

# Village of La Grange



## VILLAGE BOARD MEETING

MONDAY, JULY 11, 2011

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger  
Village President

Thomas Morsch  
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 11, 2011 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

*Trustee Holder  
Trustee Horvath  
Trustee Kuchler  
Trustee Langan  
Trustee Nowak  
Trustee Palermo  
President Asperger*

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. Ordinance – Disposal of Surplus Property
- B. Resolution – Intergovernmental Agreement – Illinois Telecommunicator Emergency Response Taskforce (IL-TERT)
- C. Award of Contract – 2011 50/50 Sidewalk Replacement Program
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, June 13, 2011
- E. Consolidated Voucher 110627
- F. Consolidated Voucher 110711

5. CURRENT BUSINESS

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

A. Ordinance - Special Use / Site Plan Approval & Design Review to Allow Outdoor Seating / “Q-BBQ” in the C-1 Central Commercial District, 70 S. La Grange Road: *Referred to Trustee Langan*

B. Special Event – La Grange Business Association “West End Art Festival” and “An Evening of Art & Jazz”: *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

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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  
Police Department

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager and  
Michael A. Holub, Chief of Police

DATE: July 11, 2011

RE: **ORDINANCE-DISPOSAL OF SURPLUS PROPERTY**

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The Police Department routinely becomes the custodian of a wide variety of property that is lost, mislaid, abandoned, forfeited, or of no further evidentiary value. As the Police Department currently has many such items, it would be appropriate at this time to dispose of these items as surplus property.

State law allows the Village to sell surplus property in a manner that is best for the Village. All unclaimed/recovered property is being disposed of in compliance with the Illinois State Statutes, which requires property to be held for at least six (6) months and after all reasonable efforts have been made to return the property to the rightful owner.

We have found through experience over the past several years that private auction houses and on-line auction services are a cost-effective method of disposal and reach a broader audience of prospective bidders.

This property disposal request consists of three (3) vehicles forfeited to the Police Department over the past several months. These vehicles were forfeited to the Police Department due to violations of the Illinois Controlled Substances Act, Violations of the Illinois Cannabis Act, and violations of Driving While Under The Influence Of Drugs/Alcohol. All vehicles have undergone asset forfeiture proceedings through the Cook County State's Attorney's Office and have been ultimately awarded to this Police Department. The statutory appeals time has lapsed on all of the vehicles and the Police Department holds titles on all of the vehicles. The attached list is an inventory of vehicles to be sold through eBay or another auction mechanism as determined by the Police Department.

We recommend that the Village Board authorize the La Grange Police Department to dispose of the items as per the attached ordinance.

H-A

VILLAGE OF LA GRANGE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING DISPOSAL OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF LA GRANGE

WHEREAS, in the opinion of the corporate authorities of the Village Of La Grange, it is no longer necessary, useful, or in the best interests of the Village to retain ownership of the personal property described in this Ordinance; and

WHEREAS, it has been determined by the President and the Board Of Trustees of the Village Of La Grange to dispose of said personal property in the manner described 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 hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Disposal of Surplus Property. The President and Board Of Trustees find that the personal property described in Exhibit A attached to this Ordinance and by this reference incorporated into this Ordinance (the "Surplus Property") is no longer necessary or useful to the Village, and thus the Village Manager for the Village Of La Grange is hereby authorized to direct the sale or disposal of the Surplus Property in the manner most appropriate to the Village. The Surplus Property shall be sold or disposed of in "as is" condition.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2011.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2011.

By: \_\_\_\_\_  
Elizabeth M. Asperger, Village President

ATTEST:

\_\_\_\_\_  
Thomas Morsch, Village Clerk

4-A.1

**Disposal Of Surplus Property - Forfeited Vehicles July 2011**

<b><u>Year</u></b>	<b><u>Make</u></b>	<b><u>Model</u></b>	<b><u>VIN #</u></b>	<b><u>Auction Place</u></b>
2001	Kia	Rio	KNADC123216509993	eBay
1999	Chevrolet	Express 1500	1GBFG15RXX1011941	eBay
2000	Ford	Expedition	1FMPU16L4YLA19859	eBay

\* If one auction is unavailable, the Police Department may choose to sell the vehicles at an alternate auction house

4-A.2

VILLAGE OF LA GRANGE  
Police Department

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager  
Michael A. Holub, Chief of Police

DATE: July 11, 2011

RE: **RESOLUTION – INTERGOVERNMENTAL AGREEMENT – ILLINOIS  
TELECOMMUNICATOR EMERGENCY RESPONSE TASKFORCE (IL-  
TERT)**

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In July 2004, the Village Board approved a resolution entering into an Intergovernmental Agreement with the Illinois Law Enforcement Alarm System (ILEAS). This ILEAS agreement provides for mutual aid assistance from over 900 Illinois Law Enforcement Agencies when a jurisdiction depletes their own police resources during a crisis. An example of how ILEAS is utilized was for the flooding in southern Illinois this past May when over 100 law enforcement agencies including La Grange provided assistance for a 48 hour period.

IL-TERT is similar to ILEAS except that it will provide dispatch resources rather than police resources. IL-TERT was created in May 2006 after Hurricane Katrina exposed the need for a wide mutual aid organization that would provide for 9-1-1 Call Takers, Radio Dispatchers, Telecommunicators and Supervisors in a crisis.

It is important that the Village is prepared to utilize necessary resources in any man made or natural crisis. Membership in IL-TERT would provide additional resources as well as address Homeland Security and Domestic Terrorism concerns as a part of a larger national mutual aid system.

Attached for your review and approval is the required resolution and separate intergovernmental agreement with IL-TERT. There is no membership fee or annual dues. The intergovernmental agreement is similar to ILEAS in that during a request for assistance, the La Grange Police Department shall provide other jurisdictions with manpower and/or needed equipment (based on availability). In turn, other jurisdictions will provide similar services to the Village of La Grange during a major crisis. Reimbursements for any costs we might incur may be available from the funds the Illinois Emergency Management Agency may provide.

We recommend participation in this program and request approval of the IL-TERT intergovernmental agreement.

4-B

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF VILLAGE OF LAGRANGE  
AUTHORIZING THE EXECUTION OF THE ILLINOIS  
TELECOMMUNICATOR EMERGENCY RESPONSE  
TASK FORCE INTERGOVERNMENTAL AGREEMENT**

**WHEREAS**, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

**WHEREAS**, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised jointly with any other unit of local government whether within or outside the State of Illinois; and

**WHEREAS**, units of local government in Illinois, together with the Illinois Emergency Management Agency (IEMA), have determined that it is in the best interests of the residents of the State of Illinois to establish the Illinois Telecommunicator Emergency Response Task Force (IL-TERT); and

**WHEREAS**, the purpose of IL-TERT is to provide emergency telecommunications personnel and resources to a stricken unit of local government when natural or man-made occurrences create emergencies that exceed the resources, equipment and/or telecommunications personnel of that unit of local government; and

**WHEREAS**, the governing body of the VILLAGE OF LAGRANGE has determined that it is in the best interests of its residents and emergency service personnel to participate in IL-TERT.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE VILLAGE OF LAGRANGE:**

**Section 1.** That the President and Board of Trustees of the Village of LaGrange is authorized to execute the Illinois Telecommunicator Emergency Response Task Force Agreement. ( A copy of said Agreement is attached hereto and made a part hereof.)

**Section 2.** That the Village Manager or his designee shall take any and all other actions necessary to effectuate membership in the Illinois Telecommunicator Emergency Response Task Force.

4-B.1

**THIS RESOLUTION IS ADOPTED THIS 11th day of July, 2011,  
by the vote of the Village of LaGrange Board of trustees.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

\_\_\_\_\_  
**Elizabeth M. Asperger, Village President**

**ATTEST:** \_\_\_\_\_  
**Thomas Morsch, Village Clerk**

4-B.2

**ILLINOIS TELECOMMUNICATOR  
EMERGENCY RESPONSE TASK FORCE**

This Agreement is made and entered into on the dates set forth next to the signature of each party hereto, by and between the Agencies of local government and public agencies (the "Agencies") which have approved this Agreement in the manner provided by the law, and have subscribed hereto creating an association by and between these Agencies of government as further enumerated herein (the "Task Force").

**WHEREAS**, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes Agencies of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

**WHEREAS**, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) provides that any power or powers, privileges or authority exercised or which may be exercised by an Agency of local government may be exercised jointly with any other Agency of local government whether within or outside of the State of Illinois; and

**WHEREAS**, The Intergovernmental Cooperation Act provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract: and

**WHEREAS**, the Counties Code (55 ILCS 5/5-1005) provides that a county may contract to do all acts necessary to the exercise of its corporate powers; and

**WHEREAS**, the Fire Protection District Act (70 ILCS 705/11a) provides that a fire protection district may contract for mutual aid from and to governmental Agencies organized to furnish fire protection services; and

**WHEREAS**, the Municipal Code (65 ILCS 5/1-1-5) authorizes the corporate authorities of a municipality to exercise jointly all powers which it possesses; and

**WHEREAS**, all parties hereto have determined that it is in their best interests to establish a telecommunicator emergency response task force and to enter into this Agreement to secure to each the benefits of a telecommunicator emergency response task force.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the Agency's' membership in the Task Force, and the covenants herein contained, the Agencies hereto agree as follows:

4-13.3

## **SECTION I PURPOSE OF AGREEMENT**

This Agreement is made in recognition of the fact that natural or man-made occurrences may result in emergencies that exceed the resources, equipment and/or telecommunications personnel of an Agency. Each Agency that signs a copy of this Agreement has and does express its intent to aid and assist any other Public Safety Answering Point during an emergency by assigning some of their resources, equipment and/or public safety telecommunications personnel to an affected Agency as circumstances permit and in accordance with the terms of this Agreement. The specific intent of this Agreement is to safeguard the lives, persons and property of citizens during an emergency by enabling other public safety agencies to provide additional resources, equipment and/or public safety telecommunications personnel as needed. It is also understood by the undersigned that training exercises are an integral part of emergency preparedness and such exercises are covered by terms of this Agreement.

Each signatory Agency to this Agreement shall become a member of the Illinois Telecommunicator Emergency Response Taskforce (IL-TERT).

## **SECTION II DEFINITIONS**

For the purpose of this Agreement, the following terms are defined as follows:

### **Aiding Agency**

A participating Agency that provides resources, equipment and/or public safety telecommunications personnel to another Public Safety Agency during an emergency.

### **Disaster**

An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, or acts of domestic terrorism.

### **Emergency**

A natural or man-made situation that threatens or causes loss of life and property and exceeds the physical and organizational capabilities of an Agency of local, state or federal government whether it is within or outside the State of Illinois. Any out-of-state response shall be authorized by the Illinois Emergency Management Agency (IEMA) under auspices of the EMAC compact, with all expenses reimbursable with funds administered by IEMA.

### **Public Safety Telecommunications Personnel:**

A full-time employee of a participating Agency engaged in an aspect of public safety telecommunications broadly construed to include professionally trained telecommunicators, supervisory and management personnel; telecommunications technicians and Information Technology personnel.

4-B.4

**Mutual Aid**

A prearranged written agreement and plan whereby regular response and assistance is provided in the event of a natural or man-made emergency.

**Participating Agency**

An Illinois Municipality, County, Fire Protection District or Intergovernmental Public Safety Telecommunications Agency that commits itself to this Mutual Aid Agreement by having an authorized representative sign this Agreement.

**State**

The term state refers exclusively to the State of Illinois.

**Stricken Agency**

An Agency that has primary jurisdiction over the site of the emergency but due to insufficient resources, equipment and/or public safety telecommunications personnel is unable to provide an adequate response to an emergency without the assistance of others.

**SECTION III  
AGREEMENT TO EFFECTUATE THE MUTUAL AID PLAN**

The undersigned Agency agrees that in the event of an emergency or emergency preparedness training exercise, it will respond, according to the IL-TERT plan, to requests for assistance by a stricken Public Safety agency with such public safety telecommunications personnel, equipment, facilities, or services as in the opinion of the aiding Agency can be made available. Provided, however, that the undersigned Agency reserves the right to refuse to render assistance or to recall any or all rendered assistance, whenever it believes that such refusal or recall is necessary to ensure adequate protection of its own jurisdiction or personnel. The withdrawing agency shall give the Stricken Agency as much notice as possible of its intent to withdraw.

It is expected that requests for mutual aid under this Agreement will be initiated only when the needs of the stricken Public Safety Agency exceeds its own resources. Aiding Agencies will be released and returned to their own jurisdictions as soon as the situation is restored to the point where the stricken Public Safety Agency is able to satisfactorily handle the situation with its own resources or when an aiding agency decides to recall its assistance.

Whenever an emergency is of such magnitude and consequence that it is deemed advisable by the senior officer present of the stricken Public Safety Agency to request assistance from IL-TERT, he or she is hereby authorized to notify the designated Call-Out Center which in turn will launch the IL-TERT activation plan. Alternatively, the IL-TERT plan may be requested by the Illinois Emergency Management Agency (IEMA).

It is expressly understood that any request for an IL-TERT member Agency response for out-of state public safety telecommunication mutual aid under terms of the Emergency Management Assistance Compact (EMAC) will require the written approval of the Chief Executive Officer of the IL-TERT member Agency.

4-B.5

At the emergency site, the most senior officer of the stricken Public Safety Agency or most senior Incident Command Official who is present shall assume full responsibility and command for operations at the scene. Public safety telecommunications personnel from an aiding Agency shall report to and shall work under the direction and supervision of said command official. Provided, however, that at all times, the personnel of an aiding Agency shall remain an employee of its own agency. While working under the direction of the stricken agency or Incident Command Official, public safety telecommunications personnel shall only be required to respond to lawful orders. All services performed under this Agreement shall be rendered without expectation of reimbursement, regardless of the possibility of reimbursement from the requesting agency or other sources.

#### **SECTION IV ADMINISTRATIVE ORGANIZATION**

This Agreement shall be administered by a Board of Directors composed of a chairperson, vice-chairperson, secretary, and treasurer, and one representative from each of the Illinois Emergency Management Agency regions. The elected Board of Directors may appoint such ex-officio members to the Board as it deems necessary.

The method of election shall be prescribed in the organization's by-laws.

All documents, records, minutes and other items essential to the administration of the Task Force shall be stored under the direction of the current Chairperson.

The Board of Directors may form subcommittees from time to time, to further the objectives of Task Force.

Supplies and equipment shall be purchased in the name of the Task Force and title, where appropriate, shall be held in the name of the Task Force.

The Board of Directors shall be responsible for developing by-laws necessary to implement this Agreement. The original set of by-laws shall be adopted by a majority vote of the members.

#### **SECTION V AUTHORITY TO ENTER INTO CONTRACTS**

A. The Board of Directors has the express authority to associate with individuals, associations, and corporations in any manner not prohibited by law on behalf of the Task Force and for activities consistent with the Task Force's purpose and intent.

B. The Board of Directors has the express authority to enter into contracts on behalf of the Task Force for the purchase of goods and services that are consistent with the Task Force's purpose and intent. Each contract shall set forth fully the purposes, powers, rights, obligations and responsibilities of the Task Force and all other parties to the contract.

4-B.6

**SECTION VI  
JURISDICTION OVER PERSONNEL AND EQUIPMENT**

Personnel and equipment dispatched to aid a Stricken Agency pursuant to this Agreement remain employees, property and responsibility of the Aiding Agency. The Aiding Agency, at all times, retains the right to withdraw any and all aid rendered upon order of its Director or his/her designee; provided, however, that the Aiding Agency that intends to withdraw aid shall give as much notice as possible to the most senior officer of the Stricken Agency or the Incident Commander of the withdrawal and the extent of the withdrawal of aid.

**SECTION VII  
FINANCES**

A. Personnel and equipment provided pursuant to this Agreement under emergency conditions as defined herein shall be provided at no charge to the Stricken Agency, except as set forth herein or in the policies and procedures.

B. Reimbursement of unusual and burdensome costs may be set forth in Task Force policies and procedures as adopted and amended from time to time.

**SECTION VIII  
INSURANCE**

A. Each Agency participating under the terms of this Agreement shall procure and maintain, at its sole and exclusive expense, insurance coverage including comprehensive liability, contractual liability, personal injury, property damage, workers' compensation, and, if applicable, emergency medical services professional liability, with such limits of coverage and deductibles as are prudent and reasonable for the protection of itself, its personnel and its equipment or in the alternative be self-insured with reserves sufficient to meet anticipated claims.

B. A Stricken Agency shall have no obligation to provide or extend insurance coverage to insure the personnel of any Aiding Agency or to insure the acts or omissions of personnel of the Aiding Agency.

C. The Board of Directors may require each member Agency to provide insurance certificates to the Chairperson identifying the Agency's coverage. Such Certificate shall provide that thirty (30) days prior to expiration or cancellation of the required insurance, notice shall be sent certified mail to the Chairperson of the Board of Directors.

4-B.7

## **SECTION IX INDEMNIFICATION**

A. Each Agency agrees to waive all claims against all other Agencies for any loss, damage, personal injury, or death occurring in consequence of the performance of this Agreement; provided however, that such claim is not a result of gross negligence or willful misconduct by an Agency or its personnel.

B. Each Agency requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify, and defend the Agency rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law, or in equity which are made by a third party. This indemnity shall include attorney's fees and costs that may arise from providing aid pursuant to this Agreement. All employee benefits, wage and disability payments, pensions, workers' compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the Agency rendering aid shall be the sole and exclusive responsibility of the respective Agency, provided, however, that claims made by a third party are not caused by gross negligence or willful misconduct on the part of the Agency rendering aid.

C. Each Agency, whether an Aiding Agency or Stricken Agency, agrees that, except as otherwise provided herein, it shall remain solely and exclusively responsible for the employee benefits, wage and disability payments, pensions, workers' compensation claims, medical and hospitalization claims of its employees and agents, and for its own property loss.

D. Each Agency agrees to raise before any court all civil immunity provided pursuant to 745 ILCS 10/1 *et seq.* as affirmative defenses in any litigation brought by anyone whereby, as a result, any Agency to this Agreement is a defendant.

## **SECTION X NON-LIABILITY FOR FAILURE TO RENDER AID**

No Agency, nor its agents or personnel, shall be liable to any other Agency, whether expressly or impliedly, for its failure or refusal to render aid pursuant hereto, nor for the withdrawal of aid, in whole or in part, which has been provided pursuant to this Agreement.

## **SECTION XI TERM**

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one-year terms unless terminated in accordance with this Section.

Any Agency may withdraw from this Agreement at any time, by giving written notice to the Chairperson of the Board of Directors of the Task Force specifying the date of termination. The written notice provided herein shall be given by certified mail, at least ninety (90) days prior to the date on which termination is to be effective. All terminations shall be effective on the last day of the calendar month. Any unilateral withdrawal shall result in forfeiture of all sums of money or property of any kind contributed by the withdrawing member.

4-B.8

**SECTION XII  
EFFECTIVE DATE OF THIS AGREEMENT**

Each Agency shall file a copy of its certified executed ordinance or resolution entering into this agreement with the Chairperson of the Task Force, once elected. The Task Force shall be considered operational when five (5) or more agencies have signed this Agreement.

**SECTION XIII  
IDENTIFICATION OF MEMBERS**

In view of the fact that full membership in the Task Force is open to any Public Safety Answering Point in the State of Illinois, it is impossible to identify all members at the inception of the program. Appendix A will identify all signatory agencies. Appendix A will be updated as an addendum to this Agreement shortly after individual governmental entities execute said Agreement and addendums will be distributed to all member agencies.

**SECTION XIV  
BINDING EFFECT**

This Agreement shall be binding upon and inure to the benefit of any successor entity that may assume the obligations of an Agency. However, this Agreement may not be assigned by any member Agency without the prior written consent of the Task Force, and this Agreement may not be assigned by the Task Force without the prior written consent of all member Agencies. This agreement supersedes and replaces any and all previous agreements.

**SECTION XV  
VALIDITY**

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a Court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable, and this Agreement may be enforced with that provision severed or as modified by court order.

**SECTION XVI  
NOTICES**

All notices required hereunder shall be made in writing and shall be served personally, by registered mail, certified mail, traceable private courier service, electronic mail or facsimile transmission to the Director of each Agency which is a signatory hereto, unless otherwise provided for in this Agreement.

4-B.9

**SECTION XVII  
GOVERNING LAW**

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

**SECTION XVIII  
AMENDMENTS**

This Agreement may be amended only by the written consent of two-thirds of the member Agencies provided, however, that this Section has no application to the amendment of the by-laws or the mutual aid policies and procedures which may be made, and amended, from time to time by the Task Force as provided in this Agreement and otherwise.

**SECTION XIX  
RECITALS**

All of the above recitals are made a part of this Agreement.

**SECTION XX  
SIGNATORIES**

The signatory of the Agency certifies that this Mutual Aid Agreement, for the Illinois Telecommunicator Emergency Response Taskforce (IL-TERT), has been adopted and approved by ordinance, resolution, memorandum of understanding or other manner approved by law, a copy of which document is attached hereto.

Village of LaGrange  
Name of Municipality, County or Intergovernmental  
Public Safety Telecommunications Agency

\_\_\_\_\_  
Signature of President, Mayor, Chairman or other Chief  
Executive Officer (if applicable)

Elizabeth M. Asperger, Village President  
Title

\_\_\_\_\_  
Date

4-B.10

ILLINOIS TELECOMMUNICATOR EMERGENCY RESPONSE TASKFORCE

APPENDIX A

MEMBERSHIP

- |    |                     |                                   |
|----|---------------------|-----------------------------------|
| 1. | Governmental Entity | <u>Village of LaGrange</u>        |
|    | PSAP Name           | <u>LaGrange Police Department</u> |
|    | PSAP Director Name  | <u>Michael Holub</u>              |
|    | PSAP Address        | <u>304 W. Burlington Ave.</u>     |
|    | City & Zip          | <u>LaGrange, IL. 60525</u>        |
| 2. | Governmental Entity | _____                             |
|    | PSAP Name           | _____                             |
|    | PSAP Director Name  | _____                             |
|    | PSAP Address        | _____                             |
|    | City & Zip          | _____                             |

4-B.11



## **ILLINOIS TELECOMMUNICATOR EMERGENCY RESPONSE TASKFORCE (IL-TERT)**

### **Program Description**

The Illinois Telecommunicator Emergency Response Taskforce (IL-TERT) is an Intergovernmental Mutual Aid program intended to provide teams of highly qualified public safety / 9-1-1 telecommunicators to:

- Respond rapidly to the scene of disaster situations any place in the State of Illinois.
- Respond to disaster situations out-of-state under the EMAC compact.
- Provide assistance to other Illinois PSAPs that encounter crisis situations.
- Provide advice to agencies that wish to develop local tactical dispatch teams.

The need for such a program resulted from a recognition that the Illinois Terrorism Taskforce has deployed a number of large Incident Command vehicles throughout the state each of which have a communications component. Efficient operation of the communications function requires the deployment of professional telecommunicators who have been specially trained in incident command and field operations.

In addition, hurricanes Katrina and Rita in the fall of 2005 demonstrated the need to deploy telecommunicators with those same skill sets to the disaster area. Illinois received a request to deploy 20 telecommunicators to the disaster area, but could not do so since no formal mutual aid program existed

A number of PSAP and 9-1-1 managers met in Springfield in September 2005 to explore the feasibility of establishing such a program and it was unanimously agreed that this type of program was viable and needed.

4-B.12

At about the same time, several other states that recognized the same need met in North Carolina to launch a national initiative for such a program.

Subsequently, the Illinois group (IL-TERT) moved forward to form a statewide telecommunicator mutual aid system and at the same time has made an effort to work in conjunction with the national program. The national program has evolved into a cooperative effort of APCO and NENA called the National Joint TERT Initiative (NJIT).

To date 40 states have either established deployable teams or are in the process of establishing such programs.

Over the past several years the Illinois group has developed an Intergovernmental Agreement and a set of Bylaws to form the organization. ILL-TERT has a Board of Directors which is elected by the agencies that have signed the Intergovernmental Agreement.

The IL-TERT program follows the same rationale for existence as the MABAS and ILEAS mutual aid programs. There never may be any benefit to a participating agency, but on the other hand a situation in a neighboring community or in another state may require the beneficial assistance of other agencies that can provide mutual aid.

Public Safety Telecommunications has become increasingly recognized as a highly complex and sophisticated skill set and warrants consideration as a vital first responder component much as the same for law enforcement, fire and EMS responders.

The value of this program was recently validated by ILEAS and ITTF which included a grant to IL-TERT for start up costs of the program. This funding covered the costs for planning, training, and equipment.

Agencies interested in participating in the program must sign a standardized Intergovernmental Agreement, much as the same process that has been used for joining ILEAS. No exceptions will be made to the Agreement as it has been drafted.

Participating agencies will be expected to contribute one or more telecommunicators to the program. Participation will require that the selected telecommunicator(s) complete ICS 100, 200 700 and 800 courses; complete an on-line TERT Basic Awareness course; and attend a one day Field Dispatch course to become familiarized with the IL Unified Command Posts and the ITECS trailers.

4-B.13

There is no membership fee or annual dues. Participating agencies may need to cover overtime and the cost of deploying participating employees in the program. However, in any state or federal declared emergency the expenses of participants will be reimbursed.

It is also very important to note that the TERT program recognizes the difficult staffing problems that PSAPs often face. If a deployment or training exercise is called, a participating member agency is not obligated to send their employees to the event if the staffing situation does not permit.

For further information, please contact:

Doug Edmonds  
State Coordinator  
IL-TERT  
P. O. Box 1892  
Arlington Heights, IL 60006

847 952-0486  
224 232-7138 (Cellular)

[dfedmonds@msn.com](mailto:dfedmonds@msn.com)

4-B.14

VILLAGE OF LA GRANGE  
Department of Public Works

**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 11, 2011

RE: **AWARD OF CONTRACT – 2011 50/50 SIDEWALK  
REPLACEMENT PROGRAM**

---

The FY 2011-12 Capital Projects Fund budget includes \$15,000 for the replacement of concrete sidewalk. Residents wishing to replace cracked, broken or potentially hazardous sidewalk may elect to participate in the program on 50/50 cost sharing basis. Selection for participation in the program is based on a first come first served basis.

Based on the budget amount of \$15,000, we requested quotes from contractors to remove and replace approximately 2,500 square feet of sidewalk and 100 lineal feet of curb and gutter. We requested quotes from five local contractors known to be capable of performing the work. We received the following quotes for the work:

VENDOR/LOCATION	QUOTES	
	SIDEWALK REMOVAL AND REPLACEMENT	CURB AND GUTTER REMOVAL AND REPLACEMENT
Carrera Concrete Elk Grove Village, IL	\$7.50 / Square Foot	\$50.00 / Lineal Foot
Globe Construction Addison, IL	\$9.80 / Square Foot	\$29.90 / Lineal Foot
D'Land Bensenville, IL	No Bid	No Bid
Schroeder & Schroeder Skokie, IL	No Bid	No Bid
Leon Construction Cicero, IL	No Bid	No Bid

Carrera Concrete Construction Co. Inc. provided the low quote in the amount of \$7.50 per square foot for the removal and replacement of sidewalk and \$50.00 per lineal foot for the removal and replacement of curb and gutter. As a comparison, the unit price under the program last year was \$5.00 / Square Foot for sidewalk and \$15.00 / Lineal Foot for

H-C

curb. Staff believes that the increased unit costs for this work are mainly the result of increased fuel and material costs. Three of the five contractors from which we have received quotes in the past did not provide a quote. The contractors stated the quantities included in the work were too small for them to provide a quote. Please note the current budget amount for the sidewalk replacement program was reduced in FY 2009-10 from \$50,000 to its current level of \$15,000.

If the contract is approved, staff will meet with residents to determine the amount of sidewalk being requested and then an invoice for that quantity will be provided. The number of residents able to participate in the program is based on the quantity of sidewalk requested and the available budget. Due to the availability of funds and interest in the program, some residents wishing to participate in the program this year will have to wait until a future year.

Staff has verified the contractor's availability and has contacted municipal references for Carrera Concrete. The references for this contractor were positive. Additionally this company is prequalified with IDOT to perform concrete work. Staff recommends that the Village Board execute a contract with Carrera Concrete based on their low quote for the sidewalk replacement program and positive references.

We recommend that the Village Board waive the formal bidding process and authorize staff to enter into a contract with Carrera Concrete Construction Co. Inc. for the 2011 50/50 Sidewalk Program at a unit price of \$7.50 per square foot for sidewalk removal and replacement and \$50.00 per lineal foot for curb and gutter removal and replacement.

4-c.1

MINUTES

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

Monday, June 13, 2011 - 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 7:34 p.m. by President Asperger. On roll call, as read by Village Clerk Thomas Morsch, the following were present:

PRESENT: Trustees Holder, Langan, Nowak and Palermo

ABSENT: Trustees Horvath and Kuchler

OTHERS: Village Manager Robert Pilipiszyn  
Assistant Village Manager Andrianna Peterson  
Village Attorney Mark Burkland  
Community Development Director Patrick Benjamin  
Finance Director Lou Cipparrone  
Public Works Director Ryan Gillingham  
Fire Chief Bill Bryzgalski  
Police Lieutenant Chris Noel

2. PRESIDENT'S REPORT

A. Trustee Assignments

President Asperger explained that in addition to their regular duties, Village Trustees are also assigned the responsibility for presenting items at Village Board meetings and serve as liaisons between the Village Board and its various advisory boards and commissions. Responsibility for Board Presentation as assigned by President Asperger are:

Community Relations	-	Trustee Horvath
Economic Development	-	Trustee Holder
Finance	-	Trustee Nowak
Intergovernmental Relations	-	Village President
Planning and Zoning	-	Trustee Langan
Public Safety	-	Trustee Palermo
Public Works	-	Trustee Kuchler

Liaison assignments as assigned by President Asperger are Community and Economic Development Commission, Trustee Nowak; Design Review Commission, Trustee Palermo; Environmental Quality Control Commission, Trustee Holder; Plan Commission, Trustee Kuchler and Horvath; and Zoning Board of Appeals, Trustee Langan.

It was moved by Trustee Langan to approve the Trustee assignments, seconded by Trustee Holder. Motion approved by voice vote.

President Asperger congratulated community members of Lyons Township and Nazareth Academy for successfully winning their respective baseball divisions.

Acknowledging all involved in the 65<sup>th</sup> Annual Pet Parade, President Asperger noted the success of this event.

Thanks were expressed to the La Grange Garden Club for designing and planting the planters throughout the downtown area.

President Asperger thanked residents for their support in contacting local legislators and conveying their desire not to diminish the amount of revenues distributed to local municipalities.

Lastly, President Asperger identified several new businesses and encouraged residents to shop locally.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

- A. Special Event – Park District of La Grange / Public Display of Fireworks at Community Family Fest
- B. For-Profit Solicitation – Nancy Sawicikis (Mary Kay Cosmetics)
- C. Ordinance (#O-11-14) – Prevailing Wage Rates for 2011
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, May 23, 2011
- E. Consolidated Voucher 110613 (\$1,258,446.84)

It was moved by Trustee Langan to approve items A, B, C, D, and E of the Omnibus Agenda, seconded by Trustee Nowak.

4-D.1

Motion approved by roll call vote.

Ayes: Trustees Holder, Langan, Nowak, and Palermo  
Nays: None  
Absent: Trustees Horvath and Kuchler

5. CURRENT BUSINESS

- A. Approval of Change Order – Energy Efficiency and Facility Improvements – Village Hall, Fire Department and Public Works: Referred to Trustee Holder

Trustee Holder noted that on March 14, 2011 the Village Board approved the contract for Energy Efficiency and Facility Improvements at the Village Hall, Public Works and Fire Station. Due to cost savings from a combination of factors, notably competitive bidding on the original contract for energy efficiency improvements, Trustee Holder explained how it would be appropriate to consider additional upgrades and renovations to Village facilities at this time.

Trustee Holder itemized the extra work recommended by staff which includes window replacements; energy efficient replacement lighting; renovation to existing public spaces; and renovation of administrative office areas for improved utilization of work space. Trustee Holder added that the improvements recommended are consistent with other contemplated long term plans and the proposed office reconfiguration is complimentary to the project.

After explaining the criteria used in evaluating the additional work and estimated cost for each activity, Trustee Holder moved to waive the competitive bidding requirements and approve a change order with DTS Enterprises in the amount of \$76,245 for the additional lighting and window upgrades, renovations to the Administration Department's office area, and renovation to the public spaces on the lower level and staircase to the second floor and authorize the Village Manager to approve individual change orders for unforeseen conditions within his purchasing authority in a total amount not to exceed \$21,500, seconded by Trustee Nowak.

Trustee Palermo inquired why these items were not part of the original contract. Public Works Director Ryan Gillingham noted that the original project scope was based on estimated costs and so not all energy efficient components were able to be included in the base bid.

Trustee Palermo expressed serious concerns regarding the additional costs and waiving the bidding process. Mr. Gillingham noted that utilizing the current contractor would be cost effective. In light of revenue issues, pension funding, and the state of the economy, Trustee Palermo stated he would not vote in favor of these changes.

4-D.2

Trustee Langan stated his support of the additional work as recommended. Indicating the Board's approval to move forward with the renovations, Trustee Langan believes the changes to the original project are necessary. He noted that these changes to the Village Hall have been long overdue, staff was directed by the Village Board to do the work as part of a long term plan, and the cost estimates were reasonable

Trustee Nowak concurs with Trustee Langan. Although he understands Trustee Palermo's concerns he does not see these changes as excessive but rather necessities for efficiency in operations. Trustee Nowak also cited the importance to re-investing in the Village Hall as a prominent building in the Central Business District.

Trustee Holder requested comparable costs for utilizing the current contractor versus going out for bid. Dorothy McCarty of Chicago Design Network responded that considerable cost savings as well as completion deadlines would evolve by utilizing the current contractor.

Motion approved by a 4 to 1 roll call vote.

Ayes: Trustees Holder, Langan, Nowak, and President Asperger  
Nays: Trustee Palermo  
Absent: Trustees Horvath and Kuchler

6. MANAGER'S REPORT

None

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

10. ADJOURNMENT

At 8:03 p.m. it was moved by Trustee Langan to adjourn, seconded by Trustee Nowak. Motion approved by voice vote.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

ATTEST:

\_\_\_\_\_  
Thomas Morsch, Village Clerk

Approved Date

**VILLAGE OF LA GRANGE**

Disbursement Approval by Fund

June 27, 2011

Consolidated Voucher 110627

<u>Fund No.</u>	<u>Fund Name</u>	<u>06/27/11 Voucher</u>	<u>06/24/11 Payroll</u>	<u>Total</u>
01	General	139,722.46	288,617.53	428,339.99
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	98.09		98.09
24	ETSB	3,922.37		3,922.37
40	Capital Projects	144,859.50		144,859.50
50	Water	15,796.85	42,155.20	57,952.05
51	Parking	4,010.63	23,694.21	27,704.84
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension	300.00		300.00
80	Sewer	2,120.64	9,380.66	11,501.30
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>310,830.54</u>	<u>363,847.60</u>	<u>674,678.14</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

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Trustee

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Trustee

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Trustee

4-E

**VILLAGE OF LA GRANGE**

Disbursement Approval by Fund

July 11, 2011

Consolidated Voucher 110711

<u>Fund No.</u>	<u>Fund Name</u>	<u>07/11/11 Voucher</u>	<u>07/08/11 Payroll</u>	<u>Total</u>
01	General	149,042.90	276,544.96	425,587.86
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	865.98		865.98
24	ETSB	1,962.40		1,962.40
40	Capital Projects	7,017.53		7,017.53
50	Water	157,905.91	40,057.09	197,963.00
51	Parking	2,752.06	23,753.16	26,505.22
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	6,547.63	9,624.59	16,172.22
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>326,094.41</u>	<u>349,979.80</u>	<u>676,074.21</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

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Trustee

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Trustee

H-F

**CURRENT BUSINESS**

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: July 11, 2011

RE: **ORDINANCE – SPECIAL USE/SITE PLAN APPROVAL & DESIGN REVIEW TO ALLOW OUTDOOR SEATING/ “Q-BBQ” in the C-1 Central Commercial District, 70 S. La Grange Road.**

---

The petitioner, Q-BBQ restaurant, wishes to erect an outdoor eating enclosure on the north face of their private property at 70 S. La Grange Road. This proposal would allow them to expand their dining area in order to accommodate seating for an additional 10-20 customers depending on the weather. The subject property is located in the C-1 Central Commercial District. Permanent outdoor seating accessory to a permitted eating place is designated as a special use in the Zoning Code. Therefore, a special use permit and site plan approval are required to allow the proposed enclosure.

In addition, the property is located within the Design Review Overlay District and where a Design Review permit is required in conjunction with the issuance of a Special Use permit, the application for a Design Review permit shall be heard by the Plan Commission at the same time such approval is heard. The Plan Commission shall make its recommendation to the Village Board of Trustees as provided in Paragraph 14-403D6.

Q-BBQ has been in operation in downtown La Grange for a year and a half. They have experienced media attention and been successful in attracting customers throughout the Chicagoland area. The petitioner indicates that they cannot accommodate all customers at their current capacity of 44 seats inside. They believe that customers are turned away by long waits. In order to address this issue, they wish to expand their seating area. According to Q-BBQ, they cannot expand to adjacent spaces due to costs and tenant occupancies. Therefore, they have proposed a permanent enclosure on their private property.

The plan presented at the Plan Commission was a canvas structure with sides that open during warm days that would provide additional seating. Prior to the Plan Commission, Department Head level staff had identified several issues with the plan including fire proofing, safety due to proximity of parked vehicles in the adjacent parking lot, heating and propane storage, and compliance with the

5-A

Illinois Accessibility Code accessibility standards both inside the proposed seating area and the outside private walkway to the businesses in the back.

On May 10, 2011, the Plan Commission held a public hearing on this matter (see Findings of Fact). At the hearing, Q-BBQ presented the application and addressed many of the comments from Staff. An adjacent business owner objected to the proposed enclosure on the basis that smoke from Q-BBQ is impacting her store. The petitioner replied that they are addressing the issue and the amount of smoke would not be increased by additional seating. A motion was made by Commissioner Weyrauch and seconded by Commissioner Williams that the Plan Commission recommend Denial of the application. The motion to recommend that the application be denied passed. The resulting roll call vote was:

AYE: Stewart, Weyrauch, Williams and Chairman Kardatzke.  
NAY: Pierson.  
ABSENT: Paice and Reich.

Those Commissioners recommending denial noted that the structure adequately met the design review criteria, but also noted that the dimensions as proposed would not meet the Illinois Accessibility Code for either the inside aisles or the outside walkway to the businesses in the back. The plans would need to be completely revised to meet Illinois Accessibility Code. In addition, those Commissioners were concerned about the comments of the Fire and Police Departments and asked that any issues be addressed prior to approval.

The one Commissioner voting in favor felt that this would be consistent with the current outdoor seating arrangement and that the Fire and Police comments had been adequately addressed at the meeting.

Since the public hearing, Q-BBQ has met with Police, Fire and Community Development Staff in order to discuss options for revised plans to address any issues. Revisions to the plans have been made in response to comments from the Plan Commission and as a result of these meetings with Department Head level staff. Revisions to the plan include the following:

- Reduced the depth of enclosure from 9 feet to 8 feet;
- Decreased the number of tables from 12 to 9 and number of seats from 24 to 18;
- Added bollards to each parking space to protect the enclosure area from vehicles; however, due to the Illinois Accessibility Code, they can only put an anchored bumper in the handicapped parking space in order to maintain the required parking stall length of 20 feet;
- Increased inside aisle width and outside walkway to 44 inches to comply with IL accessibility codes; and

5-A.1

- Added smoke detectors as required by the Fire Department (see revised site plan dated “Exhibit “B” attached, 2011).

With these revisions the site plan would meet all applicable codes.

If the Village Board approves the special use permit and site plan, Staff recommends that approval be subject to the following conditions:

- Building permits be secured prior to commencement of any construction;
- Compliance with the site plan attached, at all times;
- Review after two years by the Village of the operations approved by the special use permit to be sure that the operations are being conducted in compliance with Village regulations and the approval ordinance; and
- Automatic termination of the special use permit for any violation that is not cured within 48 hours or for any three violations in any 45-day period (even if cured).

If you concur with the recommendation of the Plan Commission to deny the request, then a motion to deny is in order. No resolution or ordinance memorializing such action is necessary. Conversely, if you choose to grant the special use permit and approve the site plan and design plans, then a motion to approve the attached ordinance would be appropriate.

We have prepared the attached ordinance for your consideration, granting a special use permit, site plan approval, and design review approval. Representatives of Q-BBQ will be in attendance at the meeting to answer any questions you may have regarding the application.

5-A.2

VILLAGE OF LA GRANGE

ORDINANCE NO. O-11-\_\_\_\_\_

AN ORDINANCE GRANTING SPECIAL USE PERMIT, SITE PLAN,  
AND DESIGN REVIEW APPROVALS TO AUTHORIZE  
OUTDOOR SEATING AT 70 SOUTH LA GRANGE ROAD

WHEREAS, Q-BBQ (the "*Applicant*") operates a restaurant at the property commonly known as 70 South La Grange Road in the Village of La Grange (the "*Subject Property*"), which is depicted and legally described on Exhibit A attached to this Ordinance; and

WHEREAS, the Subject Property is classified in the C-1 Central Commercial District of the La Grange Zoning Code; and

WHEREAS, the Applicant proposes to install an enclosed outdoor seating area within the Subject Property accessory to the existing restaurant; and

WHEREAS, the Applicant filed applications (the "*Applications*") with the Village seeking (i) approval of a special use permit authorizing outdoor seating, (ii) approval of a site plan, and (iii) design review approval; and

WHEREAS, the La Grange Plan Commission conducted a public hearing to consider the application on May 10, 2011, pursuant to proper public notice, and thereafter forwarded its recommendation to the Board of Trustees of the Village of La Grange; and

WHEREAS, the President and Board of Trustees have reviewed the record of the public hearing and the Findings and Recommendation of the Plan Commission and have determined that the application satisfies the standards set forth in the La Grange Zoning Code for the grant of the requested approvals;

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 findings of the President and Board of Trustees.

Section 2. Approval of Special Use Permit. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 14-401 of the Zoning Code, hereby approves a special use permit authorizing outdoor seating accessory to a permitted eating place (the "*Outdoor Seating*") subject to the conditions stated in Section 5 of this Ordinance.

5-A.3

Section 3. Approval of Site Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 14-402 of the Zoning Code, hereby approves a site plan for the proposed Outdoor Seating in the form attached to this Ordinance as Exhibit B (the "*Approved Site Plan*"), subject to the conditions stated in Section 5 of this Ordinance.

Section 4. Design Review Approval. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Section 14-403 of the Zoning Code, hereby grants to the Applicant a design review permit approving the plans for the proposed Outdoor Seating in the form included in Exhibit C to this Ordinance (the "*Approved Exterior Appearance Plan*"), subject to the conditions set forth in Section 5 of this Ordinance.

Section 5. Conditions on Approvals. The special use permit, Approved Site Plan and Approved Exterior Appearance Plan are approved expressly subject to all the following conditions:

- A. Building Permit Applications, Permits Required. This Ordinance does not authorize construction on the Subject Property. The Applicant, prior to commencement of any construction on the Subject Property, must submit all necessary applications to the Village and secure all required permits from the Village.
- B. Compliance with Approved Plans, Conditions, other Requirements of Law. All work and development on the Subject Property must comply with the Village-approved plans and specifications therefor, the terms and conditions of this Ordinance, and all applicable State of Illinois and Village laws, codes, ordinances, and regulations including the Americans with Disabilities Act.
- C. Inspection of Authorized Use. The Village will inspect and evaluate the Subject Property two years after the effective date of this Ordinance, and from time to time thereafter, to determine (a) whether any operations related to the Outdoor Seating are creating any undue adverse impact on adjacent property or are creating any health or safety risk and (b) whether all operations on the Subject Property related to the Outdoor Seating are being conducted in compliance with the terms and conditions of this Ordinance. If the inspection reveals an undue adverse impact, or any health or safety risk, or any noncompliance, then the Village Manager may suspend the special use permit and all operations related to the Outdoor Seating indefinitely until the adverse impact, risk, or noncompliance is remedied and until the owner of the Subject Property provides assurance satisfactory to the Village that similar adverse impact, risk, or noncompliance will not recur.

D. Automatic Termination of Special Use Permit. The special use permit will terminate automatically and without further action of the village if (i) the Outdoor Seating violates any applicable law, code, ordinance, or regulation and that violation is not cured within 48 hours after notice of the violation from the Village or (ii) the Outdoor Seating violates any applicable law, code, ordinance, or regulation three or more times in any 45-day period regardless if that violation is cured.

Section 6. Violation of Condition or Law. Any violation of any term or condition of this Ordinance or any applicable law, code, ordinance, regulation, or directive will be grounds for rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 7. Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2011.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Elizabeth Asperger, Village President

ATTEST:

\_\_\_\_\_  
Thomas Morsch, Village Clerk

5-15-11

EXHIBIT A

DEPICTION AND LEGAL DESCRIPTION OF SUBJECT PROPERTY

The south 3 feet of the East 100 feet of Lot 6 and 7 (except the North 8 feet lying westerly of the east 100 feet thereof) and Lot 8 in Block 22 in La Grange, being a subdivision in the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and part of the Northwest  $\frac{1}{4}$ , South of the railroad in Section 4, Township 38 North Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 70 South La Grange Road, La Grange, Illinois.

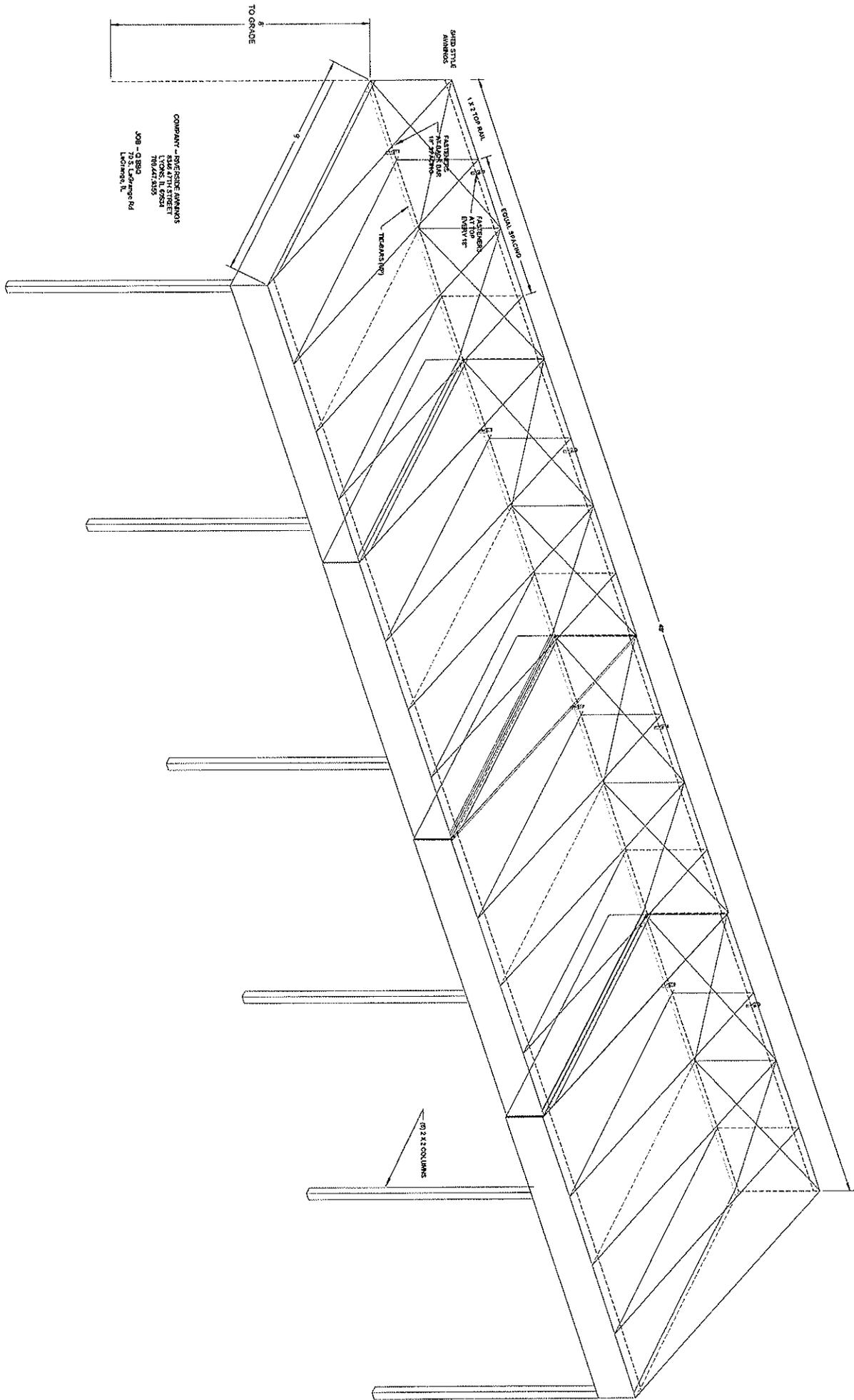
5-A.6

EXHIBIT B

APPROVED SITE PLAN AND EXTERIOR APPEARANCE PLANS

5-A.7

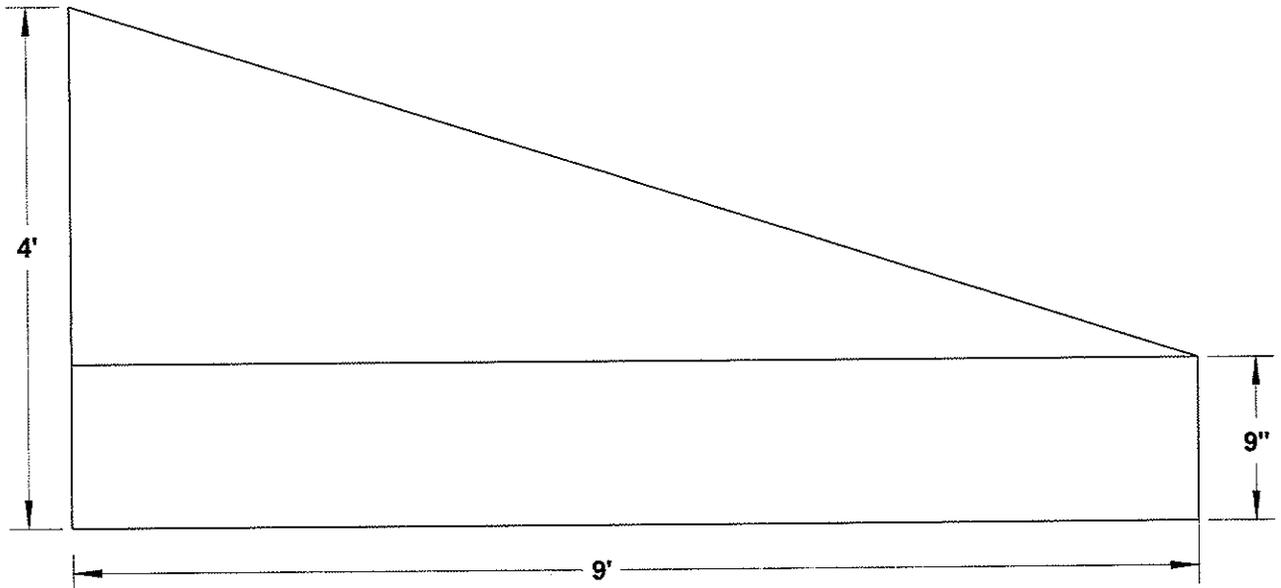




COMPANY - ROYALTY ENGINEERS  
 1100 S. W. 10TH ST  
 MIAMI, FL 33135  
 JOB - Q 880  
 70 S. Broward Rd  
 Leominster, IL

5-A.9

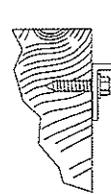
5-A10



COMPANY -- RIVERSIDE AWNINGS  
8346 47TH STREET  
LYONS, IL 60534  
708.447.9355

JOB -- Q BBQ  
70 S. LaGrange Rd  
LaGrange, IL

### FASTENER DETAIL



#### NOTES:

-- "Z" BRACKET WITH 3/8"  
HEX HEAD SCREW

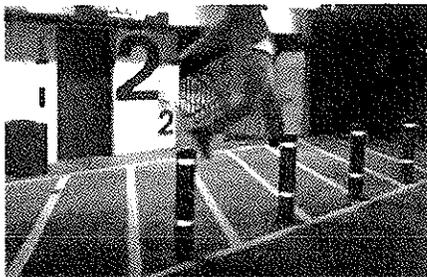
#### NOTES:

- 1 AWNING
- 1 X 1 GALV. STEEL FRAME
- 1 X 1 TOP RAIL
- ALL WELDS GROUND & SILVERED
- SILVER FINISH
- STRUCTURE AND FASTENERS  
FABRICATED FOR WIND LOADS UP TO 90 MPH/PSF
- STRUCTURE AND FASTENERS  
FABRICATED FOR SNOW LOADS UP TO 25 PSF LIVE LOAD.

## Angela Mesaros

---

**From:** Michael LaPidus [LaPidus@Q-BBQ.com]  
**Sent:** Friday, May 27, 2011 4:13 PM  
**To:** Angela Mesaros  
**Subject:** RE: New Specs



They would be a standard bollard and they would be placed directly in the middle of each parking stall. They would be concrete and metal and painted light brown to match the area.

**Michael LaPidus**  
**Q-BBQ.COM**  
70 S. La Grange Rd. La Grange, IL 60525  
PH: 708-482-8700

Our Cancer Charity, *The H Foundation* Raised over \$3.5 Million at our annual Goombay Bash!! Cancer is Personal to Me.....  
[goombaybash.com](http://goombaybash.com)

**From:** Angela Mesaros [mailto:[amesaros@villageoflagrange.com](mailto:amesaros@villageoflagrange.com)]  
**Sent:** Monday, May 23, 2011 1:51 PM  
**To:** 'Michael LaPidus'  
**Subject:** RE: New Specs

Michael,

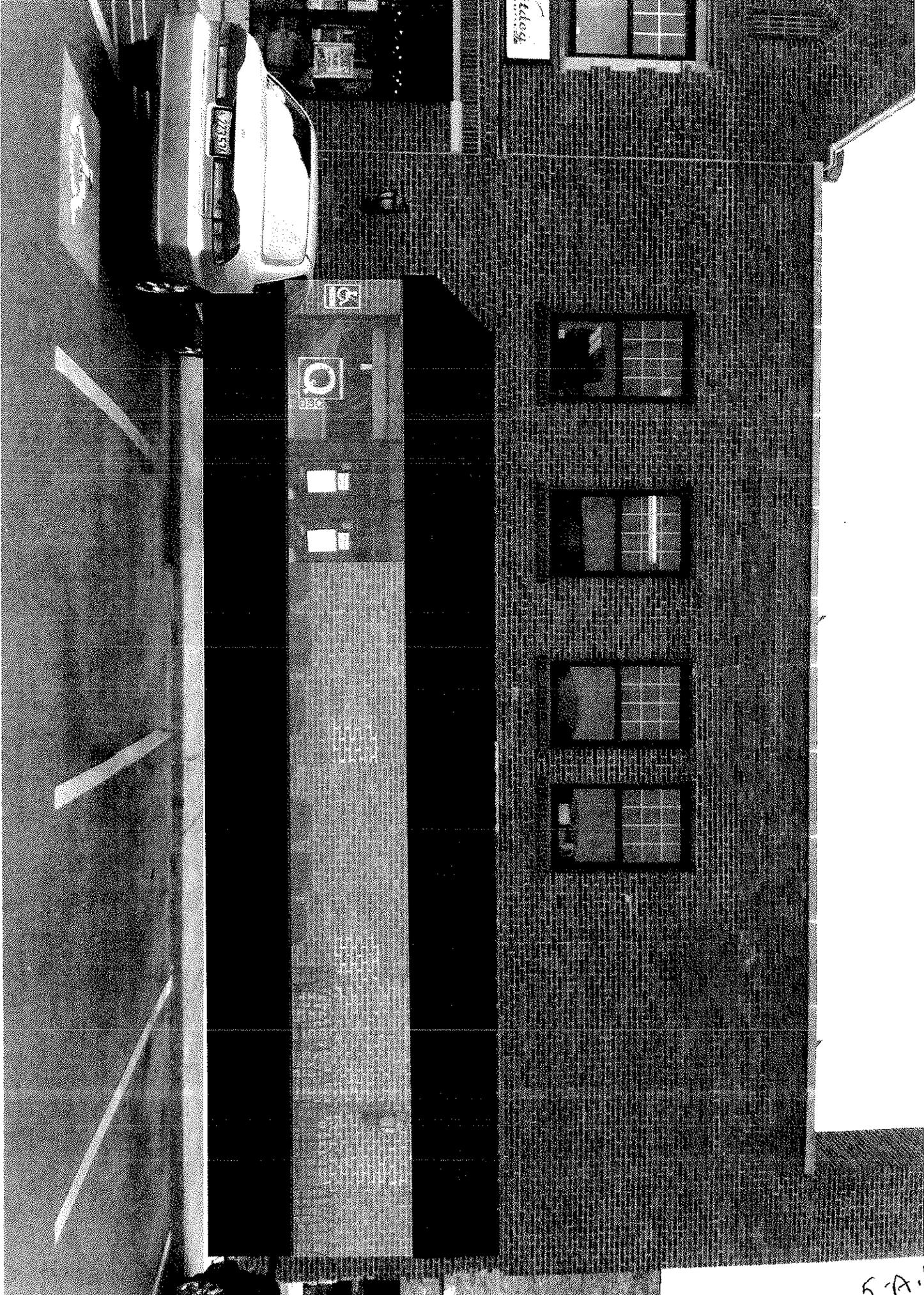
Could you send us more details on the bollards? Images, spacing, etc.

Thanks,  
Angela

**From:** Michael LaPidus [mailto:[LaPidus@Q-BBQ.com](mailto:LaPidus@Q-BBQ.com)]  
**Sent:** Saturday, May 21, 2011 4:19 PM  
**To:** Pat Benjamin; Angela Mesaros; Robert Klinker  
**Subject:** New Specs

Guys and Gals,

Can you please look over the revised drawing with everything that was discussed at the meeting with department heads. I believe we addressed all of the concerns and came up to a great solution for the safety issue in regard to cars in the lot.



5-11-12

Washing Machine  
Dryer  
Water Meter  
Gas Meter  
Electric Panel

5-A.12

## FINDINGS OF FACT

### PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and  
Board of Trustees

May 10, 2011

**RE: PLAN COMMISSION CASE #200 – SPECIAL USE, SITE PLAN APPROVAL AND DESIGN REVIEW TO AUTHORIZE AN OUTDOOR DINING AREA IN THE C-1 DISTRICT - Q - BBQ 70 S. La Grange Road.**

The Plan Commission transmits for your consideration its recommendations for the proposed special use, site plan approval and design review at the property at 70 S. La Grange Road.

#### **I. THE APPLICATION:**

The Applicant, Q-BBQ, seeks an outdoor dining enclosure within the C-1 Central Commercial District at 70 S. La Grange Road.

#### **II. THE PUBLIC HEARING:**

After due notice, in accordance with law, the Plan Commission held a public hearing on May 10, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Pierson, Stewart, Weyrauch, and Williams with Chairman Kardatzke presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, and Village Trustee Mark Langan.

Chairman Kardatzke swore in Michael LaPidus, owner of Q-BBQ, 70 S. La Grange Road, who presented the application.

- Mr. LaPidus explained that he has been in business in La Grange for seven years, and he lives nine blocks away. He is the former owner of Roly Poly for five years and in transition, he has reinvested in Q-BBQ.
- Q-BBQ met with great success immediately due to the location, community support, the food product. They have received considerable media attention and attracted people from throughout the Chicagoland region.
- They propose to expand the seating by adding an outdoor enclosure area north of the facility. The restaurant is currently a small space, and they would like to accommodate groups of 10-20 people for family gatherings, baseball groups, Cossitt School luncheons, etc. Currently, they have 44 seats inside. They have had three requests for parties of 20 for this June with no space to seat them.

5-A.13

- Mr. LaPidus addressed the special use criteria. He stated that the proposal is for a larger black awning with clear sides that can be removed during warmer summer months. This is not a party tent nor a brick and mortar building, but would be consistent with the character of the community.
- Mr. LaPidus stated that La Grange is a restaurant town and Q-BBQ is trying to expand a restaurant, which is consistent with the purposes of the Code. He does not believe that this would have any adverse impact and he stated that his property is unique. There is no other area in the Central Business District or West End which has a private side patio and a private sidewalk. He is not asking to build on public land.
- Mr. LaPidus addressed the question of the enclosure abutting the private parking lot - they have an almost full-time parking monitor, which is unique and slows traffic. He presented an exhibit of the concrete parking barriers in front of the parking spaces. Currently outdoor seating is available on the sidewalk under Village permit, and they have taken steps to assure it is safe. Another exhibit showed Calendar Court with cars parked close to seating of the outdoor cafes at Tipi Thai, Aurelio's and Marconi's.
- Mr. LaPidus stated that an awning can easily be taken down if there are adverse impacts.
- He stated that it would be a public benefit to bring more people to downtown La Grange and that there was no other location in town to expand or move his restaurant.
- Mr. LaPidus addressed the Police and Fire Department comments and he believes that any wall in the Village would be an attractive lure for vandalism. He said he has not seen any vandalism of the many temporary canvas doors at restaurants throughout the Village used to keep out the cold. He stated that homeless people would not enter the enclosure because it would be locked. Homeless people could enter any garbage enclosure around town. He further stated that they would meet the fire code in order to get a building permit and will comply with all codes, including GFIs, exit signs, etc.
- Regarding the structural integrity, the awning company is a reputable company and they have installed thousands of awnings in the region and in Chicago. For example, Gibson's downtown and in Oak Brook, Capri in Oak Brook. This type of structure is very prominent in New York City.

Chairman Kardatzke solicited questions from the Commissioners.

- Commissioner Pierson asked if the top is canvas, the middle is plastic, removable in the summer, and the bottom is canvas. Answer: Yes.

5-A.14

- Commissioner Weyrauch asked who owns the land. Answer: Seamus Knolls, which is John Rot, the owner of the La Grange Theatre and Horton's and she further asked if this was the letter that was included in the packet. Answer: Yes.
- Commissioner Weyrauch stated that the Americans with Disabilities Act (ADA) Code requires a 44 inch clearance route for both exterior (from La Grange Road to the stores in the back) and interior aisles. According to the exhibits and site plan, the proposed aisles would be less than 36 inches. She recommended moving the structure back. In addition, wheel stops need to be moved so that cars do not go over the curb and block accessibility. Commissioner Weyrauch further stated that she personally likes the concept, but it is too wide as designed now. Mr. LaPibus stated that he needs the proposed width in order to make two rows of seats. Several places on La Grange Road and Calendar Court do not meet the 44 inch requirement. Commissioner Weyrauch stated that Code says 44 inches.
- Chairman Kardatzke asked if they could expand upstairs. Mr. LaPibus stated that there are long term tenants upstairs and it would be too costly to install an elevator. Chairman Kardatzke further asked about empty storefronts along La Grange Road. Mr. LaPibus stated that moving is not an option; they have already invested far too much in this location.
- Commissioner Williams asked about entrance to the canopy. Mr. LaPibus stated there is no entrance from the outside, only an egress. He further asked about other tenants in the back. Answer: The Hot Dog Company (owned by LaPibus) and Prime Cuts Hair.
- Commissioner Williams asked about the opinion of Prime Cuts. Answer: Their clientele pull up and go in the back; they do not even have a sign out front.
- Chairman Kardatzke asked about expanding the building itself. Mr. LaPibus stated that would cost too much. Mr. LaPibus asked if the private area would have to meet accessibility codes. Answer: Yes. There is a need for a safe, accessible route to the businesses in the back. The parking lot is not considered safe access.
- Chairman Kardatzke asked if it would be conceivable to extend the sidewalk out a little more. Mr. LaPibus stated that they do not have the space for it.

Chairman Kardatzke solicited questions and comments from the Audience:

- Honor Lorenzini, co-owner of Urban Sole and a La Grange resident was sworn in. She is the neighbor directly to the south and stated that she has been a supporter of Mr. LaPibus' businesses, both Roly Poly and Q-BBQ; however, she believes that this permit should not be granted. This is the last chance to save her business. The smoke from Q-

5-A.15

BBQ's business is impacting her store. Customers complain about the smoke and have returned merchandise. Employees complain about allergies and asthma. She has expressed her concerns to Mr. LaPidus and to John Rot for over a year with no response from either. Other tenants have also complained. She does not believe that Q-BBQ has been a good neighbor or that they are adequately addressing the smoke issues. She believes that the increased capacity will exacerbate the issue and also that the back entrance has been left unkempt by Q. Mr. LaPidus responded that the smoker currently runs 24 hours a day and adding seating would not increase the smoke and that he is diligently working to find a resolution to this issue. (Attached are the notes and letter from Honor Lorenzini.)

Chairman Kardatzke solicited comments from Commissioners:

- Commissioner Weyrauch asked Staff about the process for a nuisance complaint. Mr. Benjamin stated that there have been two complaints. Staff is working with Q-BBQ to resolve this issue. Q-BBQ has brought in consultants to no avail. To this date, Staff has not seen any resolution at hand.
- Commissioner Pierson asked if the Fire and Police Department would be in favor of this application if all their issues were addressed. Mr. Benjamin stated that he could not speak on their behalf; they would need to look at the evidence presented at the public hearing.
- Commissioner Weyrauch stated that she believes the structure as designed looks fine, however, she would be opposed to the dimensions as proposed. The structure is too large. ADA Code requires a 44 inch walkway to the businesses in the back. According to the plan, they would not meet accessibility codes for aisle width inside the enclosure either, so they could not shrink it. They would have to completely revise it. Commissioner Weyrauch recommended that they consider an awning eight feet wide over the sidewalk without walls to provide outdoor seating with shelter from the rain.
- Chairman Kardatzke stated that he agrees with the comments of Commissioner Weyrauch, and he finds the Police and Fire comments compelling.
- Commissioner Williams stated that he does not believe Q-BBQ would go out of business without this special use.
- Chairman Kardatzke stated that they already have outdoor seating in the summer.

5-A.16

There being no further questions or comments from the Audience or the Commissioners, a motion was made by Commissioner Weyrauch, seconded by Commissioner Williams, that the Plan Commission recommend to the Village Board Denial of the application for a special use, site plan approval and design review as proposed in PC Case #200.

Motion to DENY Carried by a roll call vote:

AYE: Stewart, Weyrauch, Williams and Chairman Kardatzke.  
NAY: Pierson.  
ABSENT Paice and Reich.

BE IT THEREFORE RESOLVED that the Plan Commission recommend to the Village Board of Trustees Denial of the application for special use, site plan approval and design review as proposed in Plan Commission Case #200.

Respectfully Submitted

PLAN COMMISSION OF THE  
VILLAGE OF LA GRANGE



Wayne Kardatzke, Chairman

5-A.17

Hello my name is Honor Lorenzini and I am a resident of La Grange as well as co-owner of Urban Sole. My business partner Mary Kral is here with me tonight.

If you told me a year and a half ago that I would be standing here in front of you making this complaint to the plan commission and the village board about Q, I wouldn't have believed you. I have been a supporter of Michael LaPibus's for several years as well as Roly Poly/Q bbq. I'm sure that many of you know that I served with him on the LGBA board. I am here because circumstances have arisen regarding Q and complete lack of response or rectification of these issues have led me here tonight. And I feel as though this is the last chance we have to save our business.

Urban Sole is Q's neighbor to the south on La Grange rd. Since Qbbq opened, Urban Sole has been enduring a smokey odor that has penetrated our space/retail store as well as the merchandise we sell. It has become a burden and is materially affecting our business.

1. The majority of customers walking thru our door comment on the "smokey" smell. Or on first entry will say, "It smells like a bonfire in here..." and then realize how inappropriate that statement is for a clothing boutique.
2. We have had countless customers return merchandise because of a "smokey" smell of their purchases and their inability to wear the clothing out publicly.
3. Our employees have raised health concerns such as allergies and asthma regarding the constant breathing of the smoke.

I have diligently expressed my concerns to Mr. Lapidus with the goal to fix the problem for over a year, to no avail. So I raised our concerns with the landlord of the building John Rot who is co-owner of Q and was met with the same lack of effort and urgency to address the problem which surprised me because we have been a model tenants for the last 7 years - never missing a rent payment, engaging in cross marketing campaigns and in supporting his efforts to rehabilitate the theater and various fundraising activities.

I would like for you to be cautious in considering Mr. LaPibus's/Q's proposal for an outdoor seating annex for the following reasons all regarding the fact that he is not a good neighbor or contributor to the overall well-being of his fellow tenants.

1. First and foremost he refuses to address the smoke problem that Urban Sole is having in a professional and timely manner. It has come to my attention that other tenants in our building have independently gone to both Mr. LaPibus and our landlord to rectify the smoke issue over many months also to no avail.
2. I am concerned that increasing his seating capacity will lead to increased use of their smoker = more smoke that is not ventilating properly. Exacerbating the already smokey problem we are experiencing.
3. Furthermore, the back entrance to our shop, which is the convenient entrance from our parking lot, is frequently left unkempt and I fear a health hazard. I must stress that this door is for everyday use for my customers. They are now left confused as if they are in a

back alley not meant for customers use. For instance, Q's door back door is frequently open exposing the inner workings of their kitchen, slabs of meat on trays sitting out on the sidewalk, the sidewalks are covered in grease, additionally Q's employees will take frequent smoke breaks right outside our back door.

For the above reasons, I do not feel that Mr. LaPidus as the manager of Q is doing a good job respecting his neighbors and their work environment. As a long time neighbor and tenant in good standing at this building and respected business owner, I am doubtful that any of the above problems will be addressed if he is granted this permit. In closing, if we have to incur more smoke problems in our store due to increased volume from more seating you could be putting Urban Sole out of business.

Thank you for your time this evening.

5-A.19

**STAFF REPORT**

**PC Case #200**

TO: Plan Commission

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

DATE: May 10, 2011

RE: **SPECIAL USE/SITE PLAN APPROVAL TO ALLOW OUTDOOR SEATING/  
"Q-BBQ" in the C-1 Central Commercial District, 70 S. La Grange Road.**

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**I. BACKGROUND:**

Q-BBQ restaurant has been in operation in downtown La Grange for a year and a half. In that time, they have experienced media attention and successfully attracted customers from throughout the Chicago land area. According to the owners, they have reached capacity for seating – customers have to be turned away and at times have to wait an hour for a table. There are currently no available spaces to expand within their building. Therefore, they propose to erect a covered year round outdoor eating area on the north face of their facility at 70 S. La Grange Road.

Although outdoor cafes are permitted as temporary uses, and the Village grants permits for approximately 26 permits each year from mid-April through October for such cafes, permanent outdoor seating accessory to a permitted eating place is designated as a Special Use in Paragraph 5-105 A (5) of the Zoning Code. Therefore, a Special Use Permit and Site Plan Approval are required in order to allow the proposed outdoor eating area at Q-BBQ. In addition, the property is located within the Design Review Overlay District and requires Design Review approval.

**II. APPLICATION:**

**1. SPECIAL USE TO ALLOW OUTDOOR SEATING ACCESSORY TO A PERMITTED EATING PLACE AT 70 S. LA GRANGE ROAD**

**SPECIAL USE STANDARDS**

In reviewing the Special Use application, please be sure the standards listed on the application have been met. In determining that consider Paragraph 14-401-E.1 of your Zoning Code:

5-A, 20

- (a) Code and Plan Purposes
- (b) No Undue Adverse Impact
- (c) No Interference with Surrounding Development
- (d) Adequate Public Facilities
- (e) No Traffic Congestion
- (f) No Destruction of Significant Features
- (g) Compliance with Standards

- (a) *Code and Plan Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.*

The purpose of the Commercial Districts, as stated in the Zoning Code, is to “*permit development of property for the full range of commercial uses needed to serve the citizens of La Grange in a suburban setting.*” In addition, the C-1 core commercial district is designed specifically to “*provide for the development of a concentrated, pedestrian-oriented commercial center.*”

According to the *Market Assessments*, which is part of the Village’s *Comprehensive Plan* adopted in 2005, “*La Grange is increasingly known for its diverse...collection of restaurants...this is consistent with trends in successful downtowns throughout the Chicago metropolitan area.*” The Plan further notes that downtown restaurants are “*an important economic asset for the community.*”

An outdoor café is a permitted temporary use *in any commercial district accessory to an authorized restaurant immediately adjacent to such outdoor café, subject to the specific prior written approval of the Village Manger and to compliance with all conditions established therefore by code, ordinance and administrative policy.* The proposed special use permit would allow the owners of Q-BBQ to expand their seating area and provide an outdoor seating for their patrons year round.

While pleased with the success of this business, Village Management and Department Heads are concerned that approval of this special use for an expansion that is not a permanent, brick and mortar addition to the building is allowing a cheaper route for additional seating and might encourage other businesses to opt for this alternative that would not be consistent with the type and quality of development/expansion we would like to see in our core commercial district in downtown La Grange.

5-A.21

- (b) No Undue Adverse Impact: *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.*

The applicant believes that with proper controls the placement of an outdoor dining area at this location would not adversely affect the surrounding properties, and that this type of use is consistent with the character of the area. Several restaurants in downtown La Grange have temporary outdoor patios in the public right-of-way from mid-April through October with no permanent structures. Department Head staff raised concerns about the public safety and the proximity of the proposed structure to the adjacent parking lot. The nature of the enclosure being directly adjacent to the parking lot causes concern that vehicles may drive over the wheel stops, potentially crashing into the canvas sidewalls. That is not a safe condition for the people in the eating area. Other such permanent outdoor seating areas that have been approved under special use permits are fully enclosed and/or protected from vehicular intrusion.

- (c) No Interference with Surrounding Development: *The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.*

The proposed dining area is directly adjacent to the restaurant and a parking area. Feedback from adjacent businesses at the public hearing will be key as to whether the loss of the larger sidewalk area would adversely affect the use of their spaces. Their feedback would also be an indicator of how this structure would or would not dominate the immediate vicinity.

- (d) Adequate Public Facilities: *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.*

The proposed use would be serviced by existing utilities at the subject property. Because this is a commercial use, there would not be an increase in population. The proposed use would not affect the schools in the community. Fire suppression plans would all need to be reviewed to meet Village standards as a condition of any special use permit approvals.

5-A.22

- (e) No Traffic Congestion *The proposed use and development will not cause undue traffic congestion nor draw significant amount of traffic through residential streets.*

With the only ingress and egress of the site through commercial areas only, staff anticipates modest traffic impact on the surrounding area. This facility has been in operation for a year and a half with no noted adverse impact on residential areas. The addition of an enclosure around the seating area would not significantly change any existing traffic patterns.

- (f) No Destruction of Significant Features: *The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.*

The proposed use would not require new development or alterations to the existing building. The outdoor awning would have clear panel screens to see through to the brick wall of the building. Additionally, not being an entirely permanent (brick and mortar) structure, this enclosure can be removed easily, should the use in the principle structure change in the future.

- (g) Compliance with Standards: *The proposed use and development complies with all additional standards imposed on it by the particular provision of this code authorizing such use.*

The applicant has indicated a willingness to comply with all applicable provisions of the Zoning Code.

#### DELIBERATION FACTORS

Special Uses require weighing possible impacts and effects on the community against any added benefit they may afford or need they may address. In order to determine their appropriateness on any proposed site and their compliance with proposed standards, the Commissioners should consider these factors as outlined in Paragraph 14-401E3 of the Zoning Code:

- (a) Public Benefit *Whether and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.*

5-A.23

The applicants believe that an outdoor eating area would be a desirable attribute to their restaurant and a positive amenity for patrons. Currently, many restaurants in downtown La Grange receive permits for outdoor sidewalk cafes located on public property each year. This special use would establish a permanent outdoor seating area in the Central Business District instead of the temporary cafes that most restaurants utilize.

- (c) Alternative Locations *Whether and to what extent, such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.*

Q-BBQ has established its restaurant and its customer base at its current location. According to the applicant, the proposed outdoor seating area is the only possible location on their property to accommodate an expansion. They have looked at the possibility of expanding their interior space, but there are no adjacent vacant spaces. Another option might be to construct a permanent structure (brick and mortar) addition to the building; however, this might further block the walkways around the property.

- (d) Mitigation of Adverse Impacts. *Whether and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity.*

Department Head staff reviewed the proposed plan with the following comments:

The Police Department had the following concerns:

1. The sidewalks provides an attractive lure (a canvas) for vandalism
2. The area could be accessed by homeless people, who might see this as a place of safety overnight and safe haven from the elements.

The Fire Department had the following life safety concerns:

1. Questions on fire proofing, duration, re-application, etc. of the awning.
2. Proximity to parked vehicles. Nine feet of tent leaves less than three feet (28") of walkway, even less, approximately 9" when at the site. The potential of a vehicle running into the tent must be considered by the Commissioners. Also, this would

5-A.24

not provide protection from rain, snow and ice as people walk on the narrow side walk.

3. Exit doors would have to have panic hardware.
4. Since this is year round (permanent), lighted exit signs with battery backup would be required.
5. Concerns about the type of heating system, if propane, how large are the tanks? Is it stored next to building? Secured? Protected from traffic?
6. Currently only one GFCI outlet is available. They would need another one inside the tent. Absolutely no extensions cords would be allowed.
7. The applicant did not submit plans for lighting; no extension cords would be permitted for lighting.
8. While the interior of the restaurant is protected by a fire alarm, if this new canopy structure is going to be 'permanent', detection also might be required within the canopy.
9. A minimum sized 2A10BC fire extinguisher will need to be mounted in the tent.
10. Inspectional staff questioned the structural integrity of the canopy; more information is needed to determine the wind load, snow load, flame spread, etc.

## 2. SITE PLAN APPROVAL

A requirement of a Special Use Permit is also to submit information proving that the proposed use will not have undue adverse impacts on adjacent property, the character of the area, or public health and safety. The following items should be examined:

### Access and Circulation

Exits are provided at both the west and east end of the structure, which meets the building code requirements. Separation from the adjacent vehicle parking area is five and a half feet total, which provides a 3 feet wide pedestrian walkway and 2.5 feet of concrete car blocks. The ADA requirement for aisle clearance width is 44 inches; this plan would not be compliant with ADA accessibility requirements for both the inside aisles and outside walkway.

5-A.25

The *Comprehensive Plan* recommends generous sidewalks that allow for a “walking zone” adjacent to storefronts. This site plan would reduce the walkway width (defined as 10 – 15 feet). With the current configuration, the structure would be erected within the existing walking zone. To the point that the nose of the car would encroach onto the 3-foot walkway (See attached photos of “Proposed Location of Outdoor Seating” for Q-BBQ), forcing people to walk into the adjacent parking lot, blocking pedestrian access not only to Q-BBQ from the parking lot but also from La Grange Road to other businesses located behind the building. This could create an unsafe condition putting pedestrians in to the critical, busy two-way traffic pattern of vehicles turning off and onto La Grange Road. One option might be to change the configuration of the parking lot to parallel parking in order to provide a pedestrian walking zone. Due to parking constraints in this center, it is unlikely that the owner would agree to reduce parking spaces.

#### Parking

The tent lay out appears to encroach access to the designated handicapped parking spot, thus rendering it non-compliant with ADA accessibility requirements.

Noise. *No use shall produce noise of such volume or pitch as to cause a nuisance in any residential district at any time...between the hours of 10:00 p.m. and 7:00 a.m.*

The proposed area will be enclosed with a canopy structure, which according to the petitioner will contain all noises within the building. In addition, hours of operation are Monday through Friday, 11:00 a.m. through 9:00 p.m., which adequately conforms to the time requirements of the Village’s Code of Ordinances.

Exterior Lighting. *Exterior lighting fixtures shall be shaded so that no direct light is ...upon any property located in any residential district.*

Lighting for this project includes low voltage chandeliers within the structure and should not interfere with any residential properties, as this business is not directly adjacent to the residential district.

#### Other.

There is an active nuisance complaint regarding odors from the smoke operations of this facility. The owner has been cooperative thus far in trying to work with the Village toward a resolution. The owner indicates that adding this seating area will not increase the use of the smoker as it currently burns 24 hours a day and it is only the content (meat to be smoked) that will increase.

5-A.26

**3. DESIGN REVIEW.**

In any case where a Design Review Permit is required in conjunction with the issuance of a Special Use Permit, the application for a Design Review Permit shall be heard by the Plan Commission at the same time such approval is heard. The Plan Commission shall make its recommendation to the Village Board of Trustees as provided in Paragraph 14-403D6.

The Commission and the Board of Trustees shall be guided by the following standards and considerations:

**STANDARDS AND CONSIDERATIONS FOR DESIGN REVIEW PERMIT.**

1. *Visual Compatibility. New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved, shall be visually compatible in terms of the following criteria:*
  - (a) *Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.*
  - (b) *Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.*
  - (c) *Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.*
  - (d) *Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.*
  - (e) *Rhythm of Spacing and Buildings on Streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.*
  - (f) *Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.*

5-A.27

- (g) Relationship of Materials, Texture, and Color. *The relationship of the materials, texture, and color of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.*
- (i) Walls of Continuity. *Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.*
- (j) Scale of Building. *The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.*
- (k) Directional Expression of Front Elevation. *A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.*

QUALITY AND DESIGN SITE DEVELOPMENT.

*New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development criteria:*

- (b) Materials. *The quality of materials and their relationship to those in existing adjacent structures.*
- (c) General Design. *The quality of the design in general and its relationship to the overall character of neighborhood.*
- (e) General Site Development. *The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.*

The Plan Commission should discuss and determine whether or not the appearance of the proposed structure is consistent with other areas directly on La Grange Road.

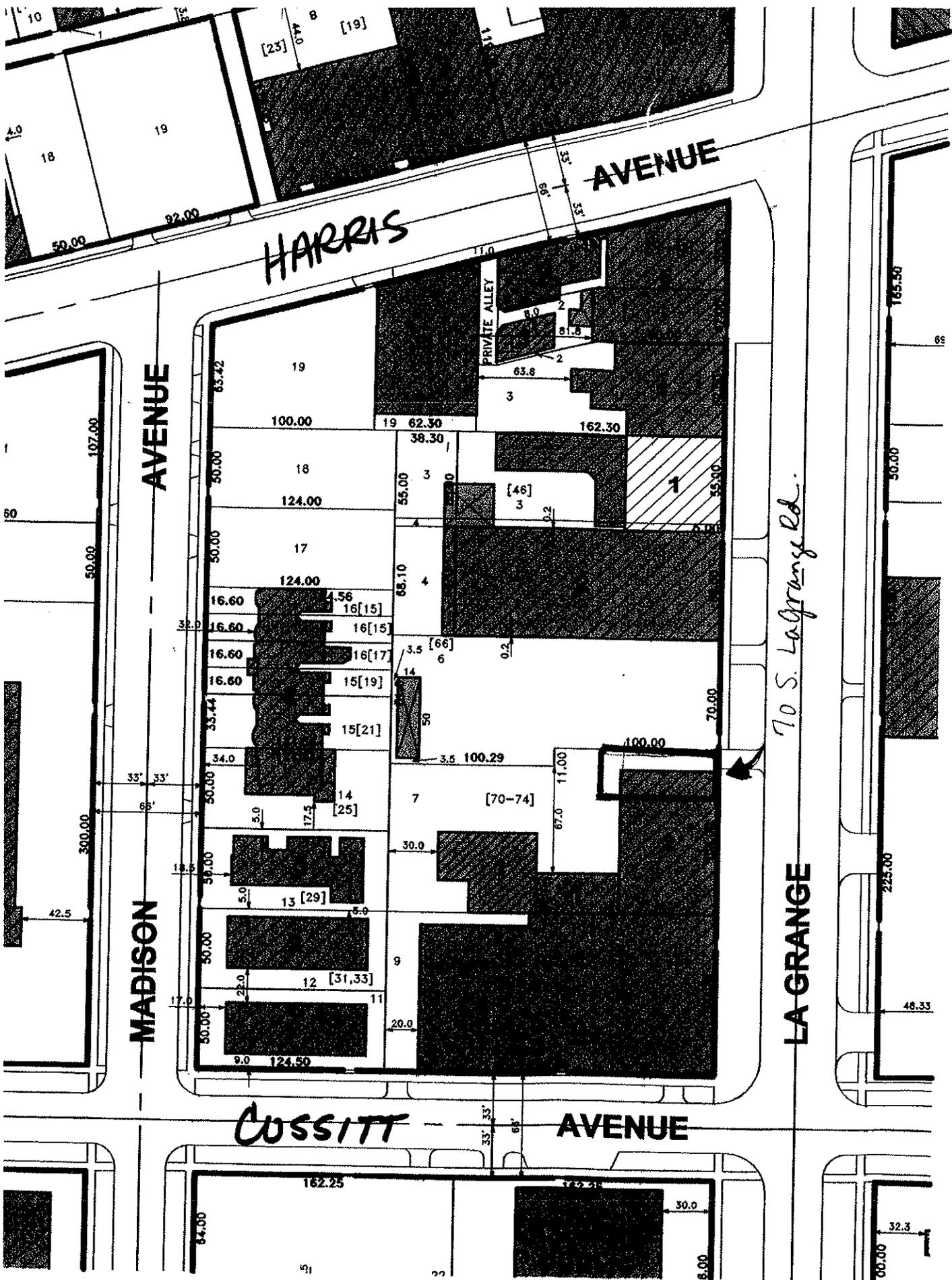
5-A.28

**III. RECOMMENDATION:**

It appears that there are several matters raised by the Department Head and Inspectional staff that need to be addressed by the applicant. If you are satisfied that these issues have been adequately addressed based on the applicant's response and testimony from the public at your hearing, and you choose to proceed with a recommendation, staff would recommend approval of a **Special Use Permit, Site Plan Approval and Design Review Permit to allow Outdoor Seating accessory to a permitted eating place for the property legally described in Plan Commission Case #200 and commonly known at 70 S. La Grange Road, with the following conditions:**

- (1) The outdoor eating area is to be constructed and maintained in conformance with all State and Village Codes and operated so as not to create an adverse impact on adjacent properties;
- (2) Address all code and safety issues identified by the Fire Department in Section II of this Report.
- (3) Submit for review and approval plans and a timeline for specific action to address any current and existing code violations prior to erecting the proposed structure.

5-A.29



HARRIS AVENUE

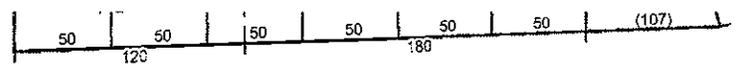
MADISON AVENUE

70 S. LaGrange Rd.

LA GRANGE

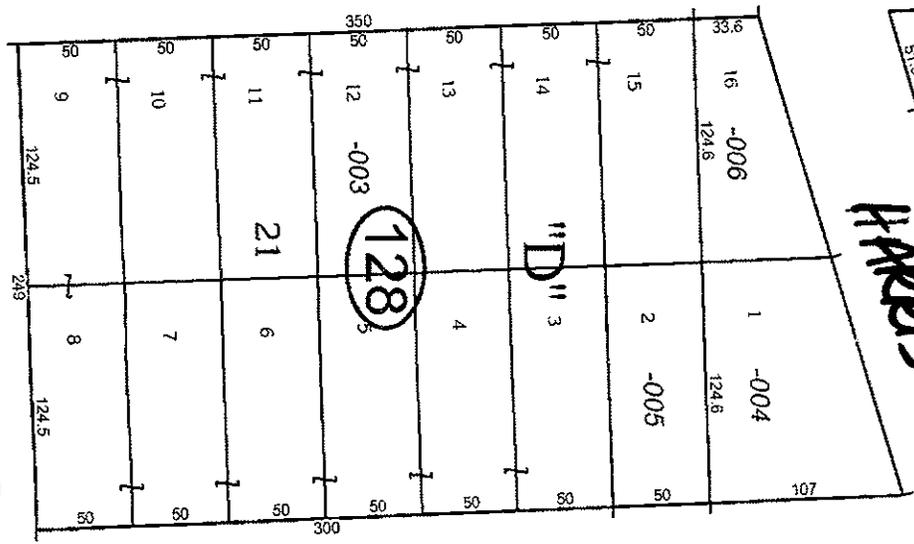
COSSITT AVENUE

5-A-30



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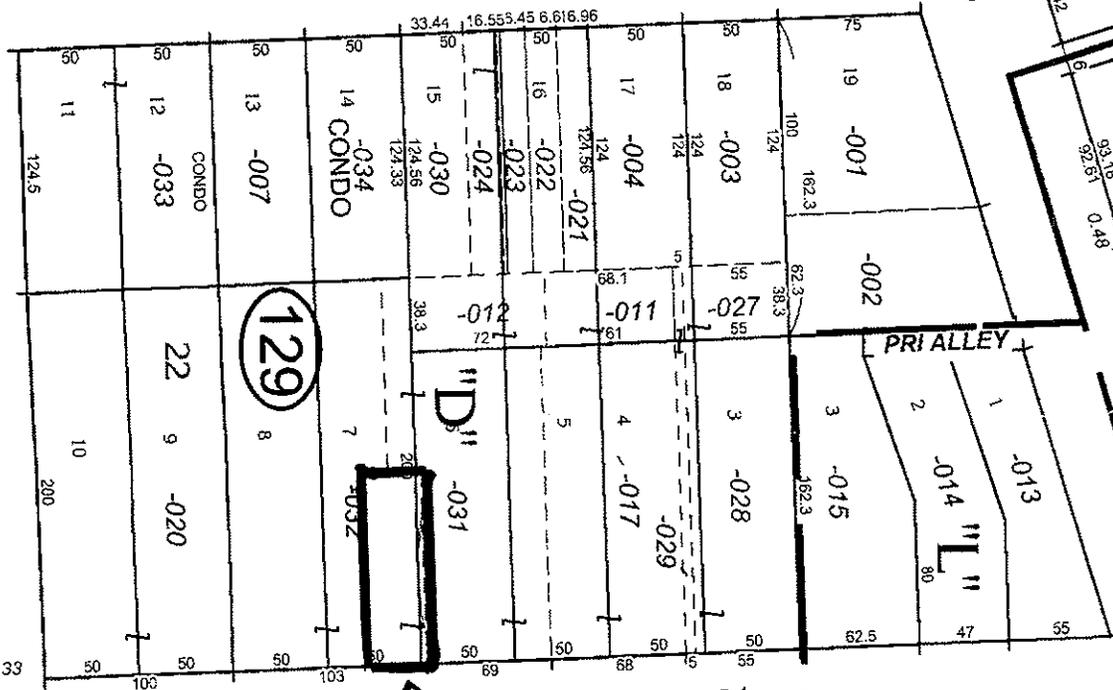
**ASHLAND AVE**



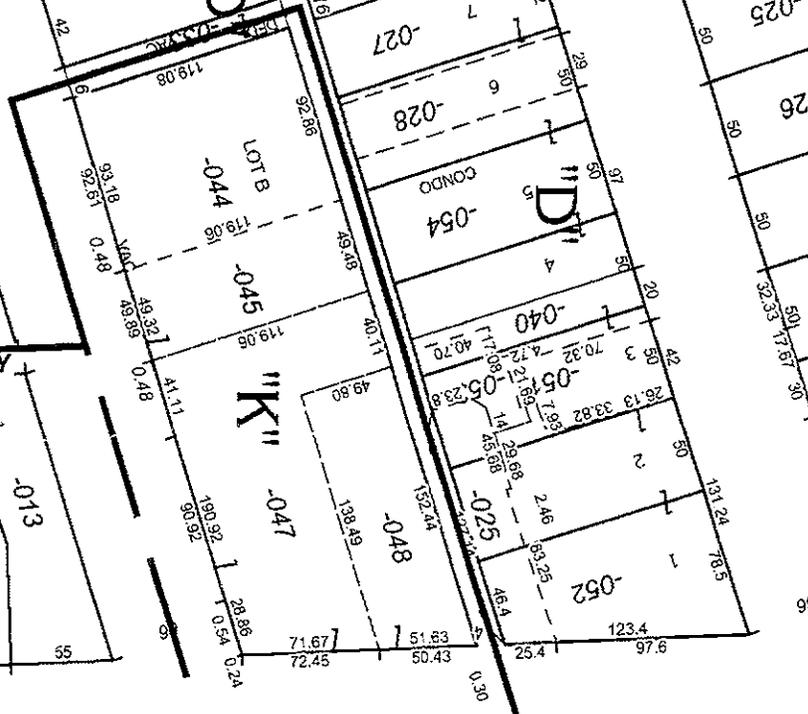
**HARRIS AVENUE**



**MADISON AVE**



**PRI ALLEY**

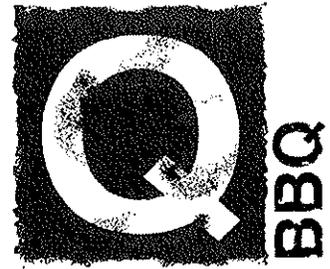


**LAGRANGE RD**

70 S. LaGrange Rd

**COSSITT AVE**

5-A-31



To: Pat Benjamin  
From: Michael LaPidus, Q-BBQ  
Re: Outdoor Eating Area Temporary Special Use Permit  
Date: April 15, 2011

Q-BBQ has operated in Downtown La Grange for a year and a half and has experienced a tremendous amount of success. We are serving authentic BBQ in a chic and unique atmosphere. We have been fortunate to have had media success that has lead to increased sales and traffic in town. People are traveling from all over Chicago land to experience our BBQ.

As you are aware our seating has reached its limit. We are constantly getting requests from families and larger groups to dine here because of our ease of ordering and economical price structure. We repeatedly have to turn people away or people wait for upwards to an hour for tables.

Therefore, we have space on the North side of our restaurant to put an attractive outdoor dining area. This would be a large black awning exactly matching the current one with removable clear sidewalls. The purpose of this area would be to use it during incimate weather and overflow seating to accommodate larger groups and current customers. It would be heated with two doors on either side for egress with fire exit signs. It will have a 3 foot high canvas wall and removable clear windows for beautiful days. This project would maintain the integrity of the building and downtown area while enhancing our visibility as a restaurant destination. These are customary in downtown Chicago at high-end steakhouses and are plentiful in NYC. We would like to have this erected by June 1, 2011.

Please review with the Village Manager and Department Heads and advise me if we can proceed to obtain the temporary use while we are concurrently applying for the special use permit for outdoor seating. Thank you for your assistance.

5-A.32

**Village of La Grange**

53 S. La Grange Road, La Grange, IL 60525  
Phone (708) 579-2320 Fax (708) 579-0980

**SPECIAL USE APPLICATION AND PLANNED UNIT DEVELOPMENT**

TO THE PRESIDENT AND  
BOARD OF TRUSTEES  
VILLAGE OF LA GRANGE

Application No.: 200  
Date Filed: 4-20-11  
UARCO No.: 91583

(Please Type or Print)  
Application is hereby made by Q.B.B.Q

Address: 70 S. LaGrange RD Phone: 708 482 8700

Owner of property located at: Seamus Krots 70 S LaGrange RD

Permanent Real Estate Index No.: 18-04-129-032  
as set forth by plat of survey attached hereto

Present Zoning Classification: C-1 Central Commercial District

**PROPOSED SPECIAL USE:** Outdoor dining area  
(Specify from list of allowable Special Uses pursuant to the Zoning Ordinance of the Village of La Grange)

**GENERAL STANDARDS:** The petitioner should state FACTS AND REASONS and submit any pertinent evidence establishing each of the following principles:

(a) **Code and Plan Purposes.** The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

Please see attached

(b) **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Please see attached

5-A33

- (c) No Interference with Surrounding Development. The proposed use and development will be constructed arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Please see attached

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- (d) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Please see attached

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- (e) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

Please see attached

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- (f) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Please see attached

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- (g) Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Please see attached

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\* \* \*

5-A.34

**NOTICE:** This application must be filed with the office of the Community Development Director accompanied by necessary data called for above and the required filing fee escrow. The escrow will be utilized to cover all costs incurred by the Village as outlined in Paragraph 14-101D2 of the Zoning Code:

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

The escrow for the application is as follows:

**Special Use Permits - \$1,500**

**Planned Development - \$3,000**

Should the funds in escrow fall below the \$300 the Village will request that the applicant replenish the escrow fund prior to further processing of said application.

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

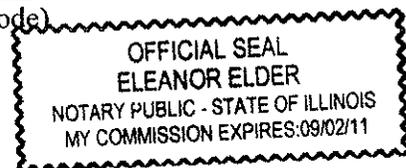
I, the undersigned, do hereby certify that I am the owner or contract purchaser (Evidence of title or other interest you have in the subject property, date of acquisition of such interest and the specific nature of such interest must be submitted with application) and do hereby certify that the above statements are true and correct to the best of my knowledge. I also acknowledge that Village staff will prepare a report with a recommendation to the Plan Commission prior to my hearing. I understand that this report will be available for my viewing the Friday prior to my hearing and it is my responsibility to contact the Village to view this report and obtain a copy.

Murphy 70 S. LaGrange Rd  
(Signature of Owner or Contract Purchaser) (Address)  
LaGrange IL 60525  
(City) (State) (Zip Code)

SUBSCRIBED AND SWORN TO BEFORE ME THIS

20<sup>th</sup> DAY OF APRIL, 2011

Eleanor Elder  
NOTARY PUBLIC



PLACE SEAL HERE

5-A-35

**(FOR VILLAGE USE ONLY)**

1. Filed with the office of the Community Development Director 4-20, 2011
2. Transmitted to Plan Commission at their meeting held: May 10, 2011
3. Continuation (if any): \_\_\_\_\_
4. Notice of hearing published in: Sub Life on: 4-20-11
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.36

**Addendum to Special Use Application for Q-BBQ 70 S. La Grange Rd.**

**a. Code and Plan Purposes:**

This plan will be in harmony with the general and specific purpose of commercial development in Downtown La Grange embodying the spirit of the 2005 Comprehensive Plan. The proposed use of this outdoor dining area is using an unused piece of property on a more permanent basis to accommodate the general public frequenting Q-BBQ and downtown La Grange. It embodies the purpose of a Commercial District "permitting development of property for the full range of commercial uses needed to serve the citizens of La Grange in a suburban setting."

**b. No Undue Adverse Impact:**

The location of this proposed outdoor seating area would not pose an adverse impact on the surrounding community because it is merely a small extension of the current and permitted use. The character of the area would be enhanced by this project.

**c. No Interference with Surrounding Development:**

There will be no interference with the Surrounding Development created by this special use because this area currently exists and is not utilized on a more permanent basis.

**d. Adequate Public Facilities:**

No further public facilities or services will be needed for this proposed purpose.

**e. No Traffic Congestion:**

There will be no additional traffic congestion in the residential or commercial districts by the proposed use.

**f. No Destruction of Significant Features:**

There will be no destruction of significant features. This outdoor awning will cover up a brick wall but will have clear panel screens to still see through. Although it is considered a year round structure, it is totally removable to the original state.

**g. Compliance with Standards:**

The proposed special use will comply with all standards of the code and applicable laws.

5-A.37

To: Michael LaPibus, Q-BBQ

From: John Rot, Seamus Knolls

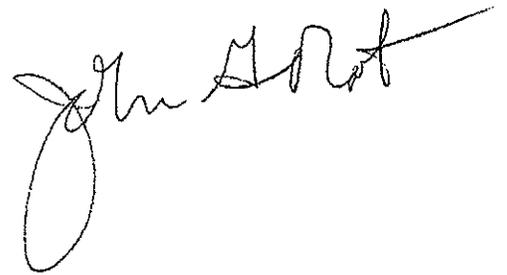
Date: April 15, 2011

Re: Permission for Outdoor Café Special Use

---

I hereby grant full permission for the outdoor café awning and year-round tent to be erected on the North side of 70 S. La Grange Rd known as Q-BBQ.

All permits and special use permits must be obtained from the Village of La Grange, IL.

A handwritten signature in black ink, appearing to read "John Rot". The signature is written in a cursive style with a large loop at the beginning and a long horizontal stroke extending to the right.

5-A-38

**Village of La Grange**

53 S. La Grange Road, La Grange, IL 60525

Phone (708) 579-2320 Fax (708) 579-0980

**APPLICATION FOR SITE PLAN APPROVAL**

Case No.: 200

Date Filed: 4-20-11

UARCO: 91583

TO THE VILLAGE MANAGER and/or  
PRESIDENT AND BOARD OF TRUSTEES  
VILLAGE OF LA GRANGE

Application is hereby made by Michael LAPIDUS D-BBQ  
(Please Type or Print)

Address: 70 S. LaGrange RD LaGrange IL 60525  
(City) (State) (ZIP)

Phone: (708) 482 8700

Owner of Property Located at: 70 S. La Grange Rd.

Permanent Real Estate Index No.: 18-04-129-032

Present Use: Restaurant Present Zoning Class.: C-1

Please indicate if site plan approval is needed in connection with any development or redevelopment requiring:

Design Review Permit X Special Use Permit X Planned Unit Development \_\_\_\_\_

PLAT OF SURVEY must be submitted with application. The plat should show existing buildings, lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.

\* \* \*

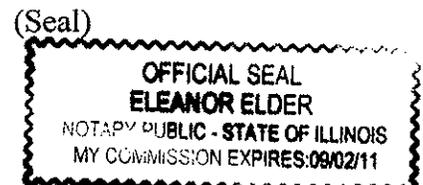
I, the undersigned, do hereby certify that I am the owner, or contract purchaser (evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application) and do hereby certify that the above statements are true and correct to the best of my knowledge.

Munich 708 LaGrange RD  
(Signature of Owner or Contract Purchaser) (Address)

LaGrange IL 60525  
(City) (State) (Zip)

Subscribed and sworn to before me this 20<sup>th</sup> day of APRIL, 2011.

Eleanor Elder  
(Notary Public)



5-A.39

Whenever an application filed pursuant to any provision of this code involves any use, construction, or development requiring the submission of a site plan pursuant to section 14-402 of this Code, seventeen (17) 11 x 17 copies of a site plan illustrating the proposed use, construction, or development, and **providing at least the following data and information**, on one or more sheets, shall be submitted as part of the application:

1. A **GRAPHIC RENDERING** of the existing conditions, which depicts:
  - a. All significant natural, topographical, and physical features of the subject property including contours at 1-foot intervals;
  - b. The location and extent of tree cover including single trees in excess of 8 inches in diameter at breast height;
  - c. The location and extent of water bodies and courses, marshes and special flood hazard areas, base flood areas and floodways on or within 100 feet of the subject property;
  - d. Existing drainage structures and patterns; and
  - e. Soil conditions as they affect development.
2. The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.
3. For all areas within any required yard or setback, and any proposed regrading of the subject property.
4. Data concerning proposed structures and existing structures that will remain, including:
  - a. Location, size, use, and arrangement, including height in stories and feet;
  - b. Where relevant, floor area ratio, gross floor area, and net floor area;
  - c. Where relevant, number and size of dwelling units, by dwelling unit type, and number of bedrooms;
  - d. Building coverage; and
  - e. Description of the calculation method utilized in computing all required statistics shown.
5. Minimum yard and setback dimensions and where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
6. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
7. All existing and proposed surface and subsurface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines. Also, easements and all other utility facilities.

5-A.40

8. Location, size, and arrangements of all outdoor signs and lighting.
9. Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
10. Location, designation, and total area of all usable open space.
11. A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.
12. A traffic study, if required by the Village Manager, the Board, or Commission hearing the application.
13. Final architectural working drawings of all structures indicating typical architectural elevations, style of structures, and typical building materials.

If possible, please submit electronic copies of plans.

\* \* \*

Enclosures:

5-A.41

**(FOR VILLAGE USE ONLY)**

1. Filed with the Office of the Community Development Director: April 20, 20 11.
2. Site Plan reviewed: May 10, 20 11.
3. In terms of the standards established by Subsection F of Section 14-402 of the Zoning Code the proposed site plan has been:

(i) Approved as submitted: \_\_\_\_\_

(ii) Approved subject to specific modifications: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(iii) Denied approval of site plan based of the following findings: \_\_\_\_\_

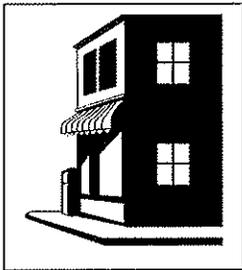
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* \* \*

(APPLICABLE WHEN SITE PLAN APPROVAL IS ASSOCIATED WITH ANY DEVELOPMENT OR REDEVELOPMENT REQUIRING A DESIGN REVIEW PERMIT, SPECIAL USE, OR PLANNED DEVELOPMENT.)

5. Transmitted to Plan Commission at their meeting held: \_\_\_\_\_
6. Continuation (if any): \_\_\_\_\_
7. Notice of hearing published in: \_\_\_\_\_ on \_\_\_\_\_
8. Findings and Recommendations of Plan Commission referred to Village Board at meeting of \_\_\_\_\_
9. Final action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held: \_\_\_\_\_

5-A-42



# Riverside Awnings & Canopies

9448 W. 47<sup>th</sup> Street  
Brookfield, IL 60513  
Phone (708) 447-9355  
Fax (708) 485-5838  
www.riversideawnings.com

## Quote

To: **Q BBQ**  
**70 S. LaGrange Rd.**  
**LaGrange, IL 60525**

Date: April 6, 2011  
Quote #1120  
Estimated Delivery Date: 4 weeks  
½ Down as Deposit  
Balance on Completion

Description	Amount
<ul style="list-style-type: none"> <li>To manufacture &amp; install 1 new shed style canopy to business stated above (approx. 48w X 9p X 4h)</li> <li>To also include wind screen walls with 2 doors for entire canopy</li> <li>Canvas to be Sunbrella material in color/pattern of choice which carries a 5-year warranty</li> <li>All welded framework to consist of galvanized steel &amp; carries a lifetime warranty</li> </ul>	

**Thank you for considering us for this project.**

It is the intent of the seller to deliver to buyer the products so stated in this contract, within the time and frame so stated, subject to our ability to produced materials, and is subject to labor disputes, acts of God, and other delays beyond our control.

**CUSTOMER DEPOSIT IS NON-REFUNDABLE 5 DAYS AFTER ACCEPTANCE OF CONTRACT.**

For the purpose of securing payment and performance of the obligation hereunder, Seller shall have, and Buyer hereby grants to Seller, a purchase money security interests in contract is paid in full. In the event Seller has to remove property due to nonpayment, any monies paid on account shall remain the property of Seller as liquidation damages, and any reinstallation shall be subject to renegotiation. All new installations are guaranteed against defect in material or workmanship for three years after installation.

ACCEPTED \_\_\_\_\_ DATED \_\_\_\_\_ BY \_\_\_\_\_  
BUYER SELLER

DEPOSIT \_\_\_\_\_ We may withdraw this proposal if not accepted within \_\_\_\_\_ days



5-A-43

**Village of La Grange**

53 S. La Grange Road, La Grange, IL 60525  
Phone (708)579-2320 Fax (708)579-0980

**DESIGN REVIEW PERMIT APPLICATION**

Case No.: \_\_\_\_\_  
Date Submitted: 4-20-11  
UARCO No.: 91583

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

Application is hereby made by (Please Print): Michael Lapidus Q-BBQ  
Address: 70 S. LaGrange RD Phone: 708 482 8700  
Owner of property located at: 70 S. LaGrange RD  
Permanent Real Estate Index No.: 18-04-129-032  
Present Use: \_\_\_\_\_ Present Zoning Class: \_\_\_\_\_

PLAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent.

The applicant must provide the following DATA AND INFORMATION:

1. Detailed plans depicting all work proposed to be done, including detailed renderings of any exterior alterations and of the exterior of any proposed new building. Such rendering shall show proposed exterior colors and textures.
2. Standards and Considerations. State how the proposed use or development achieves the purposes for which the Design Review District is designated.  
\_\_\_\_\_  
\_\_\_\_\_
3. Visual Compatibility. New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following criteria:
  - a. Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
  - b. Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - c. Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and place to which the building is visually related.
  - d. Rhythm of Solids to Voids in front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - e. Rhythm of Spacing and Buildings on Streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  - f. Rhythm of Entrance Porch and Other Projections. The relationship of entrances to other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

5-A.44

- g. Relationship of Materials, Texture and Color. The relationship of the materials, texture, and color of the facade shall be visually compatible with the predominant materials used in the buildings and structure to which it is visually related.
  - h. Roof Shapes. The roof shape of a building shall be visually compatible with the building to which it is visually related.
  - i. Walls of Continuity. Building facade and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
  - j. Scale of Building. The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies, shall be visually compatible with the buildings, public ways, and places to which they are visually related.
  - k. Directional Expression of Front Elevation. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in this directional character, whether this be vertical character, horizontal character, or non-directional character.
4. Quality of Design and Site Development. New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development criteria:
- a. Open Spaces The quality of the open spaces between buildings and in setback spaces between street and facade.
  - b. Materials The quality of materials and their relationship to those in existing adjacent structures.
  - c. General Design The quality of the design in general and its relationship to the overall character of the neighborhood.
  - d. General Site Development The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

**NOTICE:** This application must be filed with the office of the Community Development Director together with the following:

- **Filing fee of Two Hundred Dollars (\$200), which is non-refundable;**
- **Current photo of property;**
- **Visual proposal depicting final plan, including but not limited to detailed renderings of any exterior alterations. Such rendering shall show proposed exterior colors and textures. (In some cases architectural drawing may be required);**
- **Material samples, including but not limited to, paint, wood finish, stone, brick, fabric for awnings, etc;**

The minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village, any additional costs over and above these minimums which are incurred by the Village. Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

5-A-45

I, undersigned, do hereby certify that I am the owner, or contract purchaser (evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application) do hereby certify that the above statements are true and correct to the best of my knowledge.

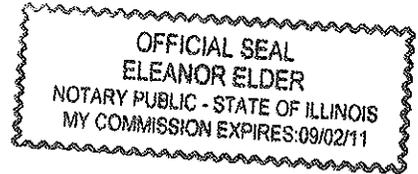
Muesepfle 70 S Labrage RD. (Signature of Owner or Contract Purchaser) (Address)

Labrage FL (State) 60525 (Zip Code) \_\_\_\_\_ (City)

Subscribed and sworn to before me this 20<sup>th</sup> day of APRIL, 2011

Eleanor Elder  
(Notary Public)

(Seal)



Enclosures: \_\_\_\_\_  
\_\_\_\_\_

5-A.46

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: July 11, 2011

RE: **SPECIAL EVENT -- LA GRANGE BUSINESS ASSOCIATION**  
**"WEST END ART FESTIVAL" AND "AN EVENING OF ART &**  
**JAZZ"**

---

Attached is a request from Andrea Barnish, Chairman of the La Grange Business Association's West End Art Festival seeking approval to conduct the 16<sup>th</sup> annual "West End Art Festival". The festival is planned to take place on Saturday, September 17<sup>th</sup> from 10 am to 5 pm and Sunday September 18<sup>th</sup> from 10 am to 4 pm. As in recent years, the La Grange Business Association will be working with Erin Melloy of EM Events. Erin Melloy has extensive experience in the art festival business. She is part founder of Naperville's acclaimed Riverwalk Art Festival and currently is the director of shows in Geneva, Orland Park, Oswego and Riverside.

This event would again be held on Burlington Avenue between Brainard and Spring Avenues, as well as in the park area surrounding Stone Avenue train station. La Grange Business Association is in the process of securing permission from the Burlington Northern Railroad to use the park area. It is anticipated that up to 150 artists and exhibitors, as well as a few food vendors, will be at the event.

After a successful first year, the La Grange Business Association would like to host the second annual "An Evening of Art and Jazz" event on Friday, September 16<sup>th</sup>, featuring an artist preview and sale as well as live jazz music from 6 pm to 9 pm.

Village staff has reviewed the request and is supportive of the event subject to the following conditions:

1. that all licenses, permits and insurance coverages be obtained to the satisfaction of the Village; and
2. that the Village maintain final approval of site, security, parking and utility plans; and

5-B

3. that all adjacent affected businesses be contacted well in advance of the event by the sponsors and proof of contact be provided to Village staff; and
4. that all residents on the first block of South Stone and Waiola Avenues are advised of the event, and the closure of Burlington Avenue; and
5. that the administration of the Lyons Township High School North campus be advised of the event and the closure of Burlington Avenue; and
6. that commuters of the Stone Avenue train station be advised of the event and the closure of Burlington Avenue.

With respect to the sale and consumption of alcohol at “*An Evening of Art and Jazz*,” we recommend that:

1. The LGBA use a licensed caterer to sell the alcohol between the hours of 6 pm and 9pm.;
2. Beer and wine only will be sold;
3. Liquor control will be at the point of purchase and closely monitored thereafter by catering staff and LGBA volunteers; and
4. No open alcohol will be permitted to leave the area.

The Village Liquor Commissioner will separately consider a temporary liquor license for the time period of 6:00 p.m. to 9:00 p.m. pursuant to the request in the letter dated June 27, 2011 from Andrea Barnish, Chair of the West End Art Festival.

If you concur with this request, the Village will need to formally approve: (1) the closure of Burlington Avenue, portions of Stone and Waiola Avenues, and (2) waive restrictions for the outdoor display and sale of goods and services in the C-2 Zoning District.

Representatives of the La Grange Business Association will be in attendance at the Board Meeting and will be available to answer any further questions you may have.

We recommend that the Village Board authorize the La Grange Business Association to utilize Burlington Avenue from Waiola Avenue to Brainard Avenue for the “West End Art Festival” and the “*An Evening of Art and Jazz*” on September 16<sup>th</sup> through September 18<sup>th</sup>, 2011; that restrictions prohibiting outdoor display and sale of goods and services be waived in conjunction with this event; and that all conditions listed above be satisfied.

5-B.1



June 27, 2011

Village of LaGrange  
Mr. Pat Benjamin  
53 South LaGrange Rd.  
LaGrange, IL 60525

Dear Pat,

Once again, plans are being made for the annual West End Art Festival hosted by the LaGrange Business Association. We are proudly celebrating our 16th anniversary and are excited at the opportunity to showcase fine art by artists from across the country. We will be working with EM Events, llc. Erin Melloy has extensive experience in the art festival business. Currently she is director of shows in Geneva, Oswego, Batavia, Riverside and Chicago. The purpose of this letter is to present our proposal to you and the Board of Trustees to seek formal approval for the event.

The festival will be held Saturday, September 17 from 10 am - 5 pm and Sunday, September 18 from 10 am to 4 pm. The location will be on Burlington Ave. between Brainard and Spring. Artists's booth spaces will be set up on Burlington. Artists will supply their own exhibiting materials and will start to set up Friday morning. Artists fees for this year are \$10 to be juried and \$285 booth fee. In addition to great art, patrons will enjoy live music by local bands, food from LaGrange restaurants and art activities for the kids.

After a successful first year, we will be hosting the second annual "An Evening of Art and Jazz" event on Friday, September 16, featuring an artist preview and sale as well as live jazz music. Beginning at 6 pm, guests will enjoy appetizers and drinks while enjoying music performed by Akalibrio. The evening's events are scheduled to conclude by 9 pm. In order to prepare for the evening's events we are requesting street closures to begin at 9 am on Friday.

We are in the process of securing approval from the Burlington Northern to use the park area. We will keep you informed on its progress. Lot 13 will be used for parking as well as existing parking in the immediate area.

Our commitment remains the same to provide the community with a juried fine art exhibition and focus attention on the "west end" area. We look forward to receiving permission from the Board to proceed with plans for the West End Art Festival. If you have any questions or concerns please feel free to contact me. Thank you for your cooperation. It is greatly appreciated.

Sincerely,

Andrea Barnish  
Chair  
West End Art Festival



5-B.2