

## MINUTES

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

Monday, July 11, 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 7:35 p.m. by Village Clerk Thomas Morsch. On roll call, as read by Village Clerk Thomas Morsch, the following were present:

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

ABSENT: President Asperger

OTHERS: Assistant Village Manager Andrianna Peterson  
Village Attorney Mark Burkland  
Community Development Director Patrick Benjamin  
Assistant Community Development Director / Planner Angela Mesaros  
Finance Director Lou Cipparrone  
Public Works Director Ryan Gillingham  
Fire Chief Bill Bryzgalski  
Police Chief Mike Holub

It was moved by Trustee Horvath and seconded by Trustee Palermo to appoint senior Trustee Mark Langan as President Pro Tem. Motion approved by voice vote.

### 2. PRESIDENT'S REPORT

President Pro Tem Langan asked Assistant Village Manager Andrianna Peterson to comment on the recent power outages caused by severe storms and hurricane force winds. Ms. Peterson explained that ComEd was focusing their efforts on restoring power to life safety facilities and have requested additional crews from neighboring states to assist them. Ms. Peterson asked residents to report any outages or downed lines directly to Com Ed. Advising the public that La Grange Memorial Hospital will provide a cooling center, Ms. Peterson encouraged residents to check on their neighbors. In addition, the Department of Public Works will be picking up branches and debris created by the storm.

President Pro Tem Langan commented on a recent incident whereby a young girl was struck by a vehicle while crossing southbound at 47<sup>th</sup> Street and Waiola. Explaining that the girl was released from the hospital, President Pro Tem Langan encouraged residents

to utilize marked cross walks. He further noted that the Village has been in contact with the Park District and they will be working with the Village to provide traffic control at future Park District events.

Other announcements included the mention of the prior craft fair and a ribbon cutting for Chimera's Comics.

President Pro Tem Langan noted that the regular meeting of the Village Board of Trustees scheduled for Monday, July 25, 2011 is canceled and the next regular meeting is scheduled for Monday, August 8, 2011.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

President Pro Tem Langan stated that persons wishing to speak on the two items under Current Business should speak at this time. There were no public comments.

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-11-15) – Disposal of Surplus Property
- B. Resolution (#R-11-09) – Intergovernmental Agreement – Illinois Telecommunicator Emergency Response Taskforce (IL-TERT)
- C. Award of Contract – 2011 50/50 Sidewalk Replacement Program (Carrera Concrete Construction Company, Inc.)
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, June 13, 2011
- E. Consolidated Voucher 110627 (\$674,678.14)
- F. Consolidated Voucher 110711 (\$676,074.21)

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

Motion approved by 6 to 0 roll call vote:

Ayes: Trustees Holder, Horvath, Langan, Kuchler, Nowak, and Palermo

Nays: None

5. CURRENT BUSINESS

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

Trustee Langan noted that the petitioner seeks to erect a canvas structure as an outdoor eating enclosure on private property at 70 S. La Grange Road in order to accommodate additional customer seating all year long. This request requires a special use permit, site plan approval, and a design review permit. The Zoning Code requires a public hearing and a recommendation of the Plan Commission.

The Plan Commission held a public hearing on May 10 and thereafter recommended that the application be denied. Trustee Langan noted that the Plan Commission had concerns about code compliance matters. After the Plan Commission's recommendation, the petitioner revised its plans. Trustee Langan identified the revisions.

Trustee Langan moved to approve an ordinance granting a special use permit, site plan approval, and design review approval to allow outdoor seating at 70 South La Grange Road, seconded by Trustee Horvath.

Trustee Holder asked why the application was brought to the Board of Trustees rather than taking the revisions back to the Plan Commission. Community Development Director Patrick Benjamin responded that the Plan Commission chose to vote on the request rather than send the petitioner away to make revisions and come back to the Plan Commission. The petitioner exercised its right to bring the request before the Board rather than going back to the Plan Commission.

Trustee Langan stated that the primary issue before the Board is whether as a matter of policy the Board is willing to allow a temporary canvas structure to be installed permanently as proposed by the petitioner.

Trustee Holder asked if the issues raised by the Plan Commission have been satisfied. Mr. Benjamin responded affirmatively regarding code standards. Mr. Benjamin agreed that the question to the Board is whether this type of structure is acceptable.

Trustee Kuchler stated his concerns with the installation and use of a temporary structure on a permanent basis. Nothing of this kind has been allowed before. Trustee Kuchler believes the Board should not allow such a structure but instead should insist on a higher standard. The enclosure should be a permanent building not a temporary canvas structure. Allowing this use would set an undesirable precedent. Trustee Kuchler also questioned why the application was not submitted by the building owner rather than by the tenant.

Trustee Palermo agreed with Trustee Kuchler's concerns. Trustee Palermo referred to one of the Zoning Code standards—"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." Trustee Palermo does not believe that this standard has been met.

Trustee Palermo also noted concerns from adjacent businesses affected by smoke from the petitioner's cooking operations.

Trustee Langan asked Mr. Benjamin to clarify the issues relating to smoke. Mr. Benjamin noted that while the smoke-related issue was raised at the public hearing, it is not related to the petitioner's proposal. Attorney Burkland agree that there is nothing in the public hearing record to indicate that erection of the canvas structure would affect the smoke issue and therefore the standards in the Zoning Code related to special use permits, site plans, and design review do not seem to apply. Attorney Burkland noted that the staff has been responsive to the concerns about the smoke.

Trustee Palermo suggested that the applicant consider an alternative location for its restaurant.

Trustee Horvath expressed concern whether erecting a temporary structure instead of a permanent building would result in a permanent expansion of the business without a corresponding increase in the assessed valuation of the property. Trustee Horvath also asked if property line and sidewalk standards are compliant with the Americans with Disabilities Act because the drawings are not clear. Trustee Horvath stated that he did not support the application and, at a minimum, the matter should be remanded back to the Plan Commission.

Trustee Nowak concurred with Trustees Horvath and Holder and the concerns raised about allowing a temporary structure to be installed on a permanent basis. Trustee Nowak agrees that at least the matter should be remanded back to the Plan Commission for additional information.

Trustee Langan summarized the concerns and stated that the application should be remanded to the Plan Commission only if there is a possibility that the Board would approve the application and only with specific direction to the Plan Commission about what should be considered further.

Regarding the application, Attorney Burkland noted that it is acceptable for the tenant to complete the application with the consent of the building owner, which apparently was given.

Regarding the tax assessment, Attorney Burkland stated that he could not answer Trustee Horvath's questions definitively but noted it was possible the temporary structure would not be assessed in the same manner as a permanent structure.

Regarding the ADA issues, Mr. Benjamin stated that staff could recheck the plans submitted by the petitioner.

Member of the Board indicated that it would not be appropriate to approve the erection of a temporary structure on a year-round basis.

Trustee Langan asked for a vote on the motion to approve an ordinance granting a special use permit, site plan approval, and design review approvals to allow outdoor seating at 70 South La Grange Road.

Motion failed by 0 to 6 roll call vote:

Ayes: None

Nays: Trustees Holder, Horvath, Langan, Kuchler, Nowak, and Palermo

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

Trustee Holder stated that the Village has received a request from the La Grange Business Association to conduct the 16<sup>th</sup> Annual “West End Art Festival” on Saturday, September 17 and Sunday, September 18, 2011.

Trustee Holder noted that in addition to the West End Art Festival, the La Grange Business Association will incorporate “An Evening of Art and Jazz” to be held on Friday, September 16.

Trustee Holder explained that it is necessary for the Village to formally approve the temporary closure of Burlington Avenue and portions of Stone and Waiola Avenues for the outdoor display and to waive restrictions for the outdoor display and sale of goods and services in the C-2 Zoning District.

Trustee Holder added that the Village Liquor Commissioner will separately consider a temporary liquor license for the Friday, September 16 event.

It was moved by Trustee Holder 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 “An Evening of Art and Jazz” on September 16, 17 and 18, 2011; that restrictions prohibiting outdoor display and sale of goods and services be waived in conjunction with this event; and that all conditions be satisfied, seconded by Trustee Horvath.

Motion approved by 6 to 0 roll call vote:

Ayes: Trustees Holder, Horvath, Langan, Kuchler, Nowak, and Palermo

Nays: None

Trustee Langan expressed thanks to Andrea Barnish who has chaired this successful and rewarding event for numerous years.

6. MANAGER’S REPORT  
None

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Colleen Clark, on behalf of Honor Lorenzini co-owner of Urban Sole, presented a letter prepared by Ms. Lorenzini regarding the smoke issues from Q-BBQ. Trustee Langan noted that the Board of Trustees received a copy of the same or similar letter from Ms. Lorenzini in the agenda packet and thanked Ms. Clark for her attendance.

8. EXECUTIVE SESSION  
None

9. TRUSTEE COMMENTS  
None

10. ADJOURNMENT

At 8:25 p.m. it was moved by Trustee Palermo to adjourn, seconded by Trustee Horvath. Motion approved by voice vote.

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Elizabeth M. Asperger, Village President

ATTEST:

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Thomas Morsch, Village Clerk

Approved Date: 08/08/11