lending (NAICS 522291), but not including loan agents, consumer loans, or payday loans, but not on the first floor of any structure in that portion of the C-1 District bounded by Burlington Avenue, 6th Street, Cossitt Avenue, and Ashland Avenue.
4. Amendment of Subsection 5-102E to add the following new permitted uses, in proper numerical order:
 - Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront.
 - Massage Therapy Services (7299), but only accessory to Beauty Shops, Exercise Centers, Fitness Salons, and Spas.
5. Amendment of Subsection 5-105A to add the following new special use, in proper numerical order:
 - Bowling Centers (7933).

5-A.5

6. Amendment of Paragraph 12 of Subsection 5-105C to read as follows:
 12. Exercise Centers, Fitness Salons, and Spas (NAICS 713940), but not on the first floor of any structure in that portion of the C-1 District bounded by Burlington Avenue, 6th Street, Cossitt Avenue, and Ashland Avenue.
7. Deletion of Paragraph 7 of Subsection 5-105A ("Firearms and Ammunition—Retail") as a special use in the C-1 District.
8. Deletion of Paragraph 14 of Subsection 5-105C ("Yoga Instruction") as a special use in the C-1 District.

FINDINGS OF FACT

PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

June 29, 2009

**RE: PLAN COMMISSION CASE #192-TEXT AMENDMENTS TO SECTIONS 5-102
AND 5-105 OF THE ZONING CODE PERMITTED AND SPECIAL USES, C-1
CENTRAL COMMERCIAL DISTRICT**

We transmit for your consideration the recommendations adopted by the Plan Commission of the Village of La Grange on amendments to the C-1 Central Commercial District.

I. THE APPLICATION

The Village Staff, with the assistance of Village Attorney Mark Burkland, has reviewed the C-1 District permitted uses list (ZC Section 5-102) and special uses list (ZC Section 5-105) and recommends amendments to those lists.

II. THE PUBLIC HEARING

After notice given in accordance with law, the Plan Commission held a public hearing on June 29, 2009, in the La Grange Village Hall Auditorium. Present were Commissioners Nowak, Kardatzke, Paice, Reich, Weyrauch, and Williams with Chairman Randolph presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, Village Attorney Mark Burkland, and Village Trustee Liaisons Mark Langan and Bill Holder.

Chairman Randolph introduced the public hearing process and administered an oath to all persons in attendance who desired to give testimony during the hearing.

- On behalf of the Village, Village Attorney Mark Burkland presented information concerning the La Grange Zoning Code, the comprehensive rewrite of the Zoning Code in 1991, and amendments since that time. In the past two years, the Plan Commission and Board of Trustees have analyzed many changes in zoning regulations. Mr. Burkland discussed the scope of the current application and the need for the use lists in the C-1 District to be updated to reflect the changed character of the Village's downtown shopping district, by removing uses that no longer are compatible with the intent and purpose of the C-1 District and by adding new uses that will promote the intent and purpose of the C-1 District. He also discussed the standards of the Zoning Code applicable to amendments of general applicability and stated that the proposed amendments satisfy those standards. Finally, he explained the use of the Standard Industrial Classification (SIC) Manual to govern uses in the

5-A-7

Zoning Code and the proposed introduction of the North American Industry Classification System (NAICS) Manual into the Zoning Code.

- On behalf of the Village, Assistant Community Development Director Angela Mesaros presented each of the recommendations from staff for deletions from and additions to the permitted uses list in Section 5-102 and deletions from and additions to the special uses list in Section 5-105, all as outlined in the Staff Memorandum dated June 29, 2009. She stated, for each recommended deletion, why the particular use was antiquated, incompatible with the current character of the Village's downtown shopping district, inconsistent with the intent or purpose of the C-1 District, or otherwise appropriate for deletion. She also stated, for each recommended addition, why the additional use will be compatible with the current character of the Village's downtown shopping district and consistent with the intent and purpose of the C-1 District.

Chairman Randolph then offered the Commissioners the opportunity to ask questions of the Village representatives:

- Commissioners asked for clarification on the recommendation to add wine and beer sales in conjunction with retail sales of food. Ms. Mesaros and Mr. Burkland explained the concept and stated that the scope of this recommended use has not yet been fully defined. Chairman Randolph noted that the use as written would authorize only wine and beer, and not higher proof beverages.
- Commissioners discussed whether to allow photography studios on the first floor and whether the Village could require those studios to maintain regular retail business hours. Mr. Burkland explained that the legal option for such conditions would be through the special uses process.
- Commissioner Nowak asked whether second-hand retail stores would still be permitted in the C-1 District if pawnshops are deleted. Mr. Burkland and Ms. Mesaros responded yes, that the distinguishing feature of a pawnshop is the pawn transaction and all of the effects and impacts that arise from pawn transactions that would not be present in a second-hand retail stores that does not engage in pawn transactions.
- Commissioner Weyrauch asked if antiques would fall within the "used building materials" category that staff proposes to be deleted from the C-1 district. Ms. Mesaros answered no.

Chairman Randolph then opened the public hearing for testimony and questions from all interested members of the audience. During public testimony, residents testified on the following items:

5-A.8

- Sam Kennedy Cvengros, 131 S. Waiola, La Grange, owner of an exercise business called *The Dailey Method*, explained her concept for fitness apparel retail store in conjunction with an exercise studio. She presented exhibits depicting her proposed storefront window at 118 West Calendar and an interior layout plan for the building.
- Andrew Grayson, Berwyn, IL, a pawnshop business who seeks to open a pawnshop in the C-1 District called "All Star Jewelry and Loan," testified about his personal background and work experience as a manager at a pawnshop in North Riverside. He stated his belief that pawnshops in general are mischaracterized and that the pawnshop he intends to operate will not seem like the type of pawnshop that most people envision. He expects his pawnshop to seem more like an average retail store. He explains that at his pawnshop all pawn transactions will take place in a room separate from where merchandise will be sold. He also stated that although all pawnshops receive stolen goods, he works closely with local police departments in an effort to help identify stolen goods. He stated that claims of increase in crime due to pawnshops are exaggerated.
- Two members of Mr. Grayson's family testified about his business experience and his character.
- Michael LaPidus, President of the La Grange Business Association (LGBA), testified in support of the proposed amendment to eliminate pawnshops from the permitted uses list in the C-1 district on behalf of the LGBA and business owners in La Grange. Mr. LaPidus stated that many studies prove that pawnshops attract stolen goods, are frequented by persons who steal property, and are inconsistent with the character of the downtown La Grange that the Village and business owners have worked for a long time to create.
- Numerous residents testified about their beliefs that pawnshops are out of character with Downtown La Grange, that the presence of a pawnshop in the middle of the Village's core retail district will create a strong negative perception in the Village and throughout the region regardless of the actual character of the pawnshop, that pawnshops do not attract customers who are likely to frequent other businesses in La Grange or spend money in La Grange, that pawnshops would not contribute to the Village's current shopping environment, and pawnshops can increase crime without a commensurate or offsetting increase in retail sales.

After all interested persons testified and there were no further questions or comments from the audience, Chairman Randolph closed the public hearing and deliberations of the Commissioners ensued.

5-A.9

Deletion of Used Building Materials Stores, Pawnshops, Retail Monuments, and Retail Swimming Pools from the Permitted Uses List

- The Commissioners asked numerous questions of Andrew Grayson regarding the compatibility of a pawnshop with the intent and purpose of the C-1 District, including the nature of pawn transactions, the type of merchandise that might be sold, the business plan for his proposed store, whether there would be stolen property in the store, anticipated sales revenues, and how retail sales would be conducted.
- Commissioner Nowak stated that La Grange has made great strides to make the community into a Mainstreet, U.S.A., that he would not support the pawnshops as a use in the community, and that he respects Mr. Grayson and his intentions but that there are reasons why pawnshops are so regulated by the State. It does appear that a pawnshop might open our community to crime.
- The Commissioners found that the proposed deletions from the permitted uses list satisfy the standards for amendments to the Zoning Code.

Additions to the Permitted Uses List

Photography Studios

- Chairman Randolph asked about the sales tax implications. Ms. Mesaros said that it would be difficult to anticipate without knowing specifics about a particular studio. Mr. Burkland noted that although predominately uses in the core retail are sales tax producers, other uses are valuable for pedestrian-oriented centers, because they attract family-oriented traffic that leads to subsequent sales tax revenue.
- Commissioner Weyrauch stated that she sees no active retail component in the existing photography studios located in the C-2 District and she does not feel this would be an appropriate use in the C-1 core retail district.
- Commissioners found that this item is not yet ready for a recommendation and requested that the staff further research the matter and return it to the Plan Commission at a later date for further consideration.

Wine & Beer Sales in conjunction with retail sales

- Mr. Burkland explained that this category includes wine and beer sales in retail stores in conjunction with food sales. This category still needs a more thorough definition. Commissioners agreed that Staff should further consider this use category and bring it back to the Commission at a later date for further consideration.

5-A.10

Personal Physical Fitness Training/Supervised Exercise Facilities with Related Retail Sales

- There was substantial discussion on the language and specifics of this use category. Commissioners expressed a desire that the retail presence of this use be assured thorough further definition of the minimum retail space required. The Commissioners found that the use category satisfies the applicable standard for amendments to the Zoning Code, conditioned on further definition of the maximum allowable storefront width and minimum width and depth for the retail component. Staff agreed to add those standards for consideration by the Board of Trustees.

Consumer Lending with the exclusion of loan agents, consumer loans, payday loans and massage therapy services accessory to, beauty shops, exercise centers and fitness salons.

- The Commissioners found that these proposed uses satisfy the applicable standard for amendments to the Zoning Code and should be added to the permitted uses list in the C-1 District.

Additions to the Special Uses List

Exercise centers, fitness salons and spas above the first floor and bowling centers

- The Commissioners found that these proposed uses satisfy the applicable standards for amendments to the Zoning Code and should be added to the special uses list in the C-1 District.

Deletions from the Special Uses List

Yoga Instruction and Firearms and Ammunition

- The Commissioners found that these proposed uses satisfy the applicable standards for amendments to the Zoning Code and should be deleted from the special uses list in the C-1 District.

A motion was made by Commissioner Kardatzke and seconded by Commissioner Reich that the Plan Commission recommend to the Board of Trustees approval of the text amendments to Sections 5-102 and 5-105 of the Zoning Code, Permitted Uses and Special Uses in the C-1 Central Commercial District as presented by Staff with the exception of photography studios and beer and wine stores, which the Plan Commission recommends be brought back to the Commission at a later date for further consideration.

5-A.11

Motion carried by a roll call vote:

AYE: Kardatzke, Nowak, Paice, Reich, Weyrauch, Williams and Chairman Randolph.

NAY: None.

ABSENT: None.

BE IT THEREFORE RESOLVED that the Plan Commission recommends to the Board of Trustees approval of text amendments to Zoning Code Sections 5-102 and 5-105, Permitted Uses and Special Uses in the C-1 Central Commercial District, as described in Plan Commission Case #192, with the exception of photography studios and beer and wine sales.

Respectfully Submitted,

PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE



Stephen Randolph, Chairman

5-A.12

Angela Mesaros

From: Laura Weyrauch [lweyrauch@ameritech.net]
Sent: Tuesday, July 07, 2009 7:41 AM
To: 'Angela Mesaros'
Cc: 'Patrick Benjamin'
Subject: RE: PC Case #192 - Definition of Use

Angela,

This language reflects what we discussed at the commission meeting last week. I feel that this is only necessary at the C1 district, our "Main Street area."

Thank you for your efforts.

Laura

Laura Weyrauch
312 South Madison Avenue
La Grange, IL 60525
(708) 482-0362 home

-----Original Message-----

From: Angela Mesaros [mailto:amesaros@villageoflagrange.com]
Sent: Thursday, July 02, 2009 10:13 AM
Cc: 'Patrick Benjamin'
Subject: PC Case #192 - Definition of Use

Plan Commissioners:

As we discussed at the public hearing on Monday, staff has set parameters for the retail space that is required for physical fitness facilities.

We propose the follow language for the definition:

"Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront."

Please respond to me with your comments by Monday, July 6th.

Thank you,
Angela

Angela M. Mesaros, AICP
Assistant Director, Community Development Village of La Grange
53 S. La Grange Road
La Grange, IL 60525
708.579.2320
Fax: 708.579.0980

Angela Mesaros

From: Thomas Williams [tmw997@hotmail.com]
Sent: Monday, July 06, 2009 9:00 PM
To: amesaros@villageoflagrange.com
Cc: pbenjamin@villageoflagrange.com
Subject: RE: PC Case #192 - Definition of Use

Angela,

I apologize for the late response. The below new text sounds great and works for me. I was in Boston for the last week and unfortunately could not get to my hotmail account.

Thanks,

Tom

> From: amesaros@villageoflagrange.com
> CC: pbenjamin@villageoflagrange.com
> Subject: PC Case #192 - Definition of Use
> Date: Thu, 2 Jul 2009 10:12:49 -0500
>
> Plan Commissioners:
>
> As we discussed at the public hearing on Monday, staff has set parameters
> for the retail space that is required for physical fitness facilities.
>
> We propose the follow language for the definition:
>
> "Personal physical fitness training and supervised exercise facilities in
> conjunction with retail sales (NAICS 713940), subject to the following
> conditions: (a) the use may not exceed 3,500 square feet of gross floor
> area on the first floor, (b) the use is permitted only in a storefront space
> that does not exceed 30 feet in width at the front lot line, (c) the full
> width of the use at the storefront must be devoted exclusively to retail
> sales, and (d) the retail sales area of the use must have an average depth
> of not less than 25 feet measured from the storefront."
>
> Please respond to me with your comments by Monday, July 6th.
>
> Thank you,
> Angela
>
> Angela M. Mesaros, AICP
> Assistant Director, Community Development
> Village of La Grange
> 53 S. La Grange Road
> La Grange, IL 60525
> 708.579.2320
> Fax: 708.579.0980
>

5 A.14

7/7/2009

Angela Mesaros

From: Kardatzke, Wayne [wkardatzke@wideopenwest.com]
Sent: Monday, July 06, 2009 8:26 AM
To: Angela Mesaros
Cc: Patrick Benjamin
Subject: RE: PC Case #192 - Definition of Use

Sounds good to me.

Wayne Kardatzke
Video Engineer
wkardatzke@wideopenwest.com
630-536-3154 Desk
630-803-5228 Cell

"Luck is where preparation meets opportunity."

-----Original Message-----

From: Angela Mesaros [mailto:amesaros@villageoflagrange.com]
Sent: Thursday, July 02, 2009 10:13 AM
Cc: 'Patrick Benjamin'
Subject: PC Case #192 - Definition of Use

Plan Commissioners:

As we discussed at the public hearing on Monday, staff has set parameters for the retail space that is required for physical fitness facilities.

We propose the follow language for the definition:

"Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront."

Please respond to me with your comments by Monday, July 6th.

Thank you,
Angela

Angela M. Mesaros, AICP
Assistant Director, Community Development Village of La Grange
53 S. La Grange Road
La Grange, IL 60525
708.579.2320
Fax: 708.579.0980

5-A, 15

Angela Mesaros

From: Stephen Randolph [stephenrandolph@srandolphassociates.com]
Sent: Monday, July 06, 2009 7:56 AM
To: Angela Mesaros
Subject: RE: PC Case #192 - Definition of Use

I concur with your draft.

Steve Randolph

-----Original Message-----

From: Angela Mesaros [mailto:amesaros@villageoflagrange.com]
Sent: Thursday, July 02, 2009 10:13 AM
Cc: 'Patrick Benjamin'
Subject: PC Case #192 - Definition of Use

Plan Commissioners:

As we discussed at the public hearing on Monday, staff has set parameters for the retail space that is required for physical fitness facilities.

We propose the follow language for the definition:

"Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront."

Please respond to me with your comments by Monday, July 6th.

Thank you,
Angela

Angela M. Mesaros, AICP
Assistant Director, Community Development Village of La Grange
53 S. La Grange Road
La Grange, IL 60525
708.579.2320
Fax: 708.579.0980

5-17-16

Angela Mesaros

From: Greg Paice [gregorypaice@gmail.com]
Sent: Monday, July 06, 2009 12:06 AM
To: Angela Mesaros
Subject: Re: PC Case #192 - Definition of Use

Angela,

The parameters as described are fine.

Thanks,

Greg

On Thu, Jul 2, 2009 at 10:12 AM, Angela Mesaros <amesaros@villageoflagrange.com> wrote:
Plan Commissioners:

As we discussed at the public hearing on Monday, staff has set parameters for the retail space that is required for physical fitness facilities.

We propose the follow language for the definition:

"Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront."

Please respond to me with your comments by Monday, July 6th.

Thank you,
Angela

Angela M. Mesaros, AICP
Assistant Director, Community Development
Village of La Grange
53 S. La Grange Road
La Grange, IL 60525
708.579.2320
Fax: 708.579.0980

5-17-17

Angela Mesaros

From: Jerry Reich [jreich@cdc-usa.com]
Sent: Thursday, July 02, 2009 10:15 AM
To: Angela Mesaros
Subject: RE: PC Case #192 - Definition of Use

Works for me

-----Original Message-----

From: Angela Mesaros [mailto:amesaros@villageoflagrange.com]
Sent: Thursday, July 02, 2009 10:13 AM
Cc: 'Patrick Benjamin'
Subject: PC Case #192 - Definition of Use

Plan Commissioners:

As we discussed at the public hearing on Monday, staff has set parameters for the retail space that is required for physical fitness facilities.

We propose the follow language for the definition:

"Personal physical fitness training and supervised exercise facilities in conjunction with retail sales (NAICS 713940), subject to the following conditions: (a) the use may not exceed 3,500 square feet of gross floor area on the first floor, (b) the use is permitted only in a storefront space that does not exceed 30 feet in width at the front lot line, (c) the full width of the use at the storefront must be devoted exclusively to retail sales, and (d) the retail sales area of the use must have an average depth of not less than 25 feet measured from the storefront."

Please respond to me with your comments by Monday, July 6th.

Thank you,
Angela

Angela M. Mesaros, AICP
Assistant Director, Community Development Village of La Grange
53 S. La Grange Road
La Grange, IL 60525
708.579.2320
Fax: 708.579.0980

5-17-18

PC Case #192

TO: Plan Commission

FROM: Patrick D. Benjamin, Community Development Director
Angela Mesaros, AICP, Assistant Community Development Director
Mark Burkland, Village Attorney

DATE: June 29, 2009

RE: ZONING CODE AMENDMENTS – C-1 Central Commercial District, Changes to Permitted and Special Use Lists

I. BACKGROUND

The Village's Zoning Code was comprehensively amended in 1991. Since that time the Zoning Code has been amended many times in mostly small ways. Most recently, certain bulk, yard, and space regulations in the single family residential districts were revised in October 2007.

Since 1991, the lists of permitted and special uses for the various zoning districts have been amended from time to time for particular reasons, but the lists have not undergone comprehensive review. It is useful and appropriate to review use lists from time to time. Over time, the character and demographics of a community change, and so does the character of a particular district. Further, some existing uses evolve in character and new uses come into being as well.

When that happens, not all of the uses that previously have been authorized in a zoning district necessarily continue to best serve the intent and purposes of that district. And uses that have not previously been listed ought to be considered because they may enhance a zoning district.

The Staff has been planning to undertake review of the uses lists in the Zoning Code after completion of the residential component of the current phased review of the Zoning Code. The recent news that a pawnshop owner seeks to locate a store within the C-1 Central Commercial District has served as a reminder that the permitted and special use lists in the C-1 District need review to determine whether the currently authorized uses best serve the intent and purposes of that district and the general welfare of the Village as a whole.

The Staff, with the assistance of Village Attorney Mark Burkland, has reviewed the C-1 District permitted use list (ZC §5-102) and special use list

5-A-19

(ZC §5-105) and makes the recommendations listed in Part III of this memorandum.

II. THE SIC MANUAL CODE NUMBERS

Uses lists in the Zoning Code are designated according to the Standard Industrial Classification ("SIC") Manual. The SIC Manual classifies uses by type of activity. It codes those activities in broad categories called "divisions," then subdivides the activities into "major groups," and then further into categories called "industries" and subcategories.

Each major group has a two-digit code number. For example, Major Group 57 is called *Home Furniture, Furnishings, and Equipment Stores*. Each industry within Major Group 57 adds a digit to the code number 57. For example, the third-listed industry within Major Group 57 is called *Radio, Television, Consumer Electronics, and Music Stores* and has the code number 573. Subcategories under Industry 573 add one last digit to the code number. For example, the subcategory *Computer and Computer Software Stores* has the code number 5734.

We use the code numbers from the SIC Manual for most uses in our Zoning Code. They are shown in parentheses next to the uses. This approach has the very important advantage of being very specific about what uses are allowed. Any use that is not specifically listed is prohibited.

When our Zoning Code includes a use with a three-digit code number, then all of the uses in the SIC Manual under that three-digit number are allowed. For example, the permitted use list in the C-1 District includes *C16. Radio, Television, Consumer Electronics, and Music Stores (573)*. This means that all the uses in the SIC Manual under code number 573 are permitted, including *Consumer Electronic Stores (5731)*, *Computer Stores (5734)*, and *Sheet Music Stores (5736)*, among others.

Notably, in some cases, the Zoning Code lists a broad category, but then excludes some of the specific uses listed within that category because they are not in character with the district. For example, the C-1 District permitted use list includes *E3 Laundry, Cleaning, and Garment Services (721)*, but then excludes two of the uses within that category—*dry-cleaning plants (7216)* and *industrial launderers (7218)*.

5-A-20

III. PROPOSED AMENDMENTS

A. Permitted Use List (ZC §5-102)

The Staff has reviewed all of the permitted uses in the C-1 District and recommends the following changes to the currently authorized uses:

Deletions from the Permitted Use List

- *Used building materials stores (5932)*. This use falls within the *Used Merchandise (593)* industry. The Staff thinks that allowing a store that specializes in used building materials could lead to “junk” shops that sell large scraps of materials. Such a use would not be consistent with the character of the Village’s core retail district.
- *Pawnshops (5932)* - This use also falls within the *Used Merchandise (593)* industry. The principal focus of a pawnshop is the pawn transaction—that is, a short-term, high-interest loan. The retail component of a pawnshop is relegated to miscellaneous, used personal items that not are redeemed. For this reason, the Staff thinks pawnshops do not support the character of the Village’s core retail district.
- *Retail ice dealers (5999)*. This use falls within the *Miscellaneous Retail Stores (5999)* category. It is antiquated and no longer relevant in the Village.
- *Monuments (retail) (5999)*. This use also falls within the *Miscellaneous Retail Stores (5999)* category. Because the Zoning Code already prohibits sales of tombstones and gravestones, the Staff thinks monuments also should be prohibited. Sales of tombstones, gravestones, and monuments are not consistent with the pedestrian-oriented scale of the Village’s core retail district.
- *Swimming pools (not installed, retail) (5999)*. This use also falls within the *Miscellaneous Retail Stores (5999)* category. The Staff feels that the large store that would be required to support sale of swimming pools is not consistent with the pedestrian-oriented scale of the Village’s core retail district.

5-A, 21

Additions to the Permitted Use List

- *Photography Studios* (allow on the first floor). This use currently is permitted within the C-1 District, but not on the first floor in the core retail district. The Staff has had requests to include this use on the first floor. In addition, this is a retail sales tax generating use that would be compatible with the Village's core retail district.
- *Wine and Beer Stores in conjunction with retail sale of food (5921)*. The Village currently has retail establishments that sell wine and food in the core retail district. This new use would acknowledge the appropriateness of those uses.
- *Consumer Lending (NAICS 522291), but not including loan agents, consumer loans, or payday loans* (allow only above the first floor). This category is currently permitted. This revision to the permitted use list would narrow the category by excluding specific uses, including payday loans and personal loan agents and companies. In this case, the Staff is recommending reference to the North American Industrial Classification System ("NAICS") Manual, because that manual is more specific, and thus more protective of the Village, in this particular use category.
- *Personal physical fitness training/supervised exercise facilities with related retail sales, but not greater 3,500 square feet in area (NAICS 713940)*. The Staff currently has an application for a small workout facility called the *Dailey Method*, which is not currently permitted within the C-1 District. The proposed use would combine personal training with non-impact fitness classes and would require a visible retail component—being high-end women's workout apparel in the case of the *Dailey Method*.

The Staff recommends the imposition of a maximum space limitation on these facilities because, while a small, supervised exercise facility would add value to the Village's core retail district, a sprawling health club on the first floor in the core district would not be so valuable and potentially could create traffic congestion and parking issues.

If the Plan Commission determines that a larger health club facility above the first floor would be appropriate in the C-1 District, then the Staff recommends adding those facilities as a special use, as shown below under Additions to the Special Use list.

5-A-22

- *Massage Therapy Services (7299)*, but only accessory to *Beauty Shops, Exercise Centers, Fitness Salons, and Spas*. This category would not include free-standing massage parlors but would allow massage services when located within other fitness or beauty facilities. State law requires that massage specialists be licensed.

B. Special Use List (ZC §5-105)

The Staff has reviewed all of the special uses in the C-1 District and recommends the following changes to the currently authorized uses:

Additions to the Special Use List

- *Exercise Centers, Fitness Salons, and Spas (NAICS 713940)* (allow only above the first floor). As stated above, the Plan Commission could recommend that general exercise facilities be authorized above the first floor in the C-1 District, but only as a special use because of the potential traffic and parking impacts that a larger facility might create.
- *Bowling Centers (7933)*. This is consistent with the recommendation in the Comprehensive Plan to encourage entertainment downtown. The Staff recommends that this use be added as a special use because of the potential traffic and parking impacts of a large entertainment use.

Deletions from the Special Use List

- *Yoga Instruction (7999)*. If the Village adds small fitness facilities as a permitted use as recommended above by the Staff, then this use would no longer be required on the special use list.
- *Firearms and Ammunition – retail (5941)*. The Staff thinks that this use is no longer appropriate in the C-1 District (or anywhere else in the Village).

IV. STANDARDS FOR GENERALLY APPLICABLE AMENDMENTS

As set forth in Section 14-605 of the Zoning Code, the standards applicable to an amendment of general applicability (rather than a specific parcel of property) are as follows:

5-A.23

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

Among the purposes of the Zoning Code as stated in Section 1-102 are (a) to protect and enhance the taxable value of land and buildings and (b) to protect the public health, safety, and morals, and the general welfare of the Village.

The Staff believes the changes it is recommending are consistent with the intent and purposes of the Zoning Code as well as of the C-1 District.

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

As stated in Section 5-101 of the Zoning Code, the C-1 District is intended to provide for the development and maintenance of a concentrated, pedestrian-oriented commercial shopping center, with special protection of the core of that district as a retail environment at street level.

The Staff believes the changes it is recommending will cause the use lists in the C-1 District to better serve the intent and purposes of that district, thereby protecting and promoting the essential retail character of the Village's core retail center.

V. RECOMMENDATION

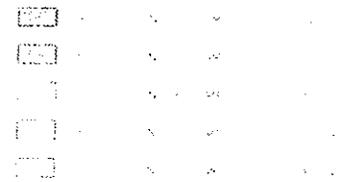
Therefore, the Staff recommends that the Plan Commission consider amending Zoning Code §5-102 (the C-1 District permitted use list) and Zoning Code §5-105 (the C-1 District special use list) by adding and deleting uses as stated in Part III of this memorandum.

5-A-24

ZONING MAP

LEGEND

SINGLE FAMILY RESIDENTIAL DISTRICTS



MULTIPLE FAMILY RESIDENTIAL DISTRICTS



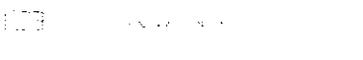
COMMERCIAL DISTRICTS



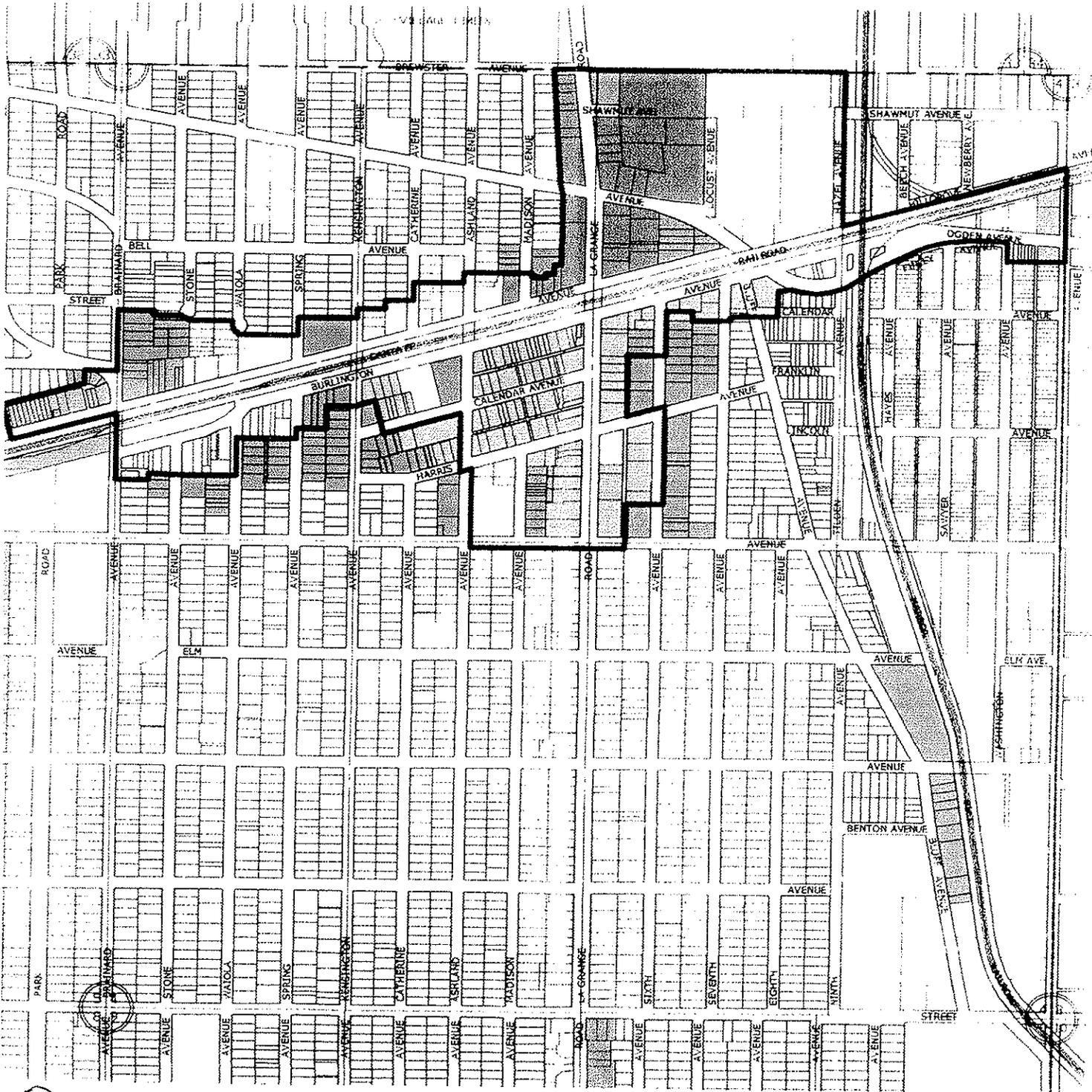
INDUSTRIAL DISTRICTS



OFFICE DISTRICTS



SPECIAL DISTRICTS



5-19-92

ARTICLE V

COMMERCIAL DISTRICTS

5-101 PURPOSES

Four zoning districts are provided for commercial uses. When taken together, these districts are intended to permit development of property for the full range of commercial uses needed to serve the citizens of La Grange and surrounding areas in a suburban setting.

Specifically, the C-1 Central Commercial District is intended to provide for the development and maintenance of a concentrated, pedestrian-oriented commercial shopping center, with special provisions protecting, in the core of that district, the retail environment at street level.

The C-2 Limited Service Commercial District is intended to provide areas in the Burlington-Hillgrove commercial corridor for existing commercial uses. This district is designed to encourage both the retention of existing businesses and the redevelopment of new uses compatible with nearby residential uses.

The C-3 General Service Commercial District is intended to provide areas for the development of service, commercial, and retail uses requiring direct vehicular access.

The C-4 Convenience Commercial District is intended to serve the day-to-day shopping and consumer service needs of the local low-density residential neighborhoods of the Village.

5-102 PERMITTED USES

The following uses and no others are permitted as of right in the Commercial Districts indicated in the following table. 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.

5-A-26

SIC codes are given in parentheses following each use listing, when available. No Adult Uses shall be allowed in any Commercial District.

	C-1	C-2	C-3	C-4
<u>A. Construction, Special Trade Contractors</u>				
1. Plumbing, Heating, and Air-Conditioning Contractors and Showrooms (171)	-	P	P	P
2. Painting & Paper Hanging Contractors & Showrooms (172)	-	P	P	P
3. Electrical Work Contractors (173), but not highway lighting and electrical signal construction	-	P	P	P
4. Terrazzo, Tile, Marble, and Mosaic Work Contractors (1743)	-	P	P	P
5. Carpentry and Floor Work Contractors (175)	-	-	P	-
6. Roofing, Siding, and Sheet Metal Work Contractors (176)	-	-	P	-
7. Glass and Glazing Work Contractors and Showrooms (1793)	-	P	P	P
8. Special Trade Contractors not elsewhere classified (1799)	-	-	P	-
<u>B. Printing, Publishing, and Allied Industries</u>				
1. Commercial Printing (275)	P	-	P	-
<u>C. Retail Trade</u>				
1. Stationery and Office Supply Stores (5112)	P	P	P	-
2. Lumber and Other Building Materials Dealers (521) when conducted wholly within a building	-	P	P	-

5-A-27

	C-1	C-2	C-3	C-4
3. Paint, Glass, and Wallpaper Stores (523)	P	P	P	P
4. Hardware Stores (525)	P	P	P	P
5. Retail Nurseries, Lawn, and Garden Supply Stores (526)	-	P	P	-
6. Department Stores (531)	P	P	P	P
7. Variety Stores (533)	P	P	P	P
8. Miscellaneous General Merchandise Stores (539)	P	P	P	P
9. Food Stores (54)	P	P	P	P
10. New and Used Motor Vehicle Dealers (551)	-	P	P	-
11. Retail Auto and Home Supply Stores (553), but not including service bays	P	P	P	P
12. Boat Dealers (555)	-	-	P	-
13. Apparel and Accessory Stores (56)	P	P	P	P
14. Home Furniture and Home Furnishings Stores (571)	P	P	P	-
15. Household Appliance Stores (572)	P	P	P	P
16. Radio, Television, Consumer Electronics, and Music Stores (573)	P	P	P	P
17. Eating Places (5812), including carry-out but not including drive-in establishments	P	P	P	P
18. Drinking Places (5813) accessory to eating places	P	P	P	P

	C-1	C-2	C-3	C-4
19. Drug Stores and Proprietary Stores (591)	P	P	P	P
20. Used Merchandise Stores (593)	P	P	P	P
21. Sporting Good Stores and Bicycle Shops (5941), but not including the retail sale of firearms and ammunition	P	P	P	P
22. Book Stores (5942)	P	P	P	P
23. Stationery Stores (5943)	P	P	P	P
24. Jewelry Stores (5944)	P	P	P	P
25. Hobby, Toy, and Game Shops (5945)	P	P	P	P
26. Camera and Photographic Supply Stores (5946)	P	P	P	P
27. Gift, Novelty, and Souvenir Shops (5947)	P	P	P	P
28. Luggage and Leather Goods Stores (5948)	P	P	P	P
29. Sewing, Needlework, and Piece Goods Stores (5949)	P	P	P	P
30. Florists (5992)	P	P	P	P
31. Tobacco Stores and Stands (5993)	P	P	P	P
32. News Dealers and Newsstands (5994)	P	P	P	P
33. Optical Goods Stores (5995)	P	P	P	P
34. Furrier Shops (including the storage and conditioning of furs when conducted as an incidental part of the principal use)	P	P	P	P

	C-1	C-2	C-3	C-4
35. Miscellaneous Retail Stores (5999) but not including auction rooms, firework sales, gravestone sales sales barns, or tombstone sales	P	P	P	P
<u>D. Finance, Insurance, and Real Estate</u>				
1. 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	P	P	P	P
2. Security and Commodity Brokers, Dealers Exchanges, and Services (62)	P	P	P	-
3. Insurance Carriers, Agents, Brokers, and Services (63-64)	P*	P	P	P
4. Real Estate Offices (65)	P*	P	P	P
5. Holding and Other Investment Offices (67)	P*	P	P	-
<u>E. Services</u>				
1. Veterinary Services for Animal Specialties (0742)	-	-	-	P
2. Grooming Services for Pets (0752)	-	-	-	P
3. Laundry, Cleaning, and Garment Services (721), but not including dry-cleaning plants (7216) or industrial launderers (7218)	P	P	P	P
4. Photographic Studios, Portrait (722)	P*	P	P	P
5. Beauty Shops (723)	P	P	P	P
6. Barber Shops (724)	P	P	P	P

5-A.30

	C-1	C-2	C-3	C-4
7. Shoe Repair Shops (725) and Shoeshine Parlors when accessory to such shops	P	P	P	P
8. Tax Return Preparation Services (7291)	P*	P	P	-
9. Advertising Services (731)	P*	P	P	-
10. Mailing, Reproduction, Commercial Art and Photography, and Stenographic Services (733)	P*	P	P	-
11. Services to Dwellings and Other Buildings (734)	P*	P	P	-
12. Employment Agencies (7361)	P*	P	P	P
13. Computer Programming, Data Processing, and Other Computer Related Services (737)	P*	P	P	P
14. Interior Decorating (with retail inventory on display) (7389)	P	P	P	P
15. Electrical Repair Shops (762), but not including refrigeration and air-conditioning service and repair shops (7632)	-	P	P	P
16. Watch, Clock, and Jewelry Repair (763)	P	P	P	P
17. Reupholstery and Furniture Repair (764)	-	P	P	P
18. Video Tape Rental and Sales (784)	P	P	P	P
19. Offices and Clinics of Doctors of Medicine, Dentists, Osteopaths, Chiropractors, Optometrists, Podiatrists, and Other Health Practitioners (801-804)	P*	P	P	P
20. Legal Services (81)	P*	P	P	P

	C-1	C-2	C-3	C-4
21. Engineering, Architectural, and Surveying Services (871)	P*	P	P	-
22. Accounting, Auditing, and Bookkeeping Services (872)	P*	P	P	P
23. Management and Public Relations Services (874)	P*	P	P	-
24. Miscellaneous Services not elsewhere classified (89)	P*	P	P	-
<u>F. Transportation and Utility Services</u>				
1. Office of Local and Suburban Transit and Interurban Highway Passenger Transportation Companies (41), but not including terminals, stations, vehicle yards, or garages	P*	-	-	-
2. Travel Agencies (4724)	P*	P	P	P
3. Tour Operators (4725)	P*	P	P	-
4. Airline, Bus, and Railroad Ticket Offices (4729)	P*	P	P	-
5. Offices of Communications and Utility Companies (48-49)	P*	P	P	-
<u>G. Multiple Family Dwellings, but not on the first floor of any structure in the C-1 District</u>	P	P	P	-
<u>H. Personal Wireless Services Antennas and Related Electronic Equipment and Equipment Structures, but not on the first floor of any structure and only when the antenna and any necessary antenna support structure are fully enclosed in a structure otherwise permitted on the zoning lot, and such antenna, support structure, and equipment fully comply with all standards and requirements applicable thereto including without limitation the standards set forth in Section 9-106 of this Code:</u>	P	-	-	-

* This use shall not be permitted on the first floor of any structure in that portion of the C-1 Central Business District bounded by Burlington Avenue, 6th Street, Cossitt Avenue, and Ashland Avenue.

5-103 ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in all Commercial Districts subject to the provisions of Section 9-101 of this Code.

5-104 TEMPORARY USES

Temporary uses are permitted in all Commercial Districts subject to the provisions of Section 9-103 of this Code.

5-105 SPECIAL USES

Except as specifically limited in the following table, the uses listed in the following table may be permitted in the Commercial Districts indicated 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. No Adult Uses shall be allowed in any Commercial District.

	C-1	C-2	C-3	C-4
<u>A. Retail Trade</u>				
1. Retail Nurseries, Lawn, and Garden Supply Stores (526)	-	-	S	S
2. Auto and Home Supply Stores (553), with service bays	-	-	S	-
3. Gasoline Service Stations (554)	-	S	S	S

5-A-33

	C-1	C-2	C-3	C-4
4. Live Entertainment accessory to permitted eating places, subject to the use limitations established in Subsection 5-109E of this Code (See also Paragraph 9-103C13.1 of this Code regarding a temporary use permit authorizing occasional live entertainment.)	S	S	S	-
5. Outdoor Seating accessory to permitted eating places	S	S	S	S
6. Drive-in Eating Places (5812)	-	-	S	S
7. Firearms and Ammunition - retail (5941)	S	-	-	-
8. Microbreweries accessory to an eating place	S	S	S	-
9. Drive-in facility in the C-3 District accessory to a use authorized in the C-3 District by Section 5-102C of this Code	-	-	S	-
<u>B. Finance, Insurance, and Real Estate</u>				
1. Drive-in Depository and Nondepository Credit Institutions (60-61)	S	S	-	S
2. Automatic Teller Machines when not attached to the principal structure on the lot	S	S	S	-
<u>C. Services</u>				
1. Grooming Services for Pets (0752)	-	S	S	-
2. Dry-cleaning Plants, Except Rug Cleaning (7216), but not including drive-in establishments	-	-	S	-

5-1A.34

	C-1	C-2	C-3	C-4
3. Medical and Miscellaneous Equipment Rental and Leasing (7352/7359), except gun or shooting clubs	-	S	S	-
4. Photofinishing Laboratories (7384)	-	S	-	-
5. Automobile Parking Lots (752) when intended to serve primarily the employees, customers, or visitors of an establishment(s) located on the same lot, or within the same block or any block immediately adjacent thereto, where the principal use is located within the municipal boundaries of the Village of La Grange but not tow-in parking lots	S	S	S	S
6. Parking Structures not otherwise permitted (7521)	S	S	S	-
7. Automotive Repair Shops (753), but not including tire retreading (7534)	-	-	S	-
8. Car Washes (7542)	-	-	S	S
9. Processing or Assembly of Electrical, Electronic, Optical Equipment or Components, Scientific and Medical Instruments (76)	-	S	S	-
10. Motion Picture Theaters, except drive-in establishments (7832)	S	-	-	-
11. Dance Studios, Schools, and Halls (7911)	S*	-	-	S
12. Physical Fitness Facilities (7991)	S*	-	-	S
13. Membership Sports and Recreation Clubs, except gun or shooting clubs (7997)	S*	-	-	S

5-A-35

	C-1	C-2	C-3	C-4
14. Yoga Instruction (7999)	S*	-	-	-
15. Optical, Medical, and Dental Laboratories (807)	-	S	S	-
16. Home Health Care Services (808)	-	-	S	-
17. Correspondence, Business, Secretarial, and Vocational Schools (824)	S*	-	-	S
18. Adult Day Care Services (832)	-	-	S	S
19. Child Day Care Services (835)	-	S	S	S
20. Business Associations (861)	S*	-	S	-
21. Professional Membership Organizations (862)	S*	-	S	-
22. Labor Organizations (863)	S*	S	S	-
23. Civic, Social, and Fraternal Associations (864)	S*	S	S	-
24. Political Organizations (865)	S*	S	S	-
25. Membership Organizations not elsewhere classified (869)	S*	S	S	-
26. Research, Development, and Testing Services (873)	-	S	S	-
27. Business and Professional Offices not Otherwise listed	S*	S	S	S
D. <u>Miscellaneous</u>				
1. Planned Developments	S	S	S	S
2. Multiple Family Dwellings	-	-	-	S

	C-1	C-2	C-3	C-4
3. Veterinary and Grooming Services for Pets (0742/0752) not otherwise permitted in the C-4 District	-	-	-	S
4. Assembling (but not manufacturing of Electronic Components and Accessories (367), Surgical, Medical, and Dental Instruments and Supplies (384), Ophthalmic Goods (385), and Photographic Equipment and Supplies (386)	-	S	S	-
5. Landbanking of required parking, subject to Subsection 10-101E of this Code	S	S	S	S

* This use shall not be permitted on the first floor of any structure in that portion of the C-1 Central Business District bounded by Burlington Avenue, 6th Street, Cossitt Avenue and Ashland Avenue.

5-106 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in all Commercial Districts are set forth in Sections 10-101 and 10-102 of this Code.

5-107 SIGN REGULATIONS

Sign regulations applicable in all Commercial Districts are set forth in Article XI of this Code.

5-108 BUFFERS, LANDSCAPING, AND FENCE

Requirements relating to Buffering and landscaping of certain uses and structures and fences in commercial Districts are set forth in Sections 9-104 and 9-105 of this Code.

5-A, 31

5-109 USE LIMITATIONS

- A. Performance Standards. All activities involving the production, processing, cleaning, servicing, testing, or repairing of materials, goods, or products shall conform to the use limitations established for the I-1 Light Industrial District.
- B. Noise. No use shall produce noise of such volume or pitch as to cause a nuisance in any residential district at any time or within any residential dwelling unit located in any district between the hours of 10:00 P.M. and 7:00 A.M.
- C. Exterior Lighting. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in any residential district.
- D. Enclosed Structure. All business, service, storage, and display of goods, other than off-street parking and loading and the sale of motor vehicles fuels and related products when the same are allowed as a special use, shall be conducted within a completely enclosed building.
- E. Live Entertainment. No special use permit for live entertainment shall be granted except in accordance with all of the following conditions and limitations:
1. Conditions and Limitations Applicable to All Uses.
 - (a) Application Requirements. Each application shall describe the nature of the business and its operation, including hours of operation, number of employees, menu items (if applicable), and all other significant characteristics. Each application also shall describe the anticipated impacts of the proposed special use on adjacent property and on the Village and shall provide plans and information regarding the following matters:

- (1) Traffic circulation and parking; and
- (2) Crowd control and security; and
- (3) Sanitation; and
- (4) Noise control.

(b) Time Limitations. No live entertainment shall extend or continue for more than four hours on any single calendar day, or take place between the hours of 12 a.m. and 9 a.m. on any day.

2. Additional Conditions and Limitations Applicable to Eating Places. Each special use permit for live entertainment accessory to a permitted eating place shall be subject to the imposition of conditions by the Board of Trustees governing: the locations at the eating place where performances may be conducted; the number of persons who may perform at one time; the number of performances per week, month, or year; the length of performances; and the hours within which performances may be conducted; the number of occupants at the eating place during times when performances are conducted; the use of amplified sound; the transferability of the special use permit; and the duration of the term of the special use permit.

5-110 BULK, YARD, AND SPACE REQUIREMENTS

The building height, lot, yard, setback, coverage, and floor area ratio requirements applicable in the Commercial Districts are set forth in the following table. Footnote references appear in Subsection F of this Section at the end of the table.

	C-1	C-2	C-3	C-4
A. <u>Maximum Height</u> ^{(1) (2)}				
1. <u>Stories</u> (whichever)	3	3	3	3
2. <u>Feet</u> (is less)	45	45	45	45

5-A-39

	C-1	C-2	C-3	C-4
<u>B. Minimum Lot Area and Dimensions</u> ⁽³⁾				
1. <u>Total Lot Area</u> (square feet)				
(a) Multiple Family Uses (per unit)	2,000	2,000	2,000	1,300
(b) All Other Uses	N/A	N/A	N/A	N/A
2. <u>Lot Width</u> (feet)				
(a) Multiple Family Use	50	100	100	100
(b) All Other Uses	N/A	N/A	N/A	N/A
<u>C. Minimum Yards and Setbacks</u> (feet) ^{(4) (5) (6) (7)}				
1. <u>Front and Corner Side</u>	N/A	N/A	N/A	N/A
2. <u>Interior Side</u> ^{(8) (9)}	N/A	N/A	N/A	N/A
3. <u>Rear</u> ⁽⁹⁾	N/A	N/A	N/A	N/A
<u>D. Maximum Total Building Coverage</u>				
	100%	75%	50%	50%
<u>E. Maximum Floor Area Ratio</u> ⁽¹⁰⁾				
	3.0	2.0	1.5	1.0

F. Exceptions and Explanatory Notes

1. Height Limitation for Accessory Structures. 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. Height Adjustments in Planned Developments. No adjustment pursuant to Section 14-508 of this Code of the maximum allowable height requirement shall increase the maximum allowable height to

5-A-40

more than the greater of five stories or 70 feet in any commercial district.

3. Nonconforming Lots. See Section 12-105 of this Code for lot requirements with respect to nonconforming lots of record.
4. Specified Structures and Uses in Required Setbacks. The following structures and uses, except as limited below, may be located in any required yard:
 - (a) Statuary, arbors, trellises, and ornamental light standards having a height of 10 feet or less; and
 - (b) Awnings, canopies, eaves, and gutters projecting not more than three feet into the required yard; and
 - (c) Bay windows and balconies projecting not more than three feet from an exterior wall for a distance not more than $\frac{1}{3}$ of the length of such wall; provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of $22\frac{1}{2}$ with the wall in question; and
 - (d) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like projecting not more than two feet from an exterior wall; and
 - (e) Outside stairways projecting from an exterior wall not more than three feet and having a height of four feet or less; and
 - (f) Flagpoles; and
 - (g) Terraces; and

5-18-41

- (h) Recreational devices, except in front yards;
and
 - (i) Fences, walls, and hedges, subject to the
limitations of Sections 9-104 and 9-105 of
this Code.
 - (j) Parking areas and lots, except in front yards
and except in the C-1 District.
5. Platted Building Lines. See Subsection 15-101F
of this Code.
6. Special Setbacks - La Grange Road.
Notwithstanding any other provision of this Code
to the contrary, in the area lying between
47th Street and the southerly limits of the
Village, no building or other structure in any
area now or hereafter zoned for any commercial
use shall be erected or maintained, having any
wall or other portion of said building or struc-
ture within 50 feet of the centerline of La
Grange Road; nor shall any such building or
structure be required to be set back further than
50 feet from the centerline of La Grange Road;
nor shall any such building or structure designed
for multiple family dwellings be erected or
maintained having any wall or other portion of
said building or structure within 75 feet of the
centerline of La Grange Road.
7. Certain Yard Dimensions in Commercial Districts.
No yard or setback is required except as provided
in Paragraph F8 below or where the use directly
abuts an R-1, R-2, R-3, R-4, or R-5 District. In
such latter case, a setback shall be provided in
accordance with the requirement of the adjacent
district. For purposes of this Paragraph,
properties separated by a street, alley, or other
right-of-way shall not be considered to be
"directly abutting" properties.

8. Side Yards in Commercial Districts. No side yard is required for commercial uses except as provided in Paragraph F7 above. Multiple family uses shall provide side yards of at least five feet plus two feet for each story over one or as provided in Paragraphs F6 and F7 above, whichever is greater.
9. Side and Rear Yard Regulations for Accessory Structures and Uses. Parking lots and areas wherever located and other detached accessory structures and uses when located within the rear 20 percent of the lot shall not be required to maintain an interior side or rear yard or setback; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than 50 percent of such required yard.
10. Floor Area Ratio Adjustments. No adjustment pursuant to Section 14-508 of this Code of the maximum allowable floor area ratio requirement shall increase the maximum allowable floor area ratio to more than 4.25 in the C-1 District, 3.0 in the C-2 District, and 1.8 in the C-3 District. No increase of the maximum allowable floor area ratio shall be allowed in the C-4 District. No such adjustment shall be recommended or authorized except on the basis of the development's excellence in achieving the purposes of this Code. In determining whether such excellence has been shown, special consideration shall be given to the following factors:
 - (a) The extent to which the developer has consolidated lots to achieve and exceed the minimum lot area required; and

- (b) The extent to which adjacent residential areas are buffered from the effects of the development; and
- (c) The quality and extent of landscaping, including special elements such as water features and public art; and
- (d) The quality of design of vehicular circulation elements and parking facilities; and
- (e) The care taken to maximize energy conservation in site design, building design, and building systems; and
- (f) The quality of roof design and finishes in terms of consistency with adjacent residential uses and the avoidance of flat roofs

5-110.44

APPLICATION FOR AMENDMENTS

Application # 192

Date Filed: 6-4-09

UARCO No.:

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

(please type or print)

Application is hereby made by Village of La Grange

Address: 53 S. La Grange Road Phone No. 708-579-2320

Owner of property located at: N/A

Permanent Real Estate Index No: N/A as set forth by plat of survey attached hereto.

(1) REZONING FROM _____ TO

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

(Indicate Article, Section, etc. where applicable) C-1 District permitted use list (ZC §5-102) and the special use list (ZC §5-105)

Deletions from the Permitted Use List

- Used building materials stores (593)
- Pawnshops (593)
- Ice dealers
- Monuments (retail) (5999)
- Swimming pools (not installed -retail)

Additions to the Permitted Use List

- Photography Studios (allow on first floor)
- Wine and beer stores in conjunction with retail sale of food (5921)
- Consumer Lending (NAICS 522291), but not including loan agents, consumer loans, or payday loans (above the first floor)
- Personal physical fitness training/supervised exercise facilities with related retail sales, but not greater 3,500 square feet in area (NAICS 713940).
- Massage Therapy Services (7299), but only accessory to Beauty Shops, Exercise Centers, Fitness Salons, and Spas

Additions to the Special Use List

- Exercise Centers, Fitness Salons, and Spas (NAICS 713940) (allow only above the first floor).
- Bowling Centers (7933)

Deletions from the Special Use List

- Yoga Instruction (7999)
- Firearms and Ammunition – retail (5941)

5-A-45

(3) PURPOSE of rezoning/amendment:

Since 1991, the lists of permitted and special uses for the various zoning districts have been amended from time to time for particular reasons, but the lists have not undergone comprehensive review. It is useful and appropriate to review uses lists from time to time. Over time, the character and demographics of a community change, and so does the character of a particular district. Further, some existing uses evolve in character and new uses come into being as well.

STANDARDS: The petitioner should state his reasons and submit any pertinent evidence he may have to support the following factors:

1. The consistency of the proposed amendment with the purposes of this Code.

Among the purposes of the Zoning Code as stated in Section 1-102 are (a) to protect and enhance the taxable value of land and buildings and (b) to protect the public health, safety, and morals, and the general welfare of the Village.

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

As stated in Section 5-101 of the Zoning Code, the C-1 District is intended to provide for the development and maintenance of a concentrated, pedestrian-oriented commercial shopping center, with special protection of the core of that district as a retail environment at street level.

3. If a specific parcel of property is the subject of the proposed amendment, then the following factors:

(a) Existing Uses and Zoning. The existing uses and zoning classifications of properties in the vicinity of the subject property.

N/A

(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.

N/A

(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.

N/A

(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

5-1A-46

(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.

N/A

(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.

N/A

(g) Community Need for Proposed Use. The community need for the proposed amendment and the uses and development it would allow.

N/A

* * *

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 of One Thousand Five Hundred and no/100 dollars (\$1,500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is understood the applicant shall reimburse the Village any additional costs over and above these minimums, which are incurred by the Village.

I, the undersigned, do hereby certify that the above statements are true and correct to the best of my knowledge.

(Name) Patrick Benjamin, Community Development Director (Address) Village of La Grange
Angela Mesaros, Assistant Director, Community Development Director 53 S. La Grange Road
Mark Burkland, Village Attorney *Angela Mesaros*

(City) La Grange (State) IL (Zip Code) 60525

SUBSCRIBED AND SWORN TO BEFORE ME THIS

_____ DAY OF _____, 20_____.

NOTARY PUBLIC

PLACE SEAL HERE

5-A-47

(FOR VILLAGE USE ONLY)

1. Filed with Office of the Community Development Director: June 4, 2009.
2. Transmitted to Plan Commission at their meeting held: June 29, 2009
3. Continuation (if any):
4. Notice of hearing published in: Sub Life on: June 10, 2009
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 :

5-A-48

Deletions from Permitted Use List

IES

Major Group 59.—MISCELLANEOUS RETAIL

The Major Group as a Whole

and drinks for
ds selling pre-
ers, and drink-
e not included
erators. Thus,
ajor Group 70;
owned by and
ified in Indus-

This major group includes retail establishments, not elsewhere classified. These establishments fall into the following categories: drug stores, liquor stores, used merchandise stores, miscellaneous shopping goods stores, nonstore retailers, fuel dealers, and miscellaneous retail stores, not elsewhere classified.

Industry
Group
No. Industry
No.

591 DRUG STORES AND PROPRIETARY STORES

5912 Drug Stores and Proprietary Stores

Establishments engaged in the retail sale of prescription drugs, proprietary drugs, and nonprescription medicines, and which may also carry a number of related lines, such as cosmetics, toiletries, tobacco, and novelty merchandise. These stores are included on the basis of their usual trade designation rather than on the stricter interpretation of commodities handled. This industry includes drug stores which also operate a soda fountain or lunch counter.

Apothecaries—retail
Drug stores—retail
Pharmacies—retail

Proprietary (nonprescription medicines)
stores—retail

592 LIQUOR STORES

5921 Liquor Stores

Establishments primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and liquor, for consumption off the premises. Stores selling prepared drinks for consumption on the premises are classified in Industry 5813.

Beer, packaged—retail
Liquor, packaged—retail

Wine, packaged—retail

593 USED MERCHANDISE STORES

5932 Used Merchandise Stores

This industry includes stores primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment. This industry also includes pawnshops. Dealers primarily engaged in selling used motor vehicles, trailers, and boats are classified in Major Group 55, and those selling used mobile homes are classified in Industry 5271. Establishments primarily selling used automobile parts and accessories are classified in Wholesale Trade, Industry 5015, and scrap and waste dealers are classified in Industry 5093. Establishments primarily engaged in automotive repair are classified in Services, Industry Group 753.

Antique stores—retail
Book stores, secondhand—retail
Building materials, used—retail
Clothing stores, secondhand—retail
Furniture stores, secondhand—retail
Furniture, antique—retail

Glassware, antique—retail
Homefurnishing stores, secondhand—
retail
Homefurnishings, antique—retail
Manuscripts, rare—retail
Musical instrument stores, second-

pared food and
industrial and
s industry.

ter) stands

is

out
food
shops

ch shops

he drinks, such
es. The sale of
ps of these es-

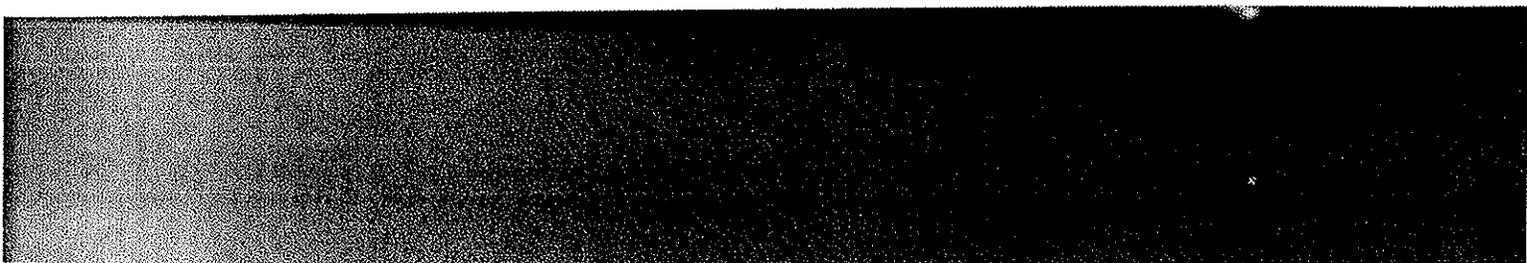
er) beverage
er) beverage

er) (2 places)
er)

5-A-49

Industry Group No.	Industry No.		Industry Group No.	Industry No.
593		USED MERCHANDISE STORES—Con.	594	M
	5932	Used Merchandise Stores—Con.	5944	Je
		hand--retail		
		Objects of art, antique--retail		re
		Pawnshops		ga
		Phonograph and phonograph record stores, secondhand--retail		
		Shoe stores, secondhand--retail		
594		MISCELLANEOUS SHOPPING GOODS STORES		
	5941	Sporting Goods Stores and Bicycle Shops		
		Establishments primarily engaged in the retail sale of sporting goods, sporting equipment, and bicycles, bicycle parts, and accessories. Retail establishments primarily engaged in selling motorized bicycles are classified in Industry 5571, and those engaged in the retail sale of athletic footwear are classified in Industry 5661. Establishments primarily engaged in repairing bicycles are classified in Services, Industry 7699, and those renting bicycles are classified in Industry 7999.	5945	Ho
		Ammunition--retail		
		Backpacking, hiking, and mountaineering equipment--retail		he
		Bait and tackle shops--retail		ar
		Bicycle and bicycle parts dealers, except motorized--retail		cle
		Bowling equipment and supplies--retail		
		Camping equipment--retail		
		Exercise apparatus--retail		
		Firearms--retail		
		Fishing equipment--retail		
		Golf goods and equipment--retail		
		Golf professionals operating retail stores		
		Gymnasium equipment--retail	5946	Ca
		Hunters' equipment--retail		
		Playground equipment--retail		
		Pool and billiards table stores--retail		
		Riding goods and equipment--retail		ot
		Saddlery stores--retail		ga
		Skiing equipment--retail		the
		Skin diving and scuba equipment--retail		
		Sporting goods stores--retail		
		Tennis goods and equipment--retail	5947	Gi
	5942	Book Stores		
		Establishments primarily engaged in the retail sale of new books and magazines. Establishments primarily engaged in the retail sale of used books are classified in Industry 5932.		
		Book stores selling new books and magazines--retail		
		Religious book stores--retail		
	5943	Stationery Stores	5948	Lu
		Establishments primarily engaged in the retail sale of stationery, such as paper and paper products (including printing and engraving), postcards, and paper novelties. These establishments may also sell additional lines of office type supplies, such as accounting and legal forms, blankbooks and forms, and office forms and supplies. Establishments primarily engaged in selling office forms and supplies are classified in Wholesale Trade, Industry 5112. Establishments primarily engaged in the retail sale of greeting cards are classified in Industry 5947.		
		Pen and pencil shops--retail		
		School supplies--retail		
		Stationery stores--retail		
		Writing supplies--retail	5949	Se
	5944	Jewelry Stores		
		Establishments primarily engaged in the retail sale of any combination of the lines of jewelry, such as diamonds and other precious stones mounted in precious metals as rings, bracelets, and broaches; sterling and plated silverware; and watches and clocks. Stores primarily engaged in watch and jewelry		

5-A-50



ACES

Major Group 59.—MISCELLANEOUS RETAIL

The Major Group as a Whole

is and drinks for stands selling pre-mixed drinks, and drink-ers are not included as operators. Thus, Major Group 70; stands owned by and classified in Indus-

prepared food and and industrial and this industry.

stands (kiosk) stands stands

ers

stands

carry-out fast food stores or shops

stands sandwich shops

inner

alcoholic drinks, such as. The sale of receipts of these es-

ages, alcoholic beverage stores, alcoholic beverages

drinking places) drinking places) drinking places)

This major group includes retail establishments, not elsewhere classified. These establishments fall into the following categories: drug stores, liquor stores, used merchandise stores, miscellaneous shopping goods stores, nonstore retailers, fuel dealers, and miscellaneous retail stores, not elsewhere classified.

Industry Group No. Industry No.

591 DRUG STORES AND PROPRIETARY STORES

5912 Drug Stores and Proprietary Stores

Establishments engaged in the retail sale of prescription drugs, proprietary drugs, and nonprescription medicines, and which may also carry a number of related lines, such as cosmetics, toiletries, tobacco, and novelty merchandise. These stores are included on the basis of their usual trade designation rather than on the stricter interpretation of commodities handled. This industry includes drug stores which also operate a soda fountain or lunch counter.

Apothecaries--retail Drug stores--retail Pharmacies--retail

Proprietary (nonprescription medicines) stores--retail

592

LIQUOR STORES

with retail food component

5921 Liquor Stores

Establishments primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and liquor, for consumption off the premises. Stores selling prepared drinks for consumption on the premises are classified in Industry 5813.

Beer, packaged--retail Liquor, packaged--retail

Wine, packaged--retail

593

USED MERCHANDISE STORES

5932 Used Merchandise Stores

This industry includes stores primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment. This industry also includes pawnshops. Dealers primarily engaged in selling used motor vehicles, trailers, and boats are classified in Major Group 55, and those selling used mobile homes are classified in Industry 5271. Establishments primarily selling used automobile parts and accessories are classified in Wholesale Trade, Industry 5015, and scrap and waste dealers are classified in Industry 5093. Establishments primarily engaged in automotive repair are classified in Services, Industry Group 753.

Antique stores--retail Book stores, secondhand--retail Building materials, used--retail Clothing stores, secondhand--retail Furniture stores, secondhand--retail Furniture, antique--retail

Glassware, antique--retail Homefurnishing stores, secondhand--retail Homefurnishings, antique--retail Manuscripts, rare--retail Musical instrument stores, second-

5-A-52

Added above the first floor, but not including loan agents,
consumer loans or payday loans

522

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM

- Establishments primarily engaged in providing leases for equipment and other assets without sales financing are classified in Subsector 532, Rental and Leasing Services;
- Establishments primarily engaged in accepting deposits and lending funds from these deposits are classified in Industry Group 5221, Depository Credit Intermediation;
- Establishments primarily engaged in arranging loans for others on a commission or fee basis are classified Industry 52231, Mortgage and Nonmortgage Loan Brokers; and
- Establishments primarily engaged in guaranteeing international trade loans are classified in Industry 52412, Direct Insurance (except Life, Health, and Medical) Carriers.

522291 Consumer Lending^{CAN}

This U.S. industry comprises establishments primarily engaged in making unsecured cash loans to consumers.

Illustrative Examples:

Finance companies (i.e., unsecured cash loans) Personal credit institutions (i.e., unsecured cash loans)
~~Loan companies (i.e., consumer, personal, student, small)~~ Student loans companies

Cross-References. Establishments primarily engaged in—

- Accepting deposits and lending funds from these deposits—are classified in Industry Group 5221, Depository Credit Intermediation; and
- Arranging loans for others on a commission or fee basis—are classified Industry 522310, Mortgage and Nonmortgage Loan Brokers.

522292 Real Estate Credit^{US}

This U.S. industry comprises establishments primarily engaged in lending funds with real estate as collateral.

Illustrative Examples:

Home equity credit lending Mortgage companies
Mortgage banking (i.e., nondepository mortgage lending)

Cross-References. Establishments primarily engaged in—

- Servicing loans—are classified in Industry 522390, Other Activities Related to Credit Intermediation;
- Arranging loans for others on a commission or fee basis—are classified in Industry 522310, Mortgage and Nonmortgage Loan Brokers; and

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

<http://www.ntis.gov/naics>

5-A, 53

Industry Group No.

Industry No.

FUNERAL SERVICE AND CREMATORIES

7261 Funeral Service and Crematories

Establishments primarily engaged in preparing the dead for burial, conducting funerals, and cremating the dead.

Crematories
Funeral directors
Funeral homes or parlors

Morticians
Undertakers

729

MISCELLANEOUS PERSONAL SERVICES

7291 Tax Return Preparation Services

Establishments primarily engaged in providing tax return preparation services without also providing accounting, auditing, or bookkeeping services. Establishments engaged in providing income tax return preparation services which also provide accounting, auditing, or bookkeeping services are classified in Industry 8721.

Income tax return preparation services without accounting, auditing, or bookkeeping services

Tax return preparation services without accounting, auditing, or bookkeeping services

7299 Miscellaneous Personal Services, Not Elsewhere Classified

Establishments primarily engaged in providing personal services, not elsewhere classified. Establishments primarily engaged in operating physical fitness facilities, including health fitness spas and reducing salons, are classified in Major Group 70 if they provide lodging and in Industry 7991 if they do not, and those renting medical equipment are classified in Industry 7352.

Babysitting bureaus
Bartering services for individuals
Birth certificate agencies
Blood pressure testing, coin-operated
Buyers' clubs
Car title and tag service
Checkroom concessions or services
Clothing rental, except industrial laundrers and linen supply
Coin-operated service machine operation: scales, shoeshine, lockers, and blood pressure
College clearinghouses
Comfort station operation
Computer photography or portraits
Consumer buying service
Costume rental
Dating service
Debt counseling or adjustment service to individuals
Depilatory salons
Diet workshops

Dress suit rental
Electrolysis (hair removal)
Escort service
Genealogical investigation service
Hair removal (electrolysis)
Hair weaving or replacement service
Locker rental, except cold storage
Marriage bureaus
- Massage parlors *therapy services*
Porter service
Quilting for individuals
Rest room operation
Scalp treatment service
Shopping service for individuals
- Steam baths
- Tanning salons
- Tattoo parlors
- Turkish baths
- Tuxedo rental
- Valet parking
- Wardrobe service, except theatrical
- Wedding chapels, privately operated



only permitted accessory to beauty shops, exercise centers, fitness salons & spas

5-A,54

SERVICES

Industry Group No.	Industry No.	THEATRICAL PRODUCERS (EXCEPT MOTION PICTURE), BANDS, ORCHESTRAS, AND ENTERTAINERS—Con.
--------------------------	-----------------	---

792		7929 Bands, Orchestras, Actors, and Other Entertainers and Entertainment Groups
-----	--	--

Establishments primarily engaged in providing entertainment other than live theatrical presentations. These establishments include bands, orchestras, and entertainers.

- | | |
|--|--|
| <ul style="list-style-type: none"> Actors Actresses Classical music groups or artists Concert artists Dance bands Drum and bugle corps (drill teams) Entertainers Entertainment groups | <ul style="list-style-type: none"> Jazz music groups or artists Magicians Musicians Orchestras Performing artists Popular music groups or artists Symphony orchestras |
|--|--|

793		BOWLING CENTERS
-----	--	------------------------

7933		Bowling Centers
------	--	------------------------

Establishments known to the public as bowling centers or lanes. Such establishments frequently sell meals and refreshments.

- | | |
|---|---|
| <ul style="list-style-type: none"> Bowling centers Candle pin centers | <ul style="list-style-type: none"> Duck pin centers Ten pin centers |
|---|---|

794		COMMERCIAL SPORTS
-----	--	--------------------------

7941		Professional Sports Clubs and Promoters
------	--	--

Establishments primarily engaged in operating and promoting professional and semiprofessional athletic clubs; promoting athletic events, including amateur; and managing individual professional athletes. Stadiums and athletic fields are included only if the operator is actually engaged in the promotion of athletic events. Establishments primarily engaged in operating stadiums and athletic fields are classified in Real Estate, Industry Group 651. Amateur sports and athletic clubs are classified in Industry Group 799.

- | | |
|--|---|
| <ul style="list-style-type: none"> Arenas, boxing and wrestling (sports promotion): professional Athletic field operation (sports promotion) Baseball clubs, professional or semiprofessional Basketball clubs, professional or semiprofessional Football clubs, professional or semiprofessional Ice hockey clubs, professional or semiprofessional | <ul style="list-style-type: none"> Managers of individual professional athletes Professional or semiprofessional sports clubs Promoters, sports events Soccer clubs, professional or semiprofessional Sports field operation (sports promotion) Sports promotion: baseball, football, boxing, etc. Stadiums (sports promotion) |
|--|---|

7948		Racing, Including Track Operation
------	--	--

Promoters and participants in racing activities, including racetrack operators, operators of racing stables, jockeys, racehorse trainers, and race car owners and operators.

- | | |
|--|--|
| <ul style="list-style-type: none"> Dog racing Dragstrip operation Horses, race: training Horses, racing of Jockeys, horseracing Motorcycle racing Race car drivers and owners | <ul style="list-style-type: none"> Racetrack operation: e.g., horse, dog, auto Racing stables, operation of Speedway operation Stock car racing Training racehorses |
|--|--|

5-A-55

or entertain-
in operating
ing museums,
ajor Group 84.

, schools, and
ged in renting
Estate, Indus-

schools
pt those serving alco-

ag schools

BANDS,

us Theatrical

presentations,
also includes
ancies; booking
d other equip-
this industry
ls and produc-
ed in the pro-
fied in Indus-
producers and
Motion picture
1 Major Group
ters are classi-

al scenery
k companies, theatri-

theatrical
eatrical
theatrical
s, except dinner thea-

ams (including com-

nies
nent rental
g on a contract basis
ction, except motion

agencies
anies



Industry
Group
No.
799

Industry
No.
MISCELLANEOUS AMUSEMENT AND RECREATION SERVICES—Con.
7999 Amusement and Recreation Services, Not Elsewhere Classified—Con.

Picnic grounds operation	Ski rental concessions
Ping pong parlors	Slot-car racetracks
Pool parlors	Sporting goods rental
Racquetball courts, except membership clubs	Sports instructors, professional: golf, skiing, swimming, etc.
Rental of beach chairs and accessories	Sports professionals
Rental of bicycles	Swimming instruction
Rental of golf carts	Swimming pools, except membership
Rental of rowboats and canoes	Tennis clubs, nonmembership
Rental of saddle horses	Tennis courts, outdoor and indoor: operation of, nonmembership
Riding academies and schools	Tennis professionals
Riding stables	Ticket sales offices for sporting events, contract
River rafting, operation of	Tourist attractions, natural wonder: commercial
Rodeo animal rental	Tourist guides
Rodeos, operation of	Trampoline operation
Roller skating rink operation	Trapshooting facilities, except membership clubs
Scenic railroads for amusement	Waterlides, operation of
Schools and camps, sports instructional	Wave pools, operation of
Scuba and skin diving instruction	Wax figure exhibitions
Shooting galleries	Yoga instruction
Shooting ranges, operation of	
Skating instruction, ice or roller	
Skeet shooting facilities, except membership clubs	
Ski instruction	
Ski lifts, cable lifts, and ski tows operated separately from lodges	

- Change from special use
 to permitted use with retail
 component
 - with retail component

5-A.56

Industry
Group
No.Industry
No.

593

USED MERCHANDISE STORES—Con.**5932 Used Merchandise Stores—Con.**hand—retail
Objects of art, antique—retail
PawnshopsPhonograph and phonograph record
stores, secondhand—retail
Shoe stores, secondhand—retail

594

MISCELLANEOUS SHOPPING GOODS STORES**5941 Sporting Goods Stores and Bicycle Shops**

Establishments primarily engaged in the retail sale of sporting goods, sporting equipment, and bicycles, bicycle parts, and accessories. Retail establishments primarily engaged in selling motorized bicycles are classified in Industry 5571, and those engaged in the retail sale of athletic footwear are classified in Industry 5661. Establishments primarily engaged in repairing bicycles are classified in Services, Industry 7699, and those renting bicycles are classified in Industry 7999.

~~Ammunition—retail~~
Backpacking, hiking, and mountaineering equipment—retail
Bait and tackle shops—retail
Bicycle and bicycle parts dealers, except motorized—retail
Bowling equipment and supplies—retail
Camping equipment—retail
Exercise apparatus—retail
~~Firearms—retail~~
Fishing equipment—retail
Golf goods and equipment—retail

Golf professionals operating retail stores
Gymnasium equipment—retail
Hunters' equipment—retail
Playground equipment—retail
Pool and billiards table stores—retail
Riding goods and equipment—retail
Saddlery stores—retail
Skiing equipment—retail
Skin diving and scuba equipment—retail
Sporting goods stores—retail
Tennis goods and equipment—retail

5942 Book Stores

Establishments primarily engaged in the retail sale of new books and magazines. Establishments primarily engaged in the retail sale of used books are classified in Industry 5932.

Book stores selling new books and magazines—retail

Religious book stores—retail

5943 Stationery Stores

Establishments primarily engaged in the retail sale of stationery, such as paper and paper products (including printing and engraving), postcards, and paper novelties. These establishments may also sell additional lines of office type supplies, such as accounting and legal forms, blankbooks and forms, and office forms and supplies. Establishments primarily engaged in selling office forms and supplies are classified in Wholesale Trade, Industry 5112. Establishments primarily engaged in the retail sale of greeting cards are classified in Industry 5947.

Pen and pencil shops—retail
School supplies—retail

Stationery stores—retail
Writing supplies—retail

5944 Jewelry Stores

Establishments primarily engaged in the retail sale of any combination of the lines of jewelry, such as diamonds and other precious stones mounted in precious metals as rings, bracelets, and broaches; sterling and plated silver-

15-A-5

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert J. Pilipizsyn, Village Manager
Patrick Benjamin, Community Development Director

DATE: July 13, 2009

RE: **SPECIAL EVENT - PARK DISTRICT OF LA GRANGE/PUBLIC DISPLAY
OF FIREWORKS AT COMMUNITY FAMILY FEST**

The Park District of La Grange will be celebrating its 80th anniversary of service to the citizens of La Grange this year. To mark the occasion, the Park District would like to enhance its annual Community Family Fest by conducting a public display of fireworks and add the sale of beer and wine. Typically, this event does not require Village involvement. However, the addition of these two items triggers a review and approval by the Village.

Towards that end, attached you will find a letter from Park District Executive Director Dean Bissias dated May 14, 2009 indicating their intent to hold their 8th annual Community Family Fest on Friday, July 31, 2009 from 5:00 p.m. to 10:00 p.m. A separate request was made for the sale of alcohol in a letter date June 11, 2009.

In past years, the Community Family Fest has been held at Denning Park. Because of the fireworks display, the Park District is relocating the event. Originally, the Park District desired to use Sedgwick Park. However, because of Village staff concerns with sufficient fall zone, on-site parking, pedestrian access, and general impact on the surrounding residential neighborhood, the Park District has agreed to relocate the event to Gordon Park, see attached letter dated June 11, 2009.

The Village's authority to regulate fireworks displays found in Section 94.25 of the Village Code is as follows:

"Discharge of Fireworks Prohibited; Exception - The discharge, firing or use of all fireworks is hereby prohibited. However, the President and Board of Trustees may order the public display of fireworks by properly qualified people under the direct supervision of experts in the handling of fireworks. Such display shall be such a character and so located, discharged or fired as in the opinion of the Fire Chief and Chief of Police, shall not be hazardous to surrounding property or endanger any person."

5-13

Accordingly, the Fire Chief and Police Chief have reviewed the request for fireworks and have submitted the following comments:

- Wind direction and speed to be monitored by the Fire Department and the state licensed fireworks display vendor;
- The maximum size of the fireworks mortar shell shall be 3”;
- The designated discharge/display area must be secured from the spectator viewing area with adequate barrier fencing;
- NFPA 1123, governing fireworks displays, shall apply;
- A minimum of six (6) off duty Fire Department personnel manning a fire engine and ambulance will be required on site for safety purpose;
- A temporary barrier is required to surround the fireworks fallout area;
- Police Officers should provide general security inside the park and assist in controlling vehicles and pedestrians arriving and leaving the event. It is estimated that a minimum of six (6) officers will be required for site security, and pedestrian and traffic control.

The Community Family Fest has generally been well-received by the community, attracting 300 to 500 attendees. We anticipate with the added attraction of fireworks, attendance will be increased.

To accommodate the Park District’s request for a public display of fireworks, we can recommend approval with the following conditions:

- That Park District representatives and Mad Bomber Fireworks Productions, an Illinois State Licensed Fireworks Display Vendor, work cooperatively with Village staff to provide for adequate site security measures, pedestrian access and vehicular circulation to and from the event;
- The requirements outlined in the attached memorandums from the Fire and Police Chiefs be adhered to;
- That all overtime costs incurred by the Village of La Grange be reimbursed by the Park District of La Grange;
- The professional fireworks operator and the Park District of La Grange are to provide proof of appropriate liability insurance and name the Village of La Grange as additional insured for this event;

5-13.1

- A Hold Harmless is to be signed by the fireworks display vendor and the Park District of La Grange;
- The fireworks display vendor shall comply with all local, state and federal requirements regarding fireworks displays.

With respect to alcohol, Park District is requesting Village authorization to sell beer and wine at the event between the hours of 5:00 p.m. and 8:30 p.m. in a roped off beer garden so as to contain all drinking to one area and to ensure persons drinking are of the legal age. No alcohol will be allowed outside this area and it is their intention to utilize the wristband method. The Village Liquor Commissioner will separately consider a temporary liquor license for the time period of 5:00 p.m. to 8:30 p.m. pursuant to the restrictions as outlined in the letter dated June 11, 2009 from Dean Bissias, Executive Director.

Mr. Bissias and representatives of Mad Bomber Fireworks Productions will be in attendance at the meeting to answer any questions you may have regarding the request for a public display of fireworks.

5 - B.2



Parks & Recreation ... The Benefits Are Endless!™

June 11, 2009

Dear Mr. Benjamin:

The Park District of La Grange is considering having the Community Family Fest event at Gordon Park instead of Sedgwick Park. The change has been implemented because the safety of the residents and participants attending the event is our number one priority. Gordon Park is much more secluded than Sedgwick, provides more open area, and the traffic is more controllable at that location.

Based on this change, we are asking for approval for fireworks to be conducted at our event at Gordon Park. We would be using 3-inch diameter shells, requiring 210 feet of space for a fall zone. The park provides adequate space to do so. The Northeast corner is ideal to shoot off fireworks, allowing a fall zone that is more than sufficient.

The Park District will work with the police department to provide traffic control and anything the village deems necessary. This will be a great community event for all who attend!

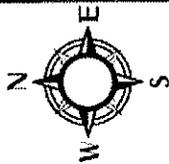
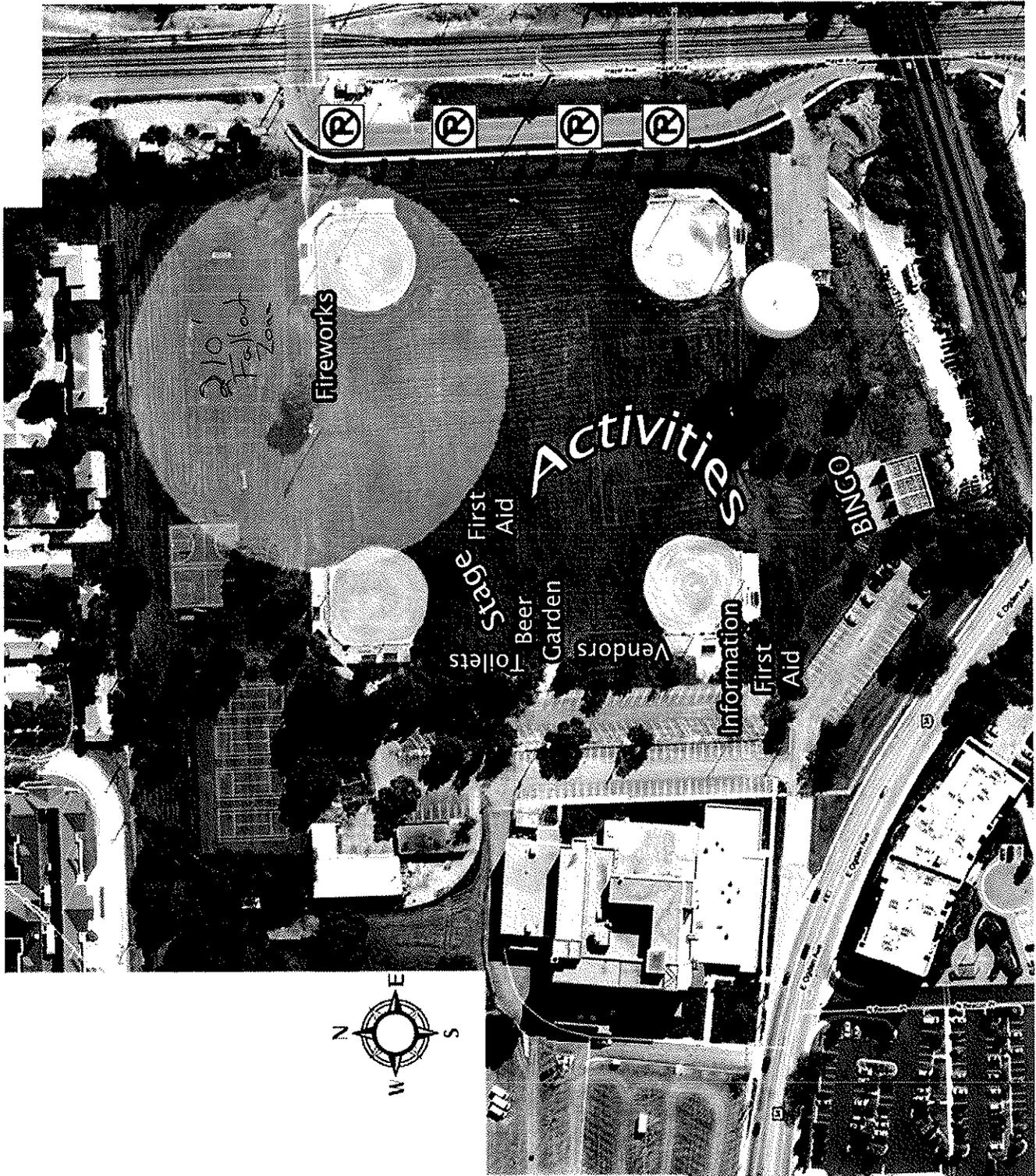
Our objective is to make this an exciting, fun, and safe event for all who attend. We are hoping the Village will support this effort to allow us to provide an outstanding event to the community.

Thank you for your consideration.

Sincerely,


Dean Bissias
Executive Director
Park District of La Grange

5-B.3



5-B.4

VILLAGE OF LA GRANGE Fire Department	
<p>TO: R. Pilipiszyn, Village Manager</p> <p>FROM: Dave Fleege, Fire Chief</p> <p>CC: A. Peterson, Assistant Village Manager; P. Benjamin, Director of Community Development; M. Holub, Police Chief</p> <p>DATE: June 19, 2009</p> <p>RE: Park District of La Grange Revised Fireworks Request for Family Fest at Gordon Park</p>	

I have received a revised request for the Park District of La Grange Family Fest event which will now be held at Gordon Park on July 31, 2009.

The revised, aerial view, site plan of Gordon Park that was submitted indicates a fireworks display / discharge site in the northeast section of Gordon Park. Not having spoken with the Park District or a fireworks display company representative, I am assuming that the aerial drawing submitted indicates the 210' radius that is required by NFPA for the maximum 3" size mortar fireworks shell. Additionally, although not indicated on the aerial site plan, I assume that the designated fallout area is over the discharge/display site and to the east of Gordon Park which is the IHB Railroad and an industrial park. The site plan also designates the desired set-up location of the activities area.

I conducted an on-site survey of Gordon Park:

- There is a number of 1 story, residential duplex units, which are in La Grange Park (shown on the aerial site plan), that back up to the north fence line of Gordon Park. This area, referred to as the "cottages" is immediately east of the Plymouth Place development also in La Grange Park.
- To the east of Gordon Park are Tilden Avenue, Indiana Harbor Belt Railroad and the Shawmut Avenue Industrial Park. Also east of the Park is a cellular tower and high voltage electrical lines.
- To the west are tennis courts, a parking lot and the vacant YMCA building.
- To the south is an open area, Ogden Avenue and the BNSF Railroad.

From the Fire Department perspective we have the following comments in relation the fireworks

5-13-5

display:

1. Wind direction and speed is always a concern and will be monitored by the Fire Department the night of the proposed fireworks display and prior to the display beginning. Given the general area in an around Gordon Park, there isn't any margin for error when considering the designated fallout area. Given the fact that there is not a large open area around Gordon Park, I assume the fireworks display company will be designating the fallout area over the discharge site (as was proposed at Sedgwick Park) and to the east of the Park (given the prevailing west/southwest wind) which is the Industrial Park. The designated fallout area must be away from the Gordon Park viewing area and away from the residential units in La Grange Park, immediately north of Gordon Park.
2. The maximum size of the fireworks mortar shell shall be 3".
3. Securing the designated discharge/display area from the spectator viewing area with adequate barrier fencing to provide the required minimum separation of 210' radius distances shall be required. No spectators shall be allowed within the discharge/display area. Security around this designated area will be critical.
4. Are the mortars going to be buried or racked above ground? If racks are utilized, they must be stabilized adequately.
5. NFPA 1123, governing fireworks displays, shall apply.
6. There should be "No Parking" on both sides of Tilden Avenue from approximately north of the BNSF Railroad to the Shawmut Avenue IHB Railroad crossing, as indicated on the revised aerial view site plan of Gordon Park.
7. A minimum of six (6) off duty Fire Department personnel manning a fire engine and ambulance will be required on site prior to, during and immediately after the fireworks display for safety purposes.
8. The Fire Chief, Police Department, Park District Representative and Fireworks Display Company representative shall meet out at the Gordon Park site prior to the event for planning purposes.

We look forward to working with the Park District of La Grange in making this an enjoyable and safe event. If you have any additional questions, please contact me.

5-13.6

LA GRANGE POLICE DEPARTMENT

Memorandum



To: Robert J. Pilipiszyn, Village Manager

From: Michael A. Holub, Chief of Police

Date: July 1, 2009

Re: GORDON PARK FAMILY FEST RECOMMENDATIONS

Based upon the new location, and the map that was supplied, we reviewed the Gordon Park proposal for the event to be held on July 31, 2009. We are pleased with this sight and feel it is much better suited for the event, especially as it pertains to fireworks.

Here are our observations:

- We would suggest a temporary barrier (such as snow fencing) surround the fireworks fallout area. I know this was mentioned in the previous meeting with the vendor when he proposed the previous location. Hence, I am assuming this has already been addressed.
- Our priority will be focused on pedestrian and vehicle safety on Tilden Avenue (Hazel Avenue) and Shawmut Avenue.
 - Prevent vehicles from stopping to watch fireworks
 - Prevent pedestrians from setting up chairs or blankets to watch fireworks
- Police Officers will be hired back to provide:
 - General security inside the park
 - Traffic control to assist vehicles and pedestrians leaving Family Fest
 - ✓ We propose an Officer posted at Ogden Avenue and ~~Ogden Place~~ *BB Locust Avenue*
 - ✓ We propose an Officer posted at La Grange Rd and Shawmut Avenue
- Partial or full closing of Lot 14 or the parking lot by the water tower should not be necessary

5-13.7

Two 1st



Parks & Recreation ... The Benefits Are Endless!™

May 14, 2009

Mr. Patrick Benjamin
Community Development Director
Village of La Grange
53 S. La Grange Road
La Grange, Illinois 60525

Dear Mr. Benjamin:

The Park District of La Grange is hosting its 8th annual **Community Family Fest** on Friday, July 31st at Sedgwick Park from 5:00pm-10:00pm. Since the Park District celebrated its 80th birthday this April, we have relocated the event from Denning Park to Sedgwick Park hoping to attract more of the community. Approximately 1,000 people will attend this free local event which will consist of a variety of activities such as a disc jockey, games, dueling pianos, face painting/balloon making, petting zoo, pony rides, bingo, inflatable rides, food and entertainment. We have also invited some of our local food vendors including Aurelios, DeVries, and Now Serving to sell hot dogs, pizza and other items.

Our goal is to add fireworks this year if we can raise enough money to do so. We are looking to have Mad Bomber conduct a 15-20 minute fireworks display this year. They have been in business many years and will work with the Village permit process and provide any information necessary. Our plan would be to launch the fireworks on the northwest corner of the east Little League field or the center of the prep field, which is located more in the middle of the park.

Our objective is to make this an exciting, fun, and safe event for all who attend. We are hoping the Village will support this effort to allow us to provide an outstanding event to the community.

Sincerely,

Dean Bissias
Executive Director
Park District of La Grange

5-B.8



June 11, 2009

Parks & Recreation ... The Benefits Are Endless!™

Village President and Liquor Commissioner
Village of La Grange
53 S. La Grange Rd.
PO Box 668
La Grange, IL 60525

Dear President Asperger,

The Park District of La Grange is holding its annual Family Fest on Friday, July 31, 2009 at 5:00pm at **Gordon Park**. In years past, patrons have requested that beer and wine be sold at the event. The Park District is asking permission to meet this request and sell beer and wine between the hours of 5:00pm and 8:30pm at Family Fest this year. We will have a roped off beer garden as to contain all drinking to one area and to ensure persons drinking are of the legal age. No alcohol will be allowed outside this area, and all persons consuming alcohol must have a wristband on, proving they have shown proper identification and are legal to drink.

The Park District of La Grange and the Board have met and discussed ways to make serving beer and wine a positive experience and to eliminate potential problems. We feel it is important to maintain control of the event and prevent public intoxication, and so have opted to have police officer presence at the event, including at all entrances and exits.

Only adults 21 years of age and older will be allowed to purchase and consume beer and wine. All persons who wish to purchase or consume beer or wine will have to show identification at two separate points to purchase alcohol. First they will show identification to obtain a wristband, which will be secured on their wrist by an attendant who is over 21 and a full time staff member or a Commissioner at the Park District of La Grange. After the wristband is put on, a punch ticket good for three drinks (limit is one ticket per person and three drinks total) will be sold to the person. They will again be asked to produce identification when producing a ticket in exchange for wine or beer from a full time member of staff or a Commissioner over 21 years of age. At this time, their hand and ticket will be stamped with a special stamp seen only under a black light, each time they obtain a drink. Absolutely no person with three stamps on their hand or their ticket will be served another drink. No person can obtain two drinks without having the other legal adult, consuming the drink, present to have their identification checked and their hand stamped.

5-13-9

Our Board is set to pass resolutions concerning these matters at our June meeting. Once this is complete, we ask for your permission to carry out these procedures and serve beer and wine at our event. The independent sale of beer and wine will help raise funds for our event, making Family Fest even better for our residents! Thank you for your consideration and support.

Sincerely,



Dean Bissias
Executive Director
Park District of La Grange



Parks & Recreation ... The Benefits Are Endless!™

5-B.10

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

TO: Village President, Board of Trustees, and Village Clerk

FROM: Robert J. Pilipiszyn, Village Manager
Lou Cipparrone, Finance Director

DATE: July 6, 2009

RE: ORDINANCE – SECOND DISTRIBUTION OF SURPLUS TIF FUNDS

President Asperger recently announced the receipt of the \$3.2 million federal grant for the parking structure. Pursuant to Village Board policy on the planned dissolution of the TIF Fund, these funds were used to retire the remaining TIF debt obligation as of July 1, 2009, resulting in interest savings of approximately \$30,000.

In April 2009, the Village Board approved a TIF surplus distribution in the amount of \$1,750,000 in recognition of the fiscal stress being created by current economic conditions affecting local taxing bodies within the TIF District. Acknowledging previous Village Board sentiment on this issue, and that no further expenditures are authorized within the fund, a further analysis of the TIF Fund has determined that additional surplus funds in the amount of \$2.0 million are available for distribution.

Upon formal approval, these funds will be sent to Cook County, which will then distribute the funds to the appropriate taxing agencies based on their pro rata share of the total tax rate. After receiving the surplus funds, the County's distribution process is estimated to take approximately 30-60 days.

A notice will be sent to all effected taxing agencies notifying them of the second surplus distribution.

The declaration of a TIF surplus in the amount of \$2.0 million is estimated to be distributed to local taxing agencies as follows:

<u>Tax Agency</u>	<u>Percentage</u>	<u>Amount</u>
School District 102	38.9%	\$778,000
School District 204	21.9%	438,000
Village of La Grange	12.1%	242,000
Cook County	6.1%	122,000
Park District	5.5%	110,000
La Grange Library	5.4%	108,000
Lyons Township	3.3%	66,000
School District 502	2.7%	54,000
Misc. Tax Agencies	<u>4.1%</u>	<u>82,000</u>
Total Surplus Distribution	<u>100%</u>	<u>\$2,000,000</u>

A third and final distribution of surplus TIF funds will occur after receipt of the second installment of the 2008 property tax levy. This final reconciliation will probably occur in January 2010 and is estimated to be \$1.4 million.

We recommend approval of the attached ordinance declaring a second TIF surplus and distribution in an amount of \$2.0 million.

VILLAGE OF LA GRANGE

ORDINANCE NO. O-09-_____

AN ORDINANCE DECLARING SURPLUS REVENUE
IN THE LA GRANGE DOWNTOWN TIF DISTRICT
SPECIAL TAX ALLOCATION FUND AND AUTHORIZING PAYMENT
OF THAT SURPLUS REVENUE TO THE COOK COUNTY TREASURER
FOR DISTRIBUTION TO AFFECTED TAXING DISTRICTS
ON A PRO RATA BASIS

WHEREAS, the Village of La Grange on May 27, 1986, adopted ordinances creating the La Grange Downtown TIF District, designating a redevelopment project area, and approving a redevelopment plan and redevelopment project; and

WHEREAS, the Village Treasurer has determined and reported that the TIF District's Special Tax Allocation Fund includes a surplus of \$2,000,000 that may be paid to Cook County for distribution to taxing districts in the redevelopment project area in accordance with the provisions of the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, (the "TIF Act"); and

WHEREAS, the President and Board of Trustees of the Village of La Grange hereby find and determine that it is appropriate to declare a surplus in the amount of \$2,000,000 and to cause that surplus to be distributed to the taxing districts as provided in the TIF Act;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated to this Ordinance as the findings of the President and Board of Trustees.

Section 2. Declaration of Surplus. The President and Board of Trustees, pursuant to Sections 7 and 9 of the TIF Act and other applicable authority, hereby declare a surplus of funds in the Downtown TIF District Special Tax Allocation Fund of the amount of \$2,000,000 to be distributed to taxing districts in the redevelopment project area.

Section 3. Authorization to Pay Funds, File Ordinance. The Village Comptroller is hereby authorized and directed to pay funds from the La Grange Downtown TIF District Special Tax Allocation Fund in the amount of \$2,000,000 to the Cook County Treasurer for distribution to the taxing districts in the redevelopment project area in accordance with the provisions of the TIF Act. The Village Comptroller also is authorized and directed to file a certified copy of this Ordinance with the Cook County Treasurer.

5-c.2

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this _____ day of July 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of July 2009

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

5-C.3