

Village of La Grange



**PUBLIC HEARING
AND
VILLAGE BOARD MEETING**

MONDAY, APRIL 14, 2008

7:30 p.m.

Book 1 of 3

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
PUBLIC HEARING AND BOARD OF TRUSTEES REGULAR MEETING

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

AGENDA

Monday, April 14, 2008 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL
President Elizabeth Asperger
Trustee Mike Horvath
Trustee Mark Kuchler
Trustee Mark Langan
Trustee Tom Livingston
Trustee James Palermo
Trustee Barb Wolf
2. PUBLIC HEARING – FY 2008-09 Operating and Capital Improvements Budget:
Referred to President Asperger
3. PRESIDENT'S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
 - A. Proclamation – Arbor Day in La Grange, Friday April 25, 2008
4. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
5. 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 – Variation – Maximum Building Coverage / Louis and Angela Shell, 106 N. Waiola Avenue
 - B. Ordinance – Variation – Required Rear Yard / Deloris Kohlstedt, 351 Lietch Avenue

- C. Ordinance – Variation – Required Front Yard / Matthew and Maureen Vulich, 410 E. Maple Avenue
- D. Budget Amendments – Fiscal Year Ending April 30, 2008
- E. Contract – Group Health and Life Insurance Renewal
- F. Intergovernmental Agreement – Use of Police Department Pistol Range
- G. Ordinance – Disposal of Surplus Property
- H. Ordinance – Amendment to Parking Restrictions / South Side of Brewster Avenue From Madison Avenue East to La Grange Road
- I. Consolidated Voucher 080324
- J. Consolidated Voucher 080414
- K. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, March 10, 2008

6. CURRENT BUSINESS

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

- A. Ordinance – (1) Zoning Map Amendment, (2) Amendment to Comprehensive Plan, (3) Design Review Permit, (4) Special Use Permit, (5) Planned Development Concept/ Final Plan, (6) Site Plan Approval and Elevations to Authorize a Mixed Retail and Multiple Family Residential Development, 31 E. Ogden Avenue, Atlantic Realty Partners, Inc.
- B. Ordinance – Planned Development Concept / Final Site Plan Approval to Authorize a Town Home Development, 47 South Sixth Avenue, 6th Avenue Development Group, LLC: *Referred to Trustee Horvath*
- C. Resolution – Approving the FY 2008-09 Operating and Capital Improvements Budget: *Referred to Trustee Kuchler*
- D. Ordinance – Water Rate Increase: *Referred to Trustee Kuchler*
- E. Increase in Parking Fines and Parking Decals: *Referred to Trustee Kuchler*
- F. Increase in Parking Meter Rates: *Referred to Trustee Kuchler*

G. Ordinance – Amending Fee Structure For Building, Plumbing, Mechanical and Electrical Permits: *Referred to Trustee Wolf*

H. Ordinance – Amending Registration Fees For Contractors: *Referred to Trustee Wolf*

7. 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.

8. 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.

9. 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.

10. TRUSTEE COMMENTS

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

11. ADJOURNMENT

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

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

FROM: Bob Pilipiszyn, Village Manager,
Lou Cipparrone, Finance Director

DATE: April 7, 2008

RE: **PUBLIC HEARING — FY 2008-09 OPERATING AND CAPITAL
IMPROVEMENTS BUDGET**

In accordance with State statute, the Village Board is scheduled to convene a Public Hearing on Monday, April 14, 2008 at 7:30 p.m. in the La Grange Village Hall Auditorium for purposes of receiving public comment regarding the proposed FY 2008-09 Operating and Capital Improvements Budget.

A notice of Public Hearing has been posted and published. In addition, copies of the proposed budget document have been made available for public inspection at Village Hall, La Grange Public Library and the Village's website since the end of February. The public hearing represents the conclusion of the on-going process by which public input has been solicited throughout the development of the budget document. This process began in November, 2007 with consideration of the preliminary tax levy.

After all oral and written comments have been heard, it would be appropriate for the Village Board to adjourn the Public Hearing. Should any testimony received at the public hearing resonate with the Village Board, the Village Board has the legislative discretion to discuss and amend the Village budget when it is considered for adoption later on in the meeting agenda.

VILLAGE OF LA GRANGE

NOTICE OF PUBLIC HEARING

A public hearing will be held on the proposed Village of La Grange budget for the 2008-09 fiscal year ending April 30, 2009. The public hearing will be held on Monday, April 14, 2008, at 7:30 p.m. in the La Grange Village Hall, 53 S. La Grange Road, second floor auditorium.

All interested citizens attending the public hearing may provide written and oral comments and may ask questions regarding the entire budget for fiscal year 2008-09.

A copy of the entire budget for the Village of La Grange for the year ending April 30, 2009 is available for public inspection in the office of the Village Clerk, 53 S. La Grange Road, La Grange, Illinois, the La Grange Public Library and at the Village's website www.villageoflagrange.com.

Robert N. Milne
Village Clerk
Village of La Grange

2.1

PRESIDENT'S REPORT

VILLAGE OF LA GRANGE
Public Works Department

BOARD REPORT

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

FROM: Robert Pilipiszyn, Village Manager
Ken Watkins, Director of Public Works
Don Wachter, Village Forester

DATE: April 14, 2008

RE: **PROCLAMATION -- ARBOR DAY**

Attached for your consideration is a Proclamation declaring Friday, April 25, 2008 as Arbor Day in La Grange. It is appropriate for the Village Board to consider this measure for two reasons. First, the Village has been named a Tree City USA by the National Arbor Day Foundation for twenty-five consecutive years (through 2007). Official observance of Arbor Day is one of the criteria for receiving this award. Second, it honors the legacy of our founding father, Franklin Cossitt who planted our first urban forest.

This year, Arbor Day will be celebrated with the students from the St. Francis Xavier East Campus School. An 'Exclamation' Planetree will be planted on the grounds of the First Baptist Church of La Grange, 121 N. Catherine Avenue, which serves as the school's East Campus. The Arbor Day tree planting ceremony will take place on Friday, April 25^h at 10:00 AM.

It is our recommendation that the Proclamation declaring April 25, 2008 as Arbor Day in La Grange be approved.

3-A

VILLAGE OF LA GRANGE

PROCLAMATION

“Arbor Day in La Grange, Friday, April 25, 2008”

WHEREAS, the Village of La Grange is characterized by its stately and tree-lined streets; and

WHEREAS, the Village makes a continual effort to preserve the aesthetic beauty and environmental benefit by appropriate Urban Forestry planning and reforestation; and

WHEREAS the Forestry and Tree Planting Program will continue to be integral parts of the services the Village of La Grange provides to its residents, businesses and schools; and

WHEREAS the Village of La Grange recognizes the interest in and desire for a healthy Urban Forest from the entire community,

NOW, THEREFORE, BE IT RESOLVED that the Village of La Grange does hereby proclaim Friday, April 25, 2008 as it's official Arbor Day Observation, and

THEREFORE, BE IT FURTHER RESOLVED that Arbor Day shall be marked with an Arbor Day tree planting ceremony at 10:00 A.M., Friday, April 25, 2008 at the St. Francis Xavier East Campus School, in recognition of the students' effort to improve our Urban Forest.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

3-A-1

OMNIBUS VOTE

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
Angela M. Mesaros, Assistant Community Development Director

DATE: April 14, 2008

RE: **ORDINANCE - VARIATION - MAXIMUM BUILDING COVERAGE /LOUIS
AND ANGELA SHELL, 106 N. WAIOLA AVENUE.**

Louis and Angela Shell, owners of the property at 106 North Waiola Avenue, have applied for a variation from maximum building coverage requirements to construct a one-story addition that includes an eat-in kitchen and family room as part of a larger restoration project. The subject property is located on an interior lot in the R-4 Single Family Residential District. The property in question is 50 ft. wide by 100 ft. deep, which is smaller than typical residential lots in La Grange that measure 125 ft. deep.

Maximum Building Coverage for this property is 30% (1,500 square feet). Construction of the proposed addition would increase building coverage to 1,650 sq. ft. or 33%. With the proposed addition, the property would exceed the Maximum Building Coverage by 150 square feet or 10%. The Zoning Code allows the increase of the building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

According to the petitioners, the addition is necessary in order to have a functional kitchen and living space. If the property were standard size, 125 ft. deep, the proposed addition would be permitted. As part of this project, the Shells are reducing the size of their detached garage in order to maintain open space on the property.

On March 20, 2008, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously, five (5) ayes and zero (0) nays with two (2) Commissioners absent, to recommend that the variation be granted for an addition.

Staff has prepared the attached ordinance authorizing the variation for your consideration.

5-A

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-_____

AN ORDINANCE GRANTING A ZONING VARIATION
FOR CONSTRUCTION OF AN ADDITION
AT 106 N. WAIOLA AVENUE

WHEREAS, Louis and Angela Shell are the owners (the "Owners") of the property commonly known as 106 N. Waiola Avenue, La Grange, Illinois, and legally described as follows:

The east 100 feet of Lot 11 in Block 10 in Cossitt's First Addition to La Grange, in the northwest ¼ of Section 4, Township 38 North, Range 12, east of the Third Principal Meridian, in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owners have applied for a variation from the maximum building coverage required by Paragraph 3-110E1 of the La Grange Zoning Code in order to construct an addition as part of the remodeling of a house on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on March 20, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated March 20, 2008, that the variation be approved; and

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

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. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owners a variation from the maximum building coverage standard of Paragraph 3-110E1 of the La Grange Zoning Code to increase the maximum building coverage required on the Subject Property by 10% for an addition, subject to all of the following condition:

5-18-1

- The variation is granted only to authorize construction of an addition in substantial conformity with the design drawings attached to this Ordinance as Exhibit A (the "Approved Design"). The permit drawings to be prepared by the Owners must conform to the Approved Design.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owners and recording of the covenant required by Subsection 2B of this Ordinance, and (c) approval by the Village's Director of Community Development of conforming plans for the addition as required by Subsection 2A of this Ordinance.

PASSED this ____ day of _____ 2008, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____ 2008.

Elizabeth M. Asperger, Village President

ATTEST:

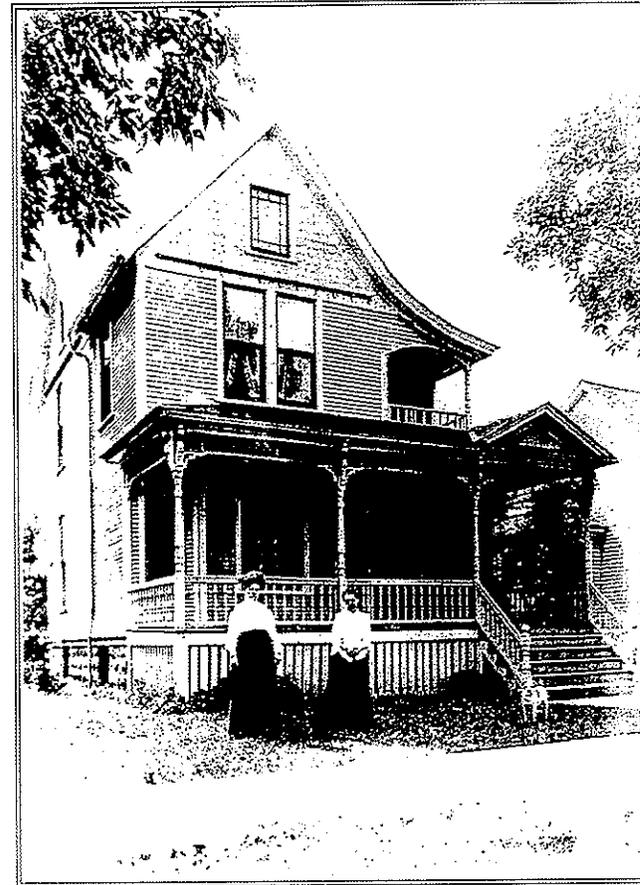
Robert N. Milne, Village Clerk

5-A.2

M.A. 6

SHELL RESIDENCE ADDITION

106 N. WAIOLA AVE.
LA GRANGE, ILLINOS



DRAWING INDEX:

- A01 ZONING PLAN
- A02 LANDSCAPE PLAN
- A03 DEMOLITION PLANS
- A11 BASEMENT FLOOR PLAN
- A12 FIRST FLOOR PLAN
- A13 SECOND FLOOR PLAN
- A21 NORTH ELEVATION
- A22 EAST ELEVATION
- A23 SOUTH ELEVATION
- A24 WEST ELEVATION
- A31 GARAGE FLOOR AND ATTIC PLANS
- A32 GARAGE NORTH AND EAST ELEVATIONS
- A33 GARAGE SOUTH AND WEST ELEVATIONS

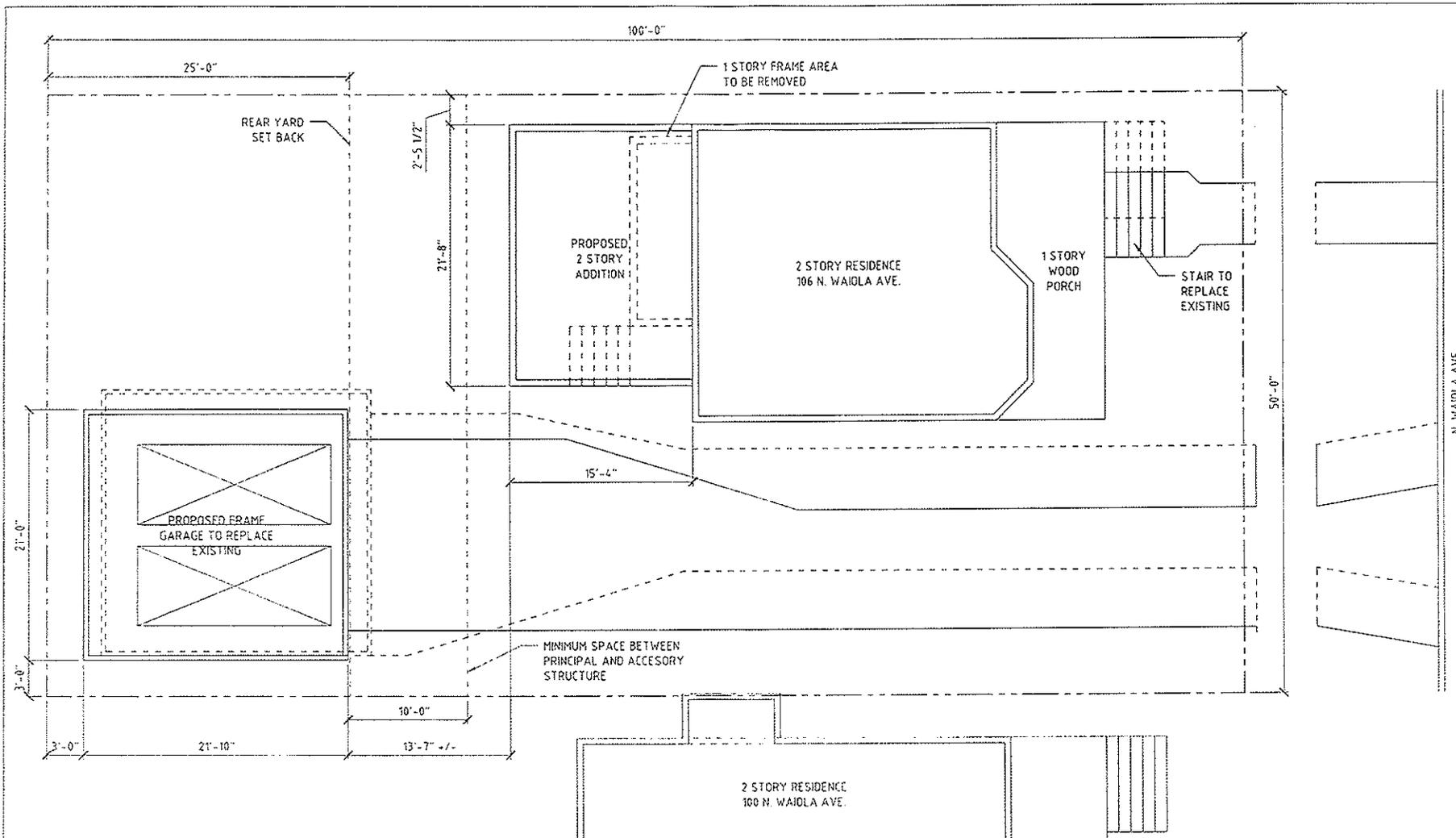
LOUIS SHELL STRUCTURES

2500 W. 127th Street
Morton Grove, IL 60053
Tel: 847.341.1913
Fax: 847.341.1913

SHELL RESIDENCE ADDITION

106 N. WAIOLA AVE.
LA GRANGE, IL 60525

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION



LOUIS SHELL STRUCTURES
 Structural Engineer
 License No. 001234567
 Exp. 12/31/2017
 142 W. 25th St. #103
 Chicago, IL 60608

SHELL RESIDENCE ADDITION
 106 N. WAIOLA AVE
 LA GRANGE, IL 60525

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

ZONING PLAN

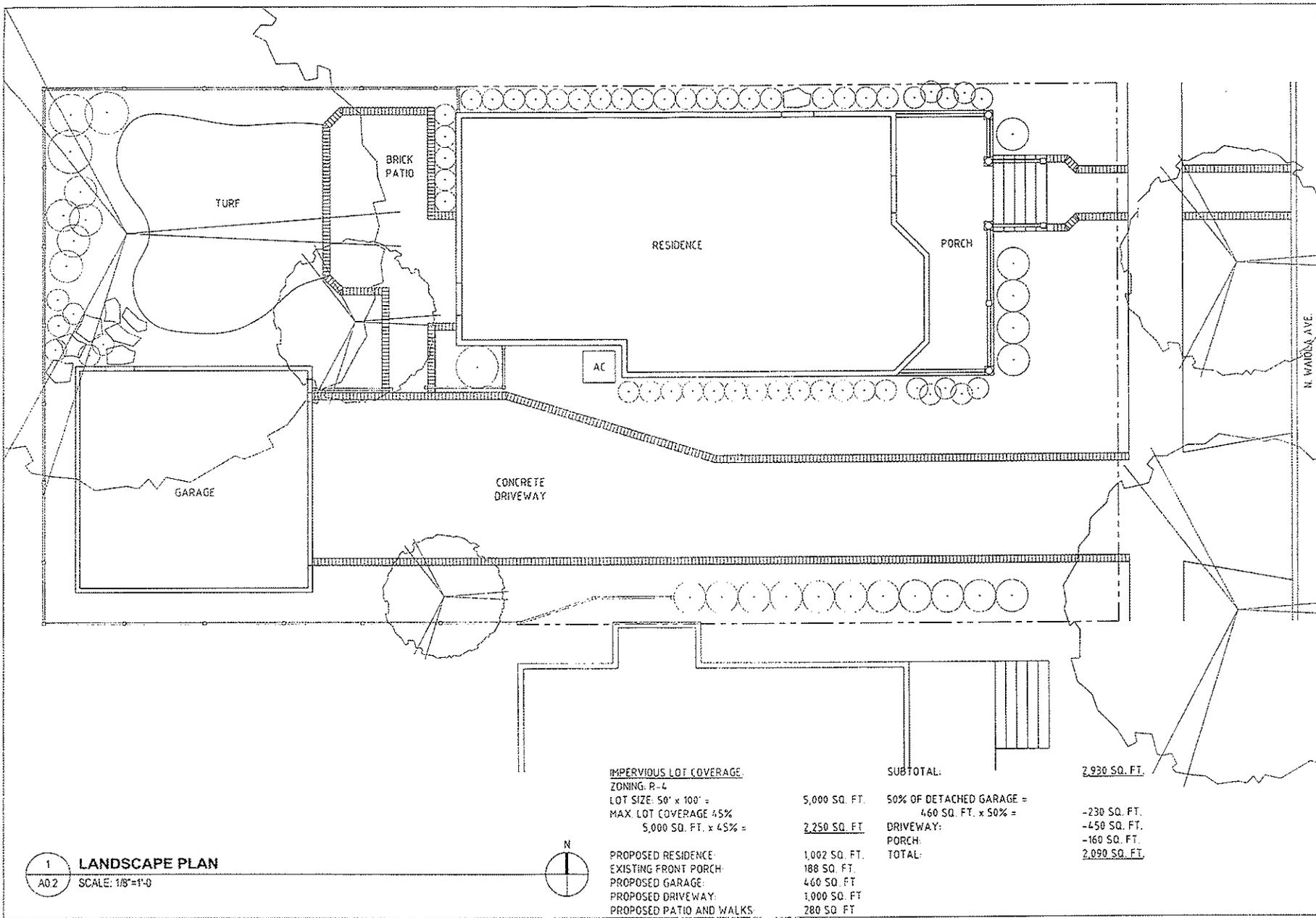
A0.1

SITE ANALYSIS:	
ZONING: R-4	
LOT SIZE: 50' x 100' =	5,000 SQ. FT.
MAX. BUILDING COVERAGE (INSIDE LOT): 30%	
5,000 SQ. FT. x 30% =	<u>1,500 SQ. FT.</u>
CURRENT 2 STORY FRAME RESIDENCE	
(WITH FRONT PORCH)	937 SQ. FT.
CURRENT FRAME GARAGE:	496 SQ. FT.
CURRENT TOTAL:	<u>1,433 SQ. FT.</u>

PROPOSED 2 STORY FRAME RESIDENCE	
(WITH FRONT PORCH):	1,190 SQ. FT.
PROPOSED REPLACEMENT GARAGE:	460 SQ. FT.
PROPOSED TOTAL:	<u>1,650 SQ. FT.</u>
5,000 SQ. FT. x 33% (10% INCREASE) =	<u>1,650 SQ. FT.</u>

1 **ZONING PLAN**
 A0.1 SCALE: 1/8"=1'-0"





LOUISHELLSTRUCTURES
 1600 W. 10th St. #100
 Waukegan, IL 60087
 Tel: 847.332.8113
 Fax: 847.332.8113

SHELL RESIDENCE ADDITION
 106 N WAIDLA AVE
 LA GRANGE, IL 60525

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

LANDSCAPE PLAN

A0.2

1 LANDSCAPE PLAN
 A0.2 SCALE: 1/8"=1'-0"

IMPERVIOUS LOT COVERAGE:
 ZONING: R-4
 LOT SIZE: 50' x 100' =
 MAX. LOT COVERAGE 45%
 5,000 SQ. FT. x 45% =

5,000 SQ. FT.
2,250 SQ. FT

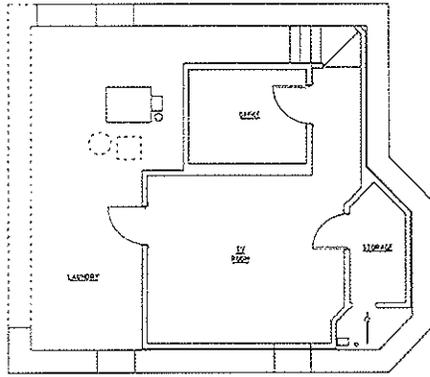
PROPOSED RESIDENCE:
 EXISTING FRONT PORCH:
 PROPOSED GARAGE:
 PROPOSED DRIVEWAY:
 PROPOSED PATIO AND WALKS:

1,002 SQ. FT.
 188 SQ. FT.
 460 SQ. FT.
 1,000 SQ. FT.
 280 SQ. FT.

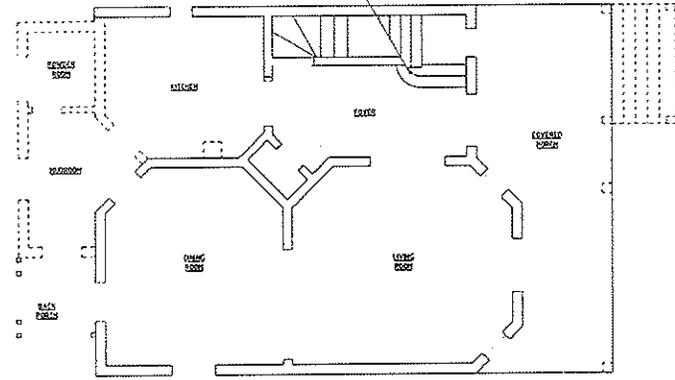
SUBTOTAL:

50% OF DETACHED GARAGE =
 DRIVEWAY:
 PORCH:
 TOTAL:

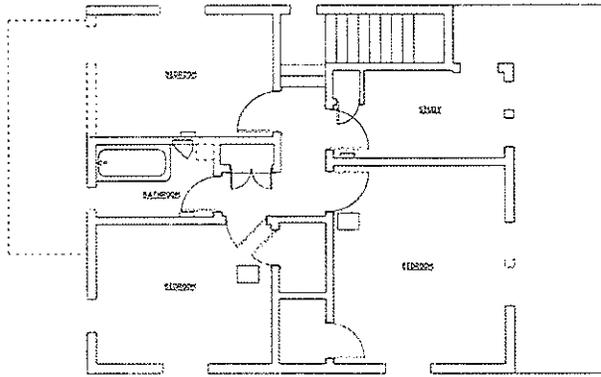
2,930 SQ. FT.
 -230 SQ. FT.
 -450 SQ. FT.
 -160 SQ. FT.
2,090 SQ. FT.



1 **BASEMENT DEMOLITION PLAN**
A0.3 SCALE: 1/8"=1'-0"



2 **FIRST FLOOR DEMOLITION PLAN**
A0.3 SCALE: 1/8"=1'-0"



3 **SECOND FLOOR DEMOLITION PLAN**
A0.3 SCALE: 1/8"=1'-0"

LOUISHELLSTRUCTURES

Structural Engineers
1400 North State
Suite 1000
Chicago, IL 60610
Tel: (312) 321-1110
Fax: (312) 321-1111

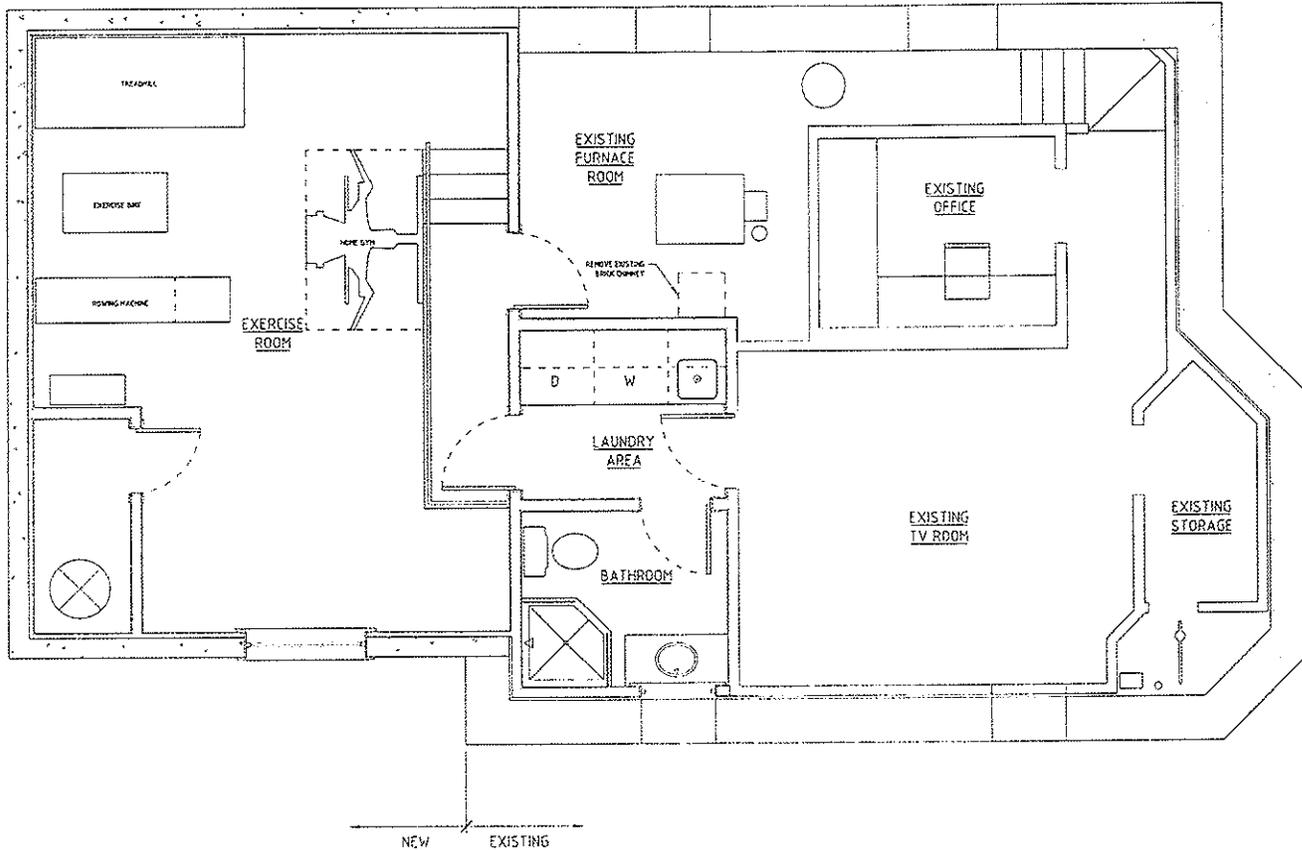
SHELL RESIDENCE ADDITION
106 N. WANDOLA AVE.
LA GRANGE, IL 60525

ISSUED	DATE	NO.
VARIANCE APPLICATION	02/23/08	1

DEMOLITION PLANS

A0.3

5-A-10



1 **BASEMENT FLOOR PLAN**
 A1.1 SCALE: 1/4"=1'-0"

LOUISPELLI STRUCTURES
 ENGINEERS
 1000 N. WABLER AVE.
 CHICAGO, IL 60610
 TEL: 312.321.1100
 WWW.LSSTRUCTURES.COM

SHELL RESIDENCE ADDITION
 106 N. WABLER AVE.
 CHICAGO, IL 60625

NO	DATE	ISSUED	VARIANCE APPLICATION
1	02/21/08		

BASEMENT FLOOR PLAN

A1.1

5-A-1
 5

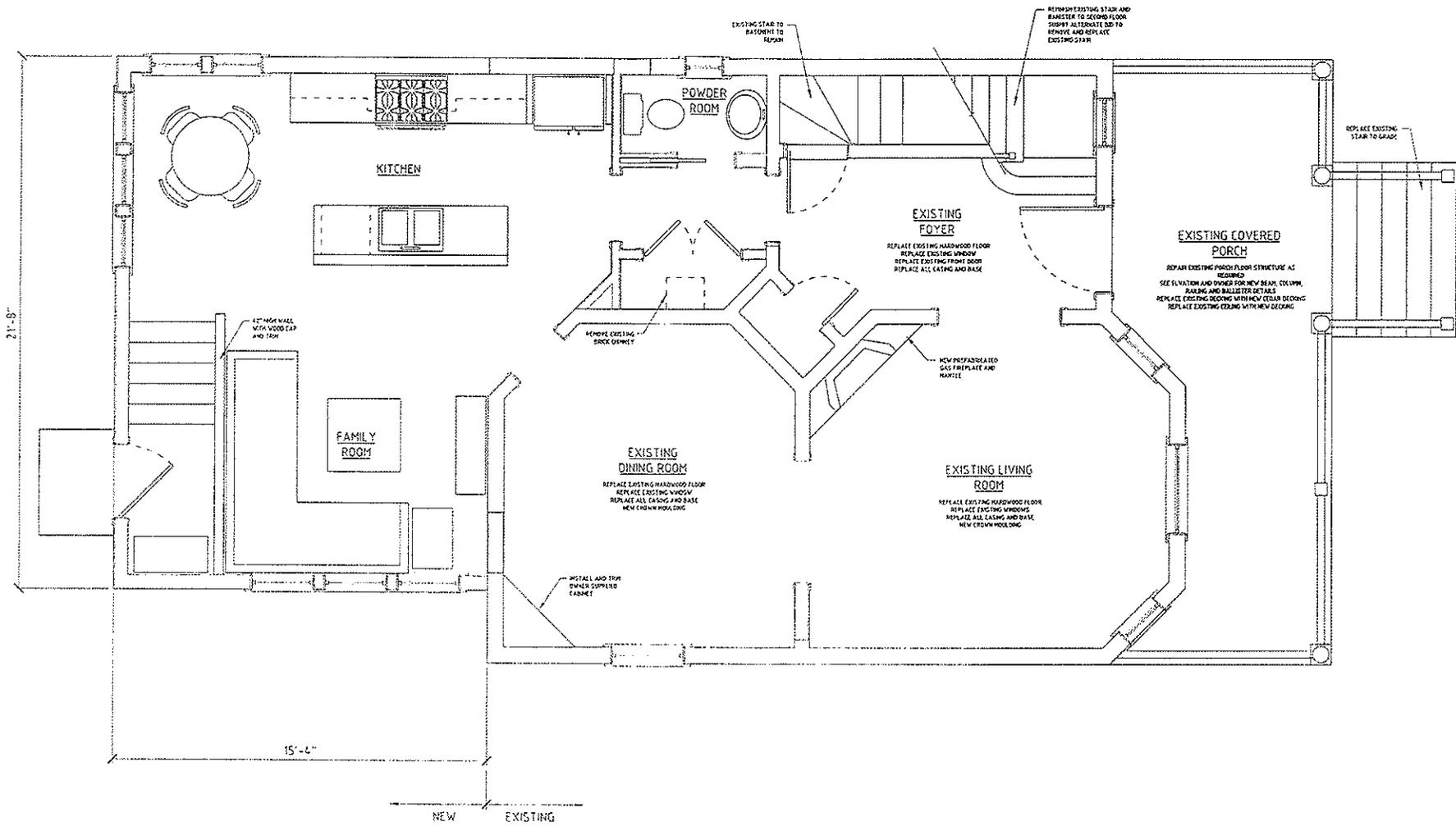
LOUISSELL STRUCTURES
 1500 N. WILSON AVE.
 CHICAGO, ILL. 60642
 (773) 442-1111

SHELL RESIDENCE ADDITION
 106 N. WABLA AVE.
 LA GRANGE, IL. 60525

NO	DATE	ISSUED	VARIANCE APPLICATION
1	02/21/08		

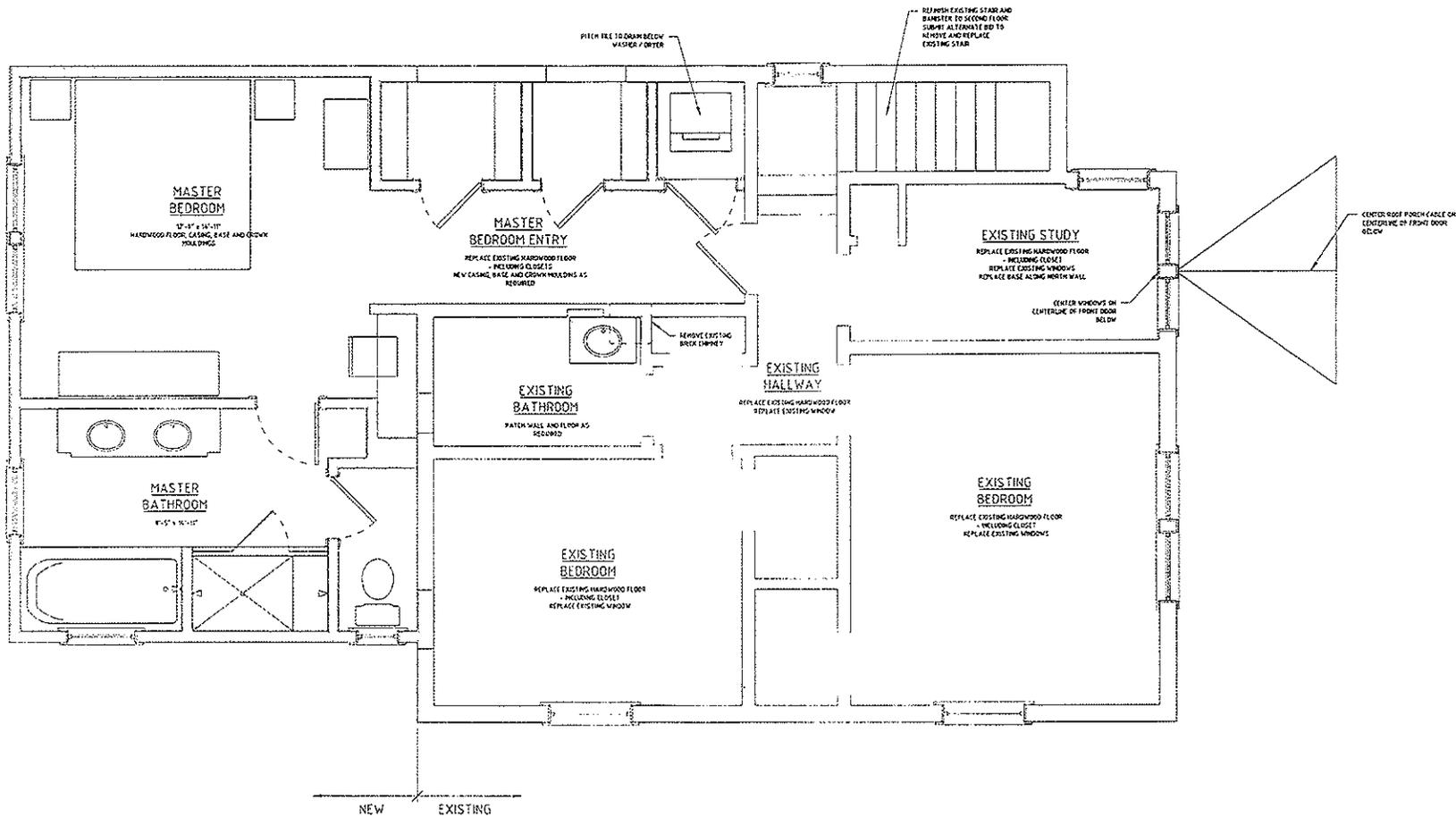
FIRST FLOOR PLAN

A1.2



1 **FIRST FLOOR PLAN**
 A1.2 SCALE: 1/4"=1'-0"





LOUISHELL STRUCTURES
Structural Engineer
Louis Shell Structures
1111 S. W. 13th St.
Miami, FL 33136
Tel: 305.375.1111

SHELL RESIDENCE ADDITION
106 N. VANOLA AVE.
LA GRANGE, IL 60525

NO	DATE	ISSUED	VARIANCE APPLICATION
1	02/27/08		

**SECOND FLOOR
PLAN**

A1.3

1 SECOND FLOOR PLAN
A1.3 SCALE: 1/4"=1'-0"

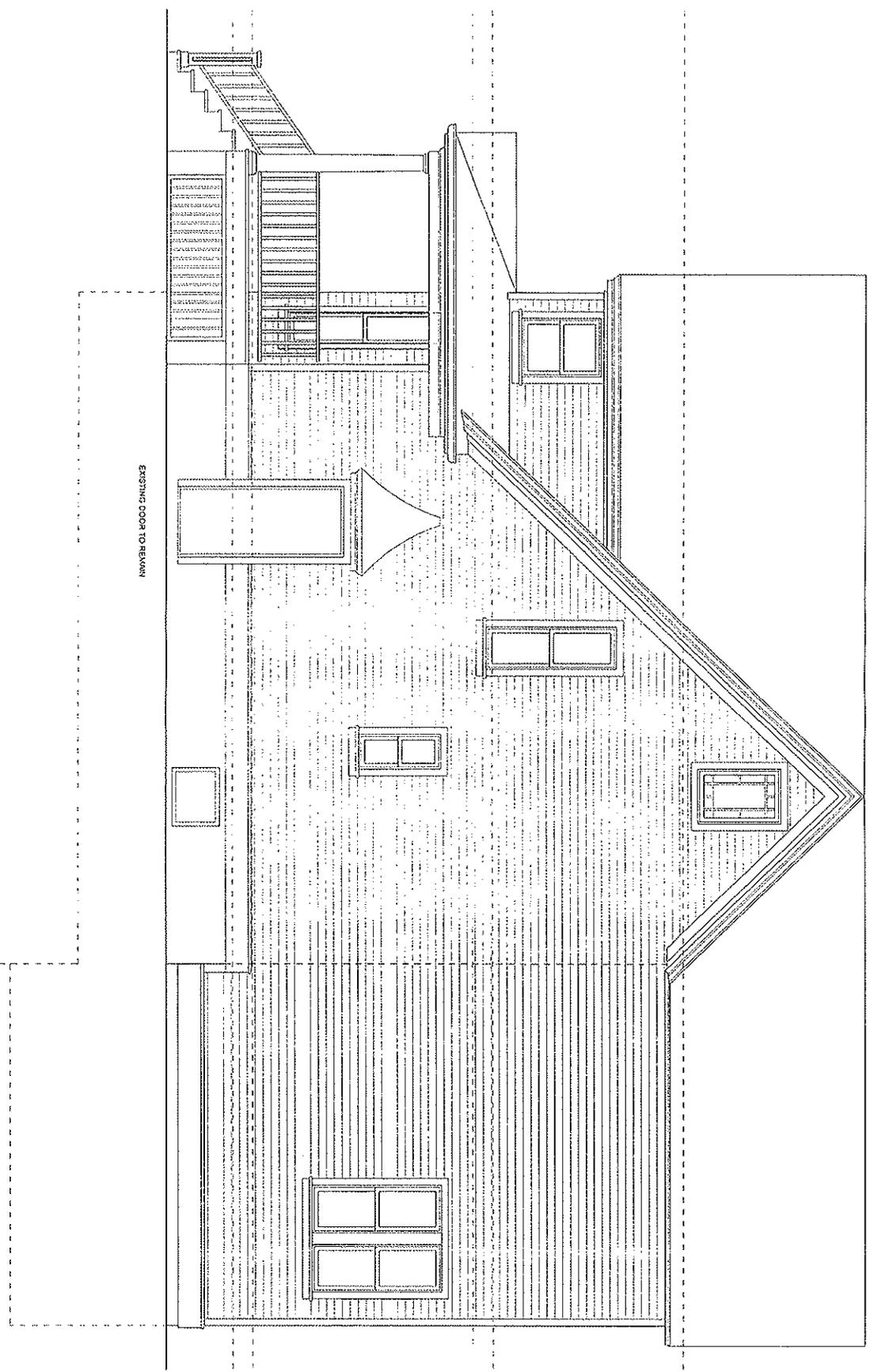


Handwritten notes: "A1.3" and "9"

1 NORTH ELEVATION
 A2.1 SCALE: 1/4"=1'-0"

EXISTING
 NEW

EXISTING DOOR TO REMAIN



A2.1

NORTH ELEVATION

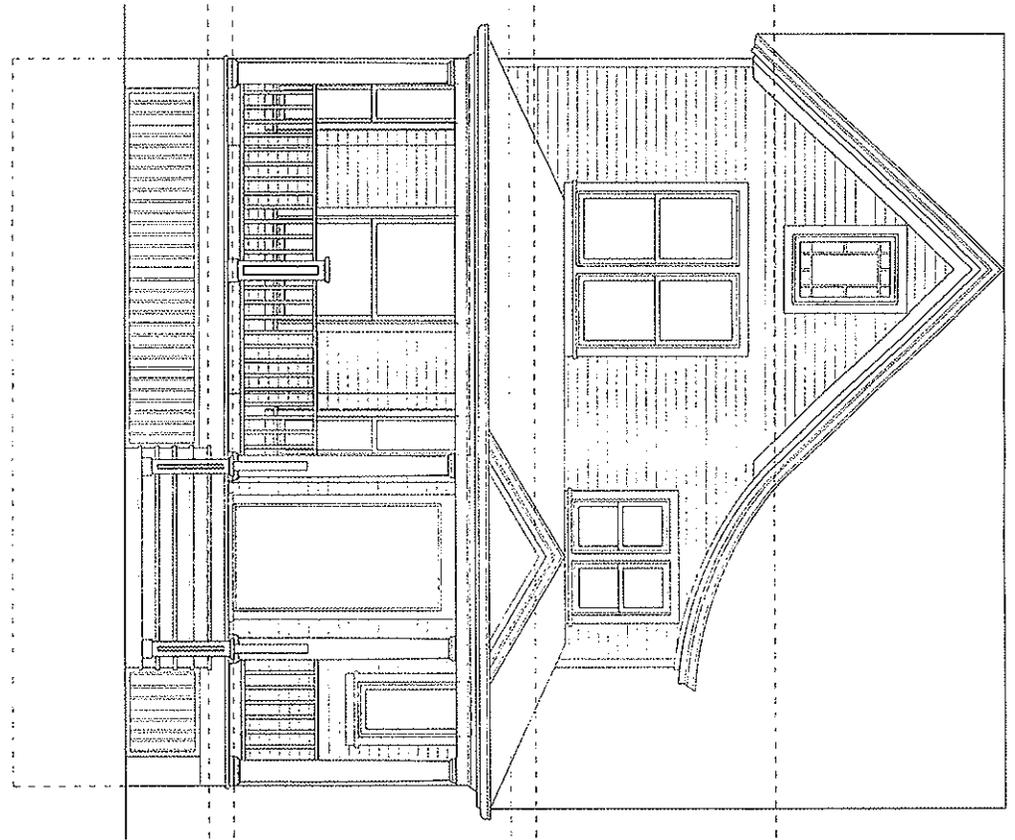
NO.	DATE	ISSUED
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SHELL RESIDENCE ADDITION
 106 N WAIOLA AVE.
 LA GRANGE, IL 60525

LOUISNELLSSTRUCTURES
 Structural Engineers
 1400 Sycamore
 Tel: 708.292.0112
 Fax: 708.222.1815
 www.louisnell.com

5-A.10

1 EAST ELEVATION
 A2.2 SCALE 1/4"=1'-0"



A2.2

EAST ELEVATION

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

SHELL RESIDENCE ADDITION
 106 N. WAIOLA AVE.
 LA GRANGE, IL 60525

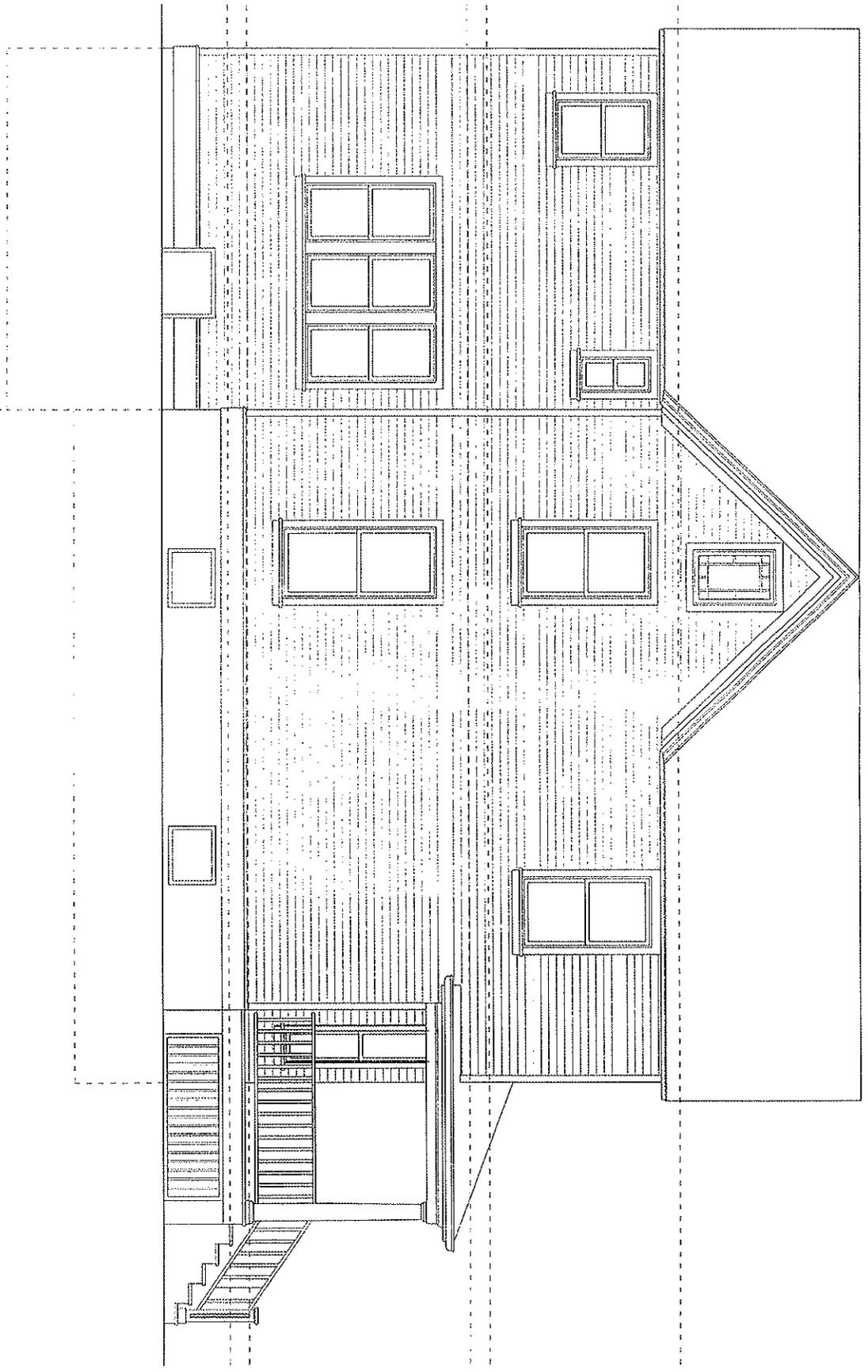
LOUISHELLSTRUCTURES
 Structural Engineers
 Eugene Knorr
 301 708-352-0112
 301 708-352-1915
 1742@LOUISHELL.COM

5-A.1

1
A2.3

SOUTH ELEVATION
SCALE: 1/4"=1'-0"

NEW
EXISTING



A2.3

SOUTH ELEVATION

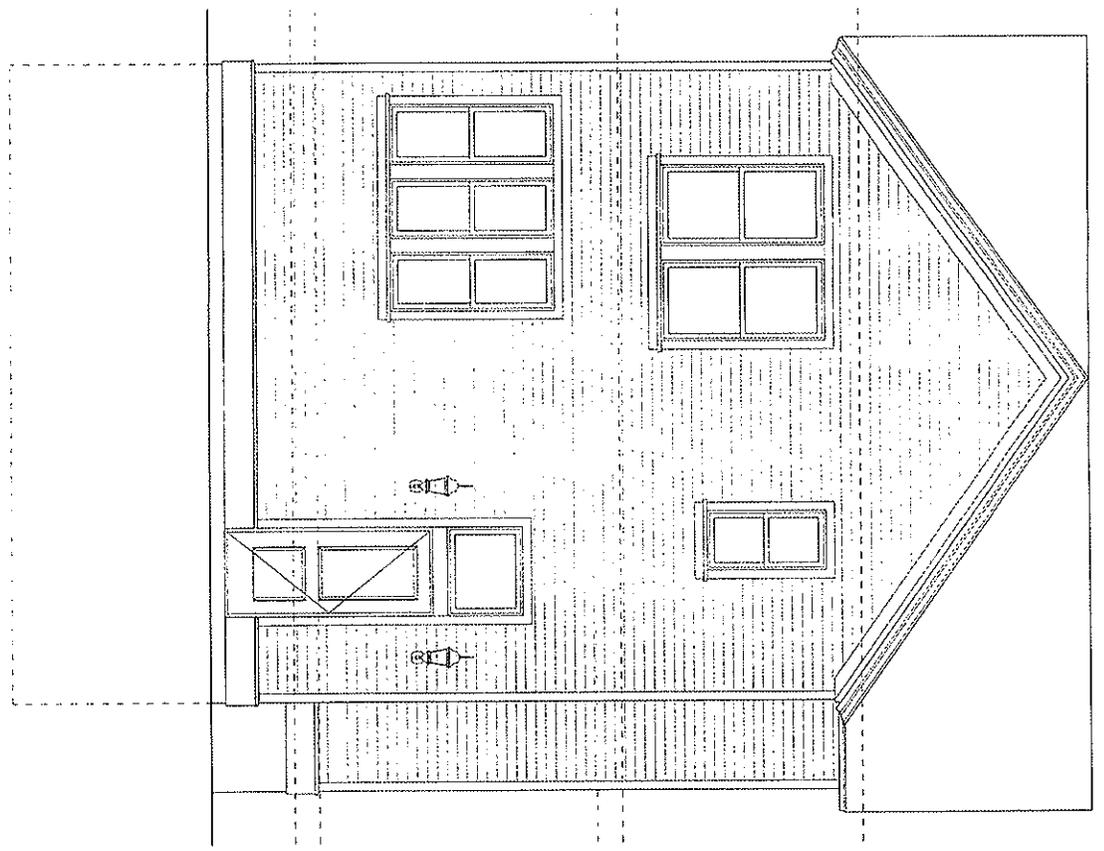
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SHELL RESIDENCE ADDITION
106 N. WAIOLA AVE.
LA GRANGE, IL 60525

LOUISSHELLSTRUCTURES
Structural Engineers
LaGrange Office
441-392-0119
708-329-1553
www.louisshell.com

5-A.12

1 WEST ELEVATION
 A2.4 SCALE: 1/4"=1'-0"



A2.4

WEST ELEVATION

NO.	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

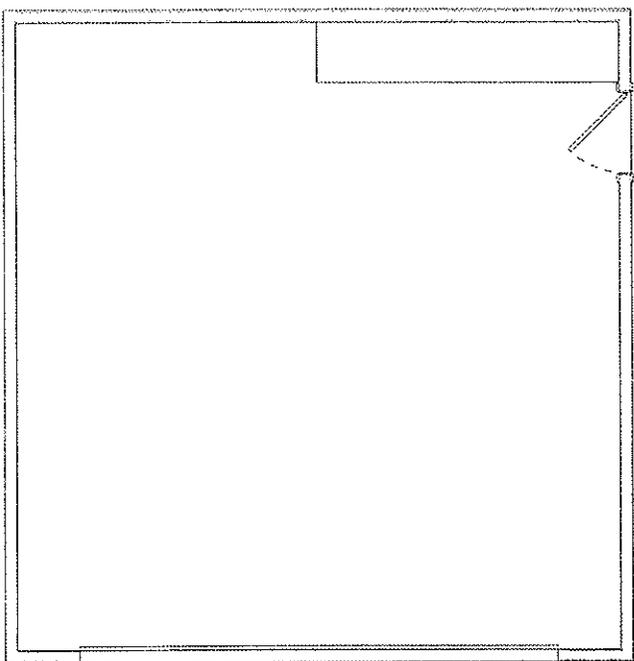
SHELL RESIDENCE ADDITION
 106 N. WAIOLA AVE.
 I.A GRANGE, IL 60525

LOUISHELLSTRUCTURES
 Structural Engineers
 1500 N. WAIOLA AVE.
 I.A GRANGE, IL 60525
 TEL: 708.525.1913
 FAX: 708.525.1913

5-17-13

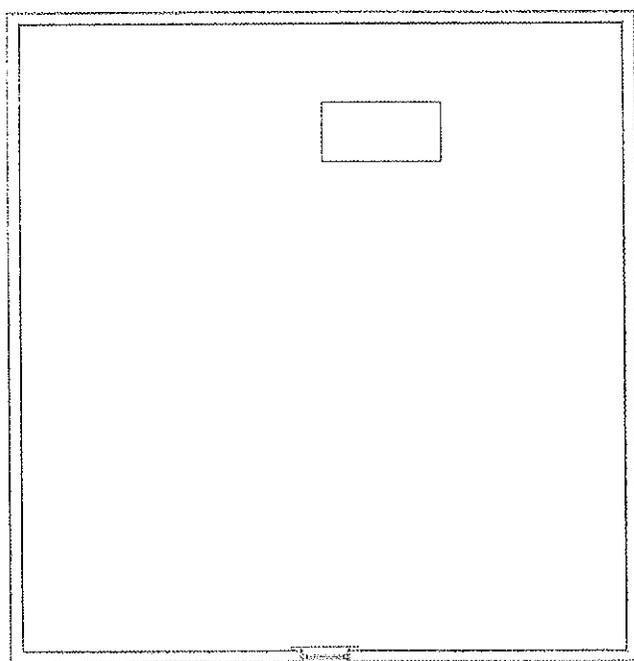
1
A3.1

GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"



2
A3.1

GARAGE ATTIC PLAN
SCALE: 1/4"=1'-0"



A3.1

GARAGE FLOOR AND ATTIC PLANS

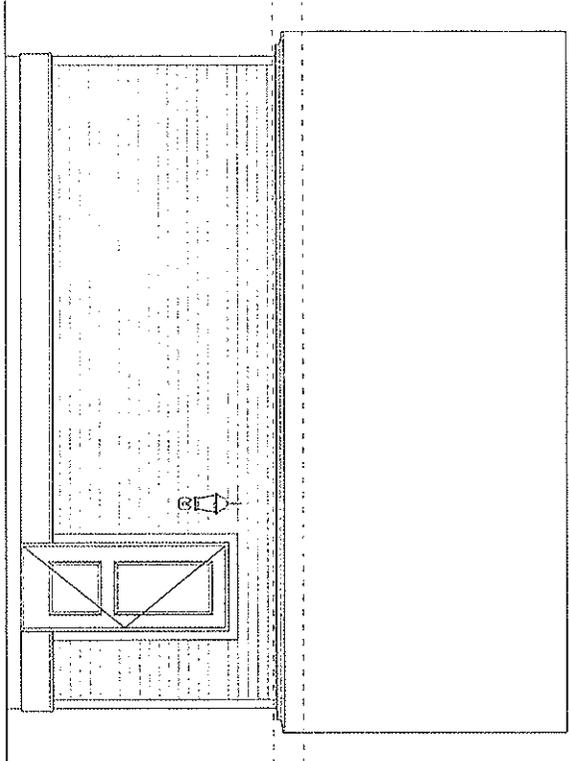
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SHELL RESIDENCE ADDITION
106 N. WAIDLA AVE.
LA GRANGE, IL 60525

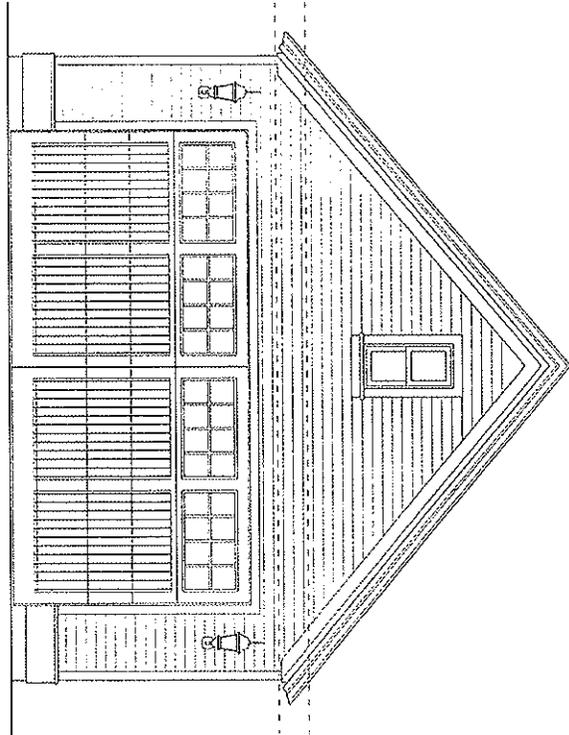
LOUISSKELLSTRUCTURES
Structural Engineers
630 W. 106th Street
Harvey, IL 60631
Tel: 708.352.1919
www.louisshell.com

5-A-14

1 GARAGE NORTH ELEVATION
A3.2 SCALE: 1/4"=1'-0"



2 GARAGE EAST ELEVATION
A3.2 SCALE: 1/4"=1'-0"



A3.2

GARAGE NORTH AND EAST ELEVATIONS

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

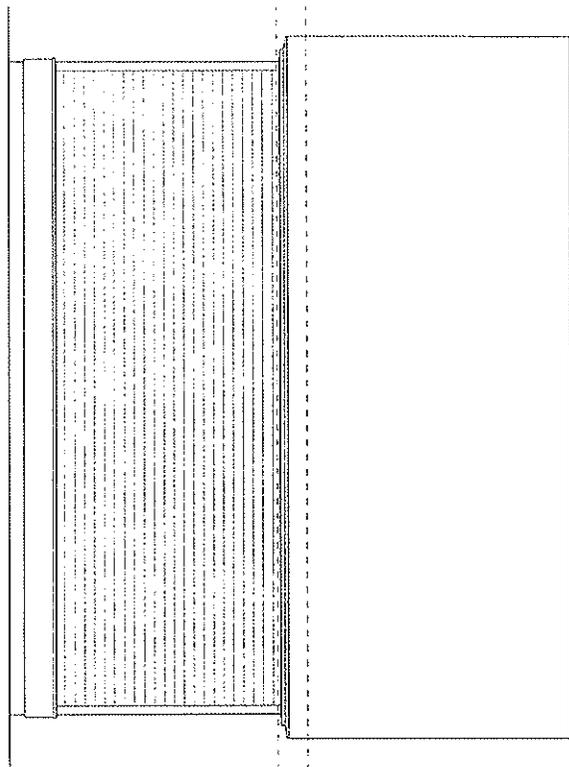
SHELL RESIDENCE ADDITION
106 N. WAIOLA AVE
LA GRANGE, IL 60525

LOUISSHELLSTRUCTURES
Structural Engineers
Louisville, Illinois
Tel: 708.352.6339
Fax: 708.352.4610
P: 02/20/08 11:56 AM

5-A-151

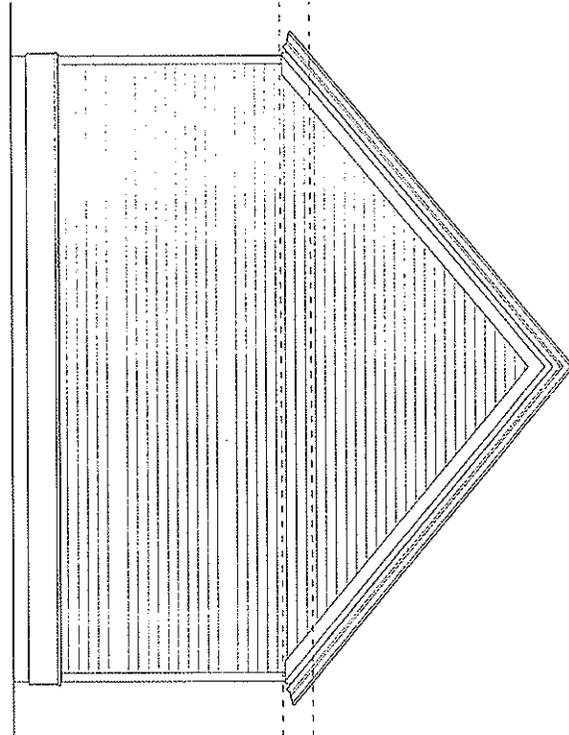
1
A3.3

GARAGE SOUTH ELEVATION
SCALE: 1/4"=1'-0"



2
A3.3

GARAGE WEST ELEVATION
SCALE: 1/4"=1'-0"



A3.3

GARAGE SOUTH AND WEST ELEVATIONS

NO	DATE	ISSUED
1	02/21/08	VARIANCE APPLICATION

SHELL RESIDENCE ADDITION
106 N. WAIOLA AVE.
LA GRANGE, IL 60525

LOUISHELLSTRUCTURES
Structural Engineers
LAD 0000011100
147106 552-3325
147106 552-1815
17522 COLUMBIAN

5-A.16

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

March 20, 2008

President Asperger and
Board of Trustees

RE: **ZONING CASE #568 - VARIATION – MAXIMUM BUILDING COVERAGE/ LOUIS
AND ANGELA SHELL, 106 N. WAIOLA**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct an addition to the property at 106 N. Waiola Avenue.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot with a 50 foot width and a depth of 100 feet.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located in the R-4 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant desires a variation from Paragraph 3-110E1 (Maximum Building Coverage) of the La Grange Zoning Code in order to construct an addition. At the public hearing, the applicant requested a variation of 10% to allow such construction at the subject property. Paragraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

IV. THE PUBLIC HEARING:

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on March 20, 2008. Present were Commissioners Nancy Pierson, Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef and Chairperson Ellen Brewin presiding. Also present was Assistant Community Development Director Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

S - A. 17

Chairperson Brewin swore in Louis and Angela Shell, owners of the property at 106 N. Waiola, who presented the application:

- The house was constructed in 1896 and featured in the book, *Images of America: La Grange and La Grange Park, IL*. Currently, the house is in need of renovation, for instance it has aluminum siding. Their goal is to restore the house.
- At the same time, they wish to modernize their house with an eat-in kitchen and first floor family room addition to make it viable for the next ten years.
- The subject property is 100 feet deep, which is smaller than typical lots in La Grange. If the property were standard size, 125 feet deep, the proposed addition would not require a variation.
- In order to maintain as much green space as possible, the Shells are reducing the size of their detached garage. In addition, the design of the new garage will be more historic.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Pierson asked if the variation would be necessary if the lot were the same depth as the other properties on the block (150 feet). Answer: the addition would be permitted.
- Commissioner Naseef asked if the addition would meet the lot coverage (impervious surface) requirements. Answer: Yes.

Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:

1. Unique Physical Condition:

This zoning lot is smaller than typical lots in the R-4 Single Family District. The lot measures 50 ft wide by 100 ft deep. Typical lots in the Village are at least 50 ft. by 125 ft.

2. Not Self-Created:

The petitioners purchased the property in 1999. The house was constructed in 1896 and no modifications to the property have been made that alter the building coverage.

5-A-18

3. Denied Substantial Rights:

The petitioners believe that the inability to construct the addition would deny them the right to have a functional kitchen and family room, which are standard features of new houses.

4. Not Merely Special Privilege:

According to the petitioners, they seek the ability to prepare and eat meals in a larger space and to have additional living space. If the property were as large as typical zoning lots in the Village, the addition would be permitted under the building coverage regulations of the Zoning Code.

5. Code and Plan Purposes:

The purpose of the building coverage standard in the Zoning Code is to control “bulk.” The petitioners believe that the proposed addition would be consistent with the context of the area and not affect the neighbors’ properties with the appearance of bulk. Allowing for this variance would maintain the setbacks required in the Zoning Code. A variation for the subject property is in accordance with the intent of the Village’s Code and Plan.

6. Essential Character of the Area:

Granting a variance would seemingly not adversely affect the character of the neighborhood. Rather, according to the petitioners, it would allow them to make significant improvements to the property while maintaining the architectural features of their house. The proposed addition would not impair the light and air of adjacent properties.

7. No Other Remedy:

The only other remedies for a kitchen and family room expansion would be (1) tear off the roof of the porch to reduce the current coverage ratio to a level which would allow for the kitchen addition, of (2) demolish the house and construct a house with a different configuration and no front porch. The petitioners believe that neither of the above remedies would improve the functionality of their house while still maintaining the charm and beauty of a historic house.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Benson stated that this is a unique situation due to the smaller size of the lot and the addition is a minimal request.

5-A.19

- Commissioner Naseef stated that a smaller addition would be a possible remedy. However, the lot size is small, which makes this situation unique.
- Chairperson Brewin stated that the variation request is within 10% increase of maximum building coverage, even with the small lot size. This proposal is not at all excessive.
- Commissioner Pappalardo stated that the property is unique due to the way it was originally platted. The applicant proposes to bring the house up to a modern standard. In addition, they are reducing the size of the detached garage to keep the lot coverage in balance.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Naseef and seconded by Commissioner Pappalardo that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #568.

Motion Carried by a roll call vote (5/0/2).

AYE: Pappalardo, Benson, Pierson, Naseef, and Brewin.
NAY: None.
ABSENT: Brenson and Schwappach.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees of the variation from Paragraph 3-110E1 (Maximum Building Coverage) to allow construction of an addition at 106 N. Waiola Avenue.

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: 
Ellen Brewin, Chairperson

5-A.20

STAFF REPORT

CASE: ZBA #568 - Louis and Angela Shell, 106 N. Waiola - Maximum Building Coverage

BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioners, Louis and Angela Shell, wish to construct a two-story 253 square foot kitchen eating area and family room addition. According to the petitioners, construction of the addition would allow them to expand the size of their existing kitchen and provide a more useable space. The applicants' house has a front porch, which occupies a percentage of the allotted building coverage. Maximum Building Coverage for this lot is 30% or 1,500 square feet. Currently this property, including the house, front porch and detached garage, covers 1,433 square feet (28.66%) of the lot. The proposed addition would increase building coverage to 1,650 square feet, an excess of 150 square feet (10%). A building permit could not be issued for this project, because the addition would bring the house in excess of the allowable building coverage in the Zoning Code. The petitioners seek a variation to construct the addition.

The proposed addition would meet the required setbacks of the Zoning Code but would exceed the Maximum Building Coverage of 30% set forth in Paragraph 3-110E1 by 10%. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."

Unique Physical Condition - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is smaller than typical lots in the R-4 Single Family Residential Zoning District. The lot measures 50 feet wide by 100 feet deep. Typical lots in the Village measure at least 50 ft. by 125 feet.

5-A.21

Not Self-Created - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

The petitioners purchased the property in 1999. The house was constructed in 1896 and no modifications to the property have been made that alter the building coverage.

Denied Substantial Rights - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

The petitioners believe that the inability to construct the addition would deny them the right to have a functional kitchen eating area and family room, which are standard features of new houses.

Not Merely Special Privilege - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

According to the petitioners, they seek the ability to prepare and eat meals in a larger space and to have additional living space. If the property were as large as most zoning lots in La Grange, 50 ft. wide by 125 ft. deep, the addition would be permitted under the building coverage regulations of the Zoning Code.

Code and Plan Purposes - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

The purpose of the building coverage standard in the Zoning Code is to control "bulk." The petitioners believe that the proposed addition would be consistent with the context of the area and not affect the neighbors' properties with the appearance of bulk. Allowing for this variance would maintain the setbacks required in the Zoning Code. A variation for the subject property is in accordance with the intent of the Village's Code and Plan.

5-18-22

Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

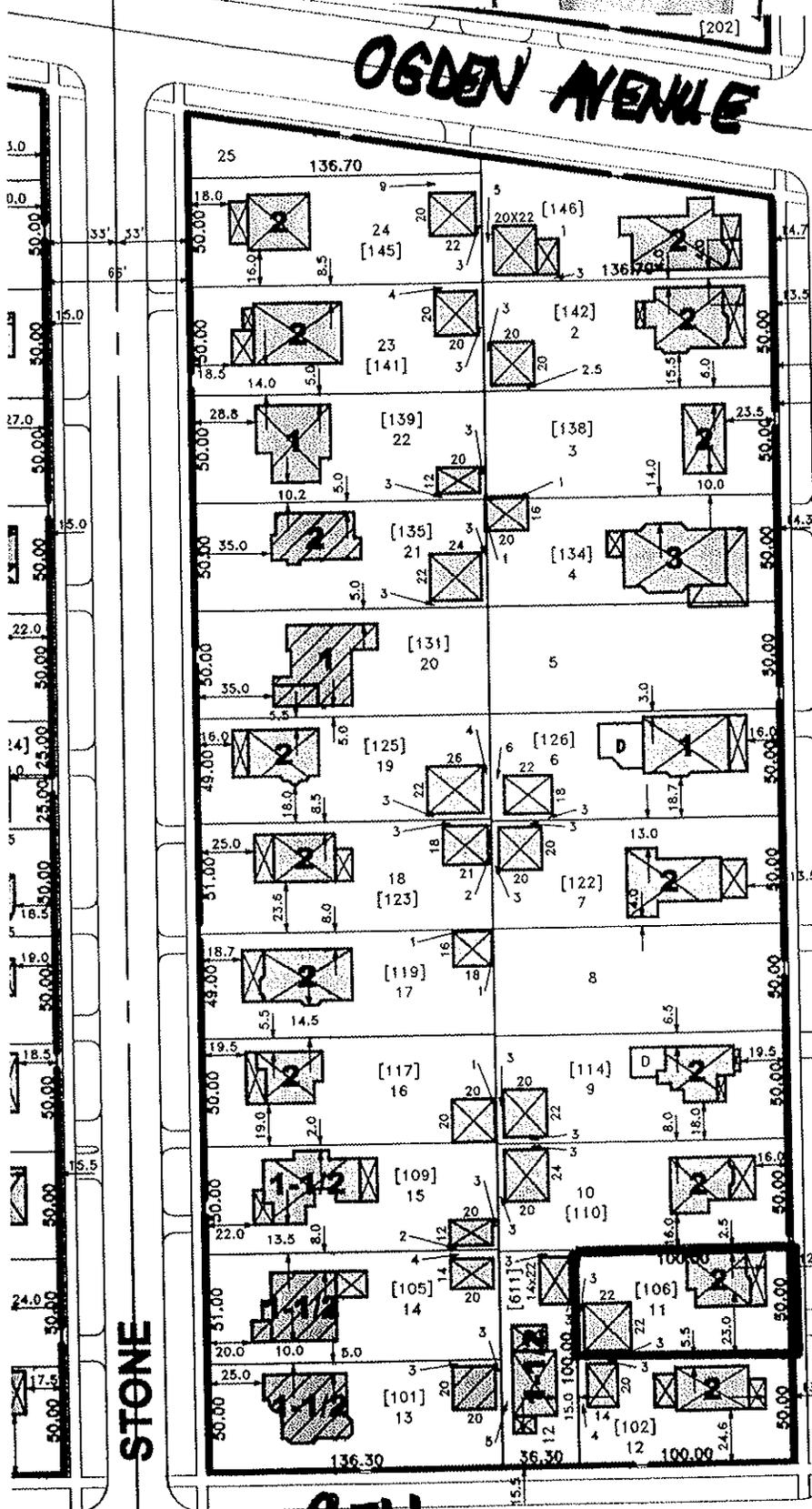
- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. Would substantially increase congestion in the public streets due to traffic or parking; or*
- d. Would unduly increase the danger of flood or fire; or*
- e. Would unduly tax public utilities and facilities in the area; or*
- f. Would endanger the public health or safety."*

Granting a variance would seemingly not adversely affect the character of the neighborhood. Rather, according to the petitioners, it would allow them to make significant improvements to the property while maintaining the architectural features of their house. The proposed addition would not impair the light and air of adjacent properties.

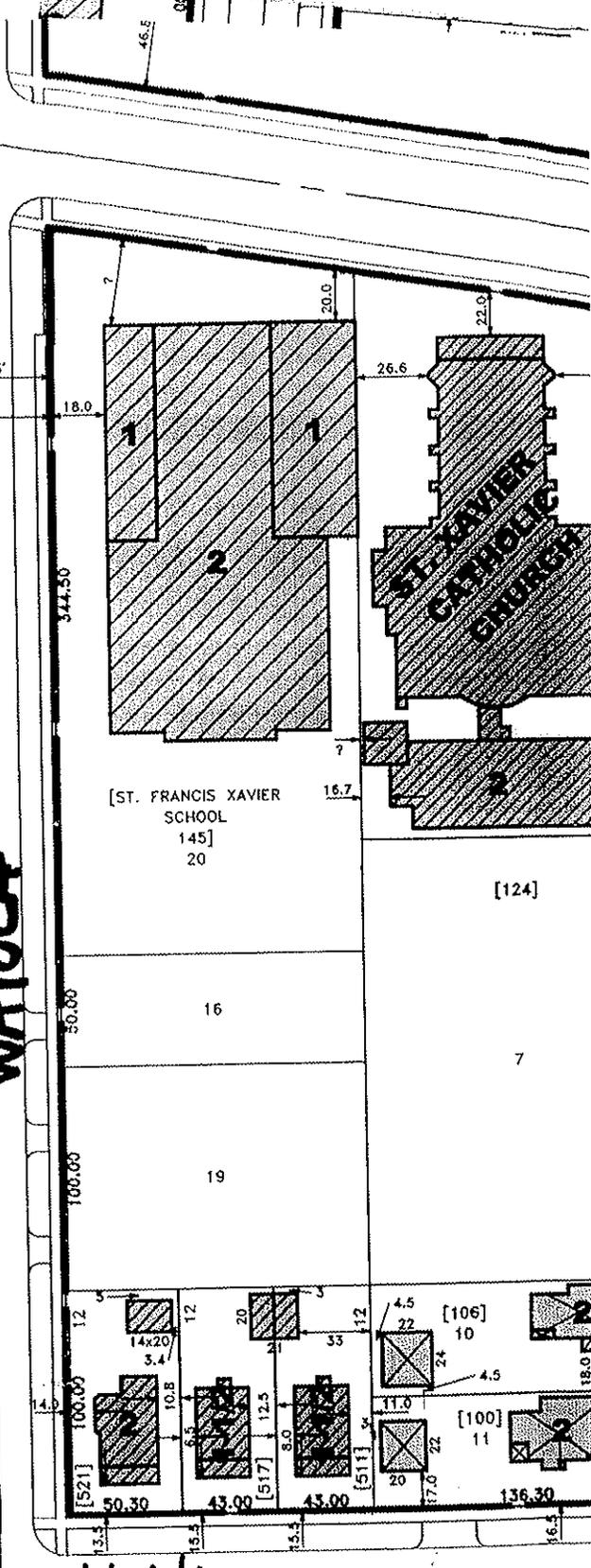
No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

The only other remedies for a kitchen and family room expansion would be (1) tear off the roof of the porch to reduce the current coverage ratio to a level which would allow for the kitchen addition, of (2) demolish the house and construct a house with a different configuration and no front porch. The petitioners believe that neither of the above remedies would improve the functionality of their house while still maintaining the charm and beauty of a historic house.

OGDEN AVENUE

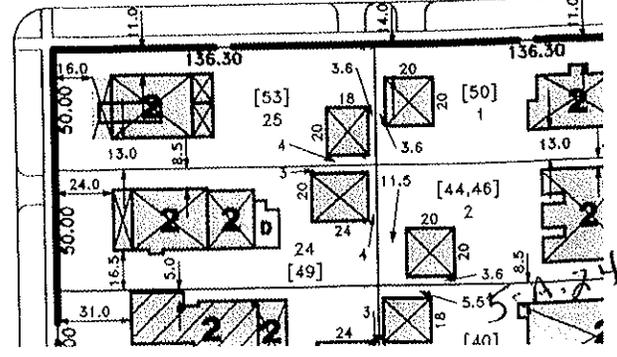
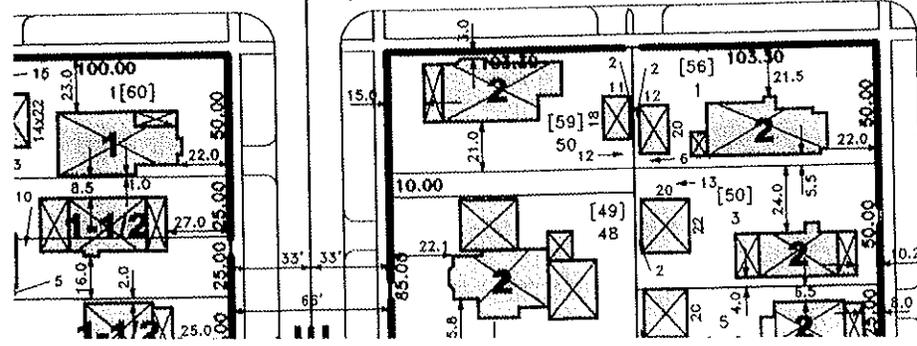


WAIOLA



BELL

106 N. Waiola



1	1 - 014	136.7
2	2 - 015	50
3	3 - 016	"
4	4 - 017	"
5	5 - 018	"
6	6 - 019	"
7	7 - 020	25
8	8 - 022	25
9	9 - 023	50
10	10 - 024	50
11	11 - 025	50
12	12 - 026	50
13	13 - 027	50

25	25 - 001	136.7
24	24 - 002	136.7
23	23 - 003	50
22	22 - 004	50
21	21 - 005	50
20	20 - 006	50
19	19 - 007	50
18	18 - 032	50
17	17 - 033	50
16	16 - 029	50
15	15 - 031	50
14	14 - 030	50
13	13 - 013	136.3

23	23	136.7
22	22	136.7
21	21	2
20	20 - 001	3 - 008
19	19	4
18	18	5
17	17	6
16	16 - 002	7 - 018
15	15	8
14	14 - 019	9
13	13	10 - 013
12	12	11 - 014

1	1 - 052	100
2	2 - 052	100
3	3 - 057	100
4	4	100
5	5 - 023	100
6	6	100
7	7 - 024	100
8	8	100
9	9 - 025	100
10	10	100
11	11	100
12	12 - 056	100

50	50 - 001	103.3
49	49	103.3
48	48	103.3
47	47	103.3
46	46	103.3
45	45 - 004	103.3
44	44	103.3
43	43 - 005	103.3
42	42	103.3
41	41 - 006	103.3
40	40	103.3
39	39 - 039	103.3

25	25 - 001	136.3
24	24 - 002	136.3
23	23 - 003	136.3
22	22 - 004	136.3
21	21 - 005	136.3
20	20 - 006	136.3

104

105

106

STONE

WAIOLA

BELL

N. Waiola

112

AVE.

114

S-A.25

APPLICATION FOR ZONING VARIATION

Application # 568
Date Filed: 2/12/08
UARCO # 84386

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

(please type or print)

Application is hereby made by Louis & ANGELA SHELL

Address: 106 N. WAIOLA AVE. Phone: (708) 352-2492

Owner of property located at: 106 N. WAIOLA AVE.

Permanent Real Estate Index No: 18-04-105-025-0000

Present Zoning Classification: P-4 Present Use: SINGLE FAMILY RES.

Ordinance Provision for Variation from Article # 3-110-E-1 of Zoning Ordinance, to wit: _____

MAXIMUM BUILDING COVERAGE.

A. Minimum Variation of Zoning requirement necessary to permit the proposed use, construction, or development:

150 SQ. FT. = 10% INCREASE (FROM 30% ~~COVERAGE~~
to 33% COVERAGE)

B. The purpose therefor, RENOVATION INCLUDING "EAT IN" KITCHEN

AND 1ST FLOOR FAMILY ROOM AREA.

C. The specific feature(s) of the proposed use, construction, or development that require a variation: _____

"EAT IN" KITCHEN AND ENTRY STAIRS.

5-A-26

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. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting each of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit: WITH THE INCLUSION OF FRONT PORCH,

THE 30% BUILDING COVERAGE STANDARD IS NOT
ADEQUATE TO MAKE DESIRED IMPROVEMENTS.

b. A reasonable return or use of your property is not possible under the existing regulations, because: _____

"EAT IN" KITCHEN AND 1ST FLOOR FAMILY ROOM
ARE CONSIDERED "STANDARD" IN HOUSES TODAY.

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): DEPTH OF LOT IS ONLY 100'-0" -

LESS THAN STANDARD DEPTH OF 125'-0".

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

LOT MEASURES 50' x 100' WHILE STANDARD

LA GRAHRE LOT IS AT MINIMUM 50' x 125'.

5-A-27

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

PURCHASED IN 1999 AND NO CHANGES HAVE
BEEN MADE THAT IMPACT BUILDING COVERAGE -
FRONT PORCH IS ORIGINAL (CIRCA. 1896)

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

"EAT IN" KITCHEN AND 1ST FLOOR FAMILY ROOM
ARE CONSIDERED STANDARD IN TODAY'S HOUSES.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

ON A STANDARD 50' x 125' LOT, THIS ADDITION
WOULD BE PERMITTED.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

THE ASSUMED PURPOSE OF THE BUILDING COVERAGE MAXIMUM
IS TO CONTROL "BULK". THE PROPOSED ADDITION WOULD
RESULT IN HOUSE CONSISTENT WITH HOUSES IN THE AREA -
PROPOSED REAR ELEVATION OF HOUSE WOULD GENERALLY
ALIGN WITH THOSE ON THE STREET.

5-11-28

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
- (d) Would unduly increase the danger of flood or fire; or
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

PROPOSED ADDITION WOULD BE ADJACENT TO
NEIGHBORING HOUSE AND THEREFORE WOULD NOT
MATERIALLY IMPAIR LIGHT AND AIR TO THE ADJACENT PROPERTY.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

OTHER OPTIONS WOULD BE REMOVAL OF PORCH ROOF
OR COMPLETE TEAR DOWN - BOTH ARE UNACCEPTABLE
AS WE'RE TRYING TO RESTORE ORIGINAL CHARACTER OF HOME
(CIRCA 1896).

NOTICE: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

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

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);

5-19-29

- (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).

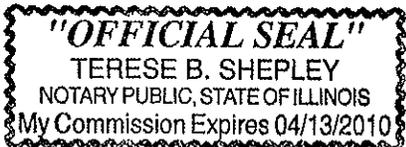
Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

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.

	106 N. WAIOKA AVE.
(Signature of Owner or Contract Purchaser)	(Address)
LA GRANGE	60525
(City)	(Zip Code)

Subscribed and sworn to before me this 19 day of FEBRUARY, 2008.

Terese B. Shepley
 (Notary Public) (Seal)



5-A.30

Enclosures: _____

(FOR VILLAGE USE ONLY)

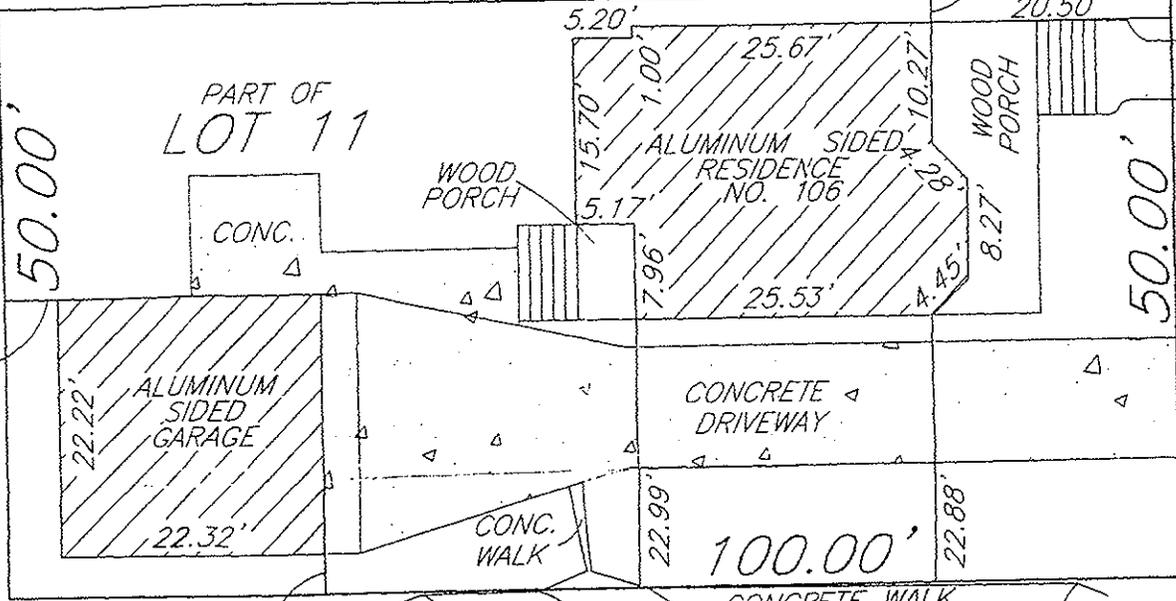
1. Filed with Office of the Community Development Director: 2/12, 2008.
2. Transmitted to Zoning Board of Appeals at their meeting held:
3-20-08
3. Continuation (if any): _____
4. Notice of hearing published in: Sub Life on: 2-27-08
5. Findings and Recommendation of Zoning Board of Appeals referred to 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: _____

Conditions Imposed:

5-A.31

100.00'



PART OF LOT 11

CONC.

WOOD PORCH

ALUMINUM SIDED RESIDENCE NO. 106

WOOD PORCH

ALUMINUM SIDED GARAGE

CONCRETE DRIVEWAY

CONC. WALK

100.00'

CONCRETE WALK

WALK IS 0.22' SOUTH

WALK IS 0.12' SOUTH

WALK IS 0.03' SOUTH

WALK IS 0.35' SOUTH

106 NORTH WAIOLA AVENUE

4.47'

50.00'

5.20'

15.70'

5.17'

1.00'

7.96'

25.67'

10.27'

25.53'

4.45'

8.27'

20.50'

22.88'

50.00'

2.46'

February 19, 2008

President and Board of Trustees
Village of LaGrange, Illinois

To Whom It May Concern:

I/we have reviewed the proposed addition (as attached) to the Shell Residence located at
106 North Waiola Avenue and are in support of its construction.

Sincerely,

John E. Gable
Frank M. Wilk
Christine M. Wilk
Rick Manning
Bob Manning
Ken Gieske

ANDERSON - 114 N. WAIOLA.
LUKANICH - 521 BELL
WIKEN - 56 N. WAIOLA.
MANNING - 110 N. WAIOLA.
K. Gieske 102 N. WAIOLA

EX. "A"

5-A.33

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
Angela M. Mesaros, Assistant Community Development Director

DATE: April 14, 2008

RE: **ORDINANCE - VARIATION - REQUIRED REAR YARD /DELORIS
KOHLSTEDT, 351 LEITCH AVENUE**

Deloris Kohlstedt, owner of the property at 351 Leitch Avenue, has applied for a variation from Rear Yard requirements in order to construct an attached garage. The subject property is a corner lot located in the R-3 Single Family District. The property in question is 71.81 ft wide, larger than typical residential lots that measure 50 ft. wide. The subject property is typical of corner lots in the area between Goodman and Elm and Gilbert to Edgewood, which are larger than the average width.

As originally constructed in 1952, the house extends further into the back yard while maintaining a larger than required setback from the street. The proposed attached garage is part of a larger renovation that includes converting the existing garage into living space to create a handicap accessible kitchen, bathroom, laundry room and bedroom.

Construction of the proposed attached garage would encroach into the required rear yard by 6 feet. The Zoning Code allows reduction of any required yard and setback by variation. The requested variation falls within the authorized limits of the Zoning Code.

On March 20, 2008, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously, five (5) ayes and zero (0) nays with two (2) Commissioners absent, to recommend that the variation be granted with the condition that the petitioners engage in a covenant with the village that the proposed attached garage will remain a single story structure.

Commissioners recommended approval of the proposed attached garage, because this lot satisfies the standard for unique physical condition due to the location of the house on the lot. They also stated that the petitioner's request is not a special privilege, because garages are usually located in the back yard and the proposed setback is consistent with yard requirements for standard lots in La Grange. Commissioners recommended the condition that the structure remain a single story, because they felt that a second story would add bulk.

Staff has prepared the attached ordinance authorizing the variation for your consideration.

5-B

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-_____

AN ORDINANCE GRANTING A ZONING VARIATION
FOR CONSTRUCTION OF AN ATTACHED GARAGE
AT 351 LEITCH AVENUE

WHEREAS, Deloris Kohlstedt is the owner (the "Owner") of the property commonly known as 351 Leitch Avenue, La Grange, Illinois, and legally described as follows:

Lot 243 in Elmere's Leitchworth, being a Subdivision in the west ½ of the East ½ of Section 5, Township 38 North, Range 12 East of the 3rd Principal Meridian, in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owner has applied for a variation from the rear yard required by Paragraph 3-110C4 of the La Grange Zoning Code in order to construct an attached garage that encroaches into the required rear yard as part of the remodeling of a house on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on March 20, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated March 20, 2008, that the variation be approved; and

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

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. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owner a variation from the minimum required rear yard standard of Paragraph 3-110C4 of the La Grange Zoning Code to reduce the required rear yard on the Subject Property by 6 feet for an attached garage, subject to all of the following conditions:

5-B-1

- A. The variation is granted only to authorize construction of an attached garage in substantial conformity with the design drawings attached to this Ordinance as Exhibit A (the "Approved Design"). The permit drawings to be prepared by the Owner must conform to the Approved Design.
- B. The Owner must execute a covenant in a form satisfactory to the Village declaring that the attached garage must always remain a single story structure.
- C. If the attached garage is constructed in violation of any term or condition of this Ordinance, then the Village may order the garage to be demolished and may rescind the approval granted by this Ordinance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owner and recording of the covenant required by Subsection 2B of this Ordinance, and (c) approval by the Village's Director of Community Development of conforming plans for the attached garage as required by Subsection 2A of this Ordinance.

PASSED this ____ day of _____ 2008, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

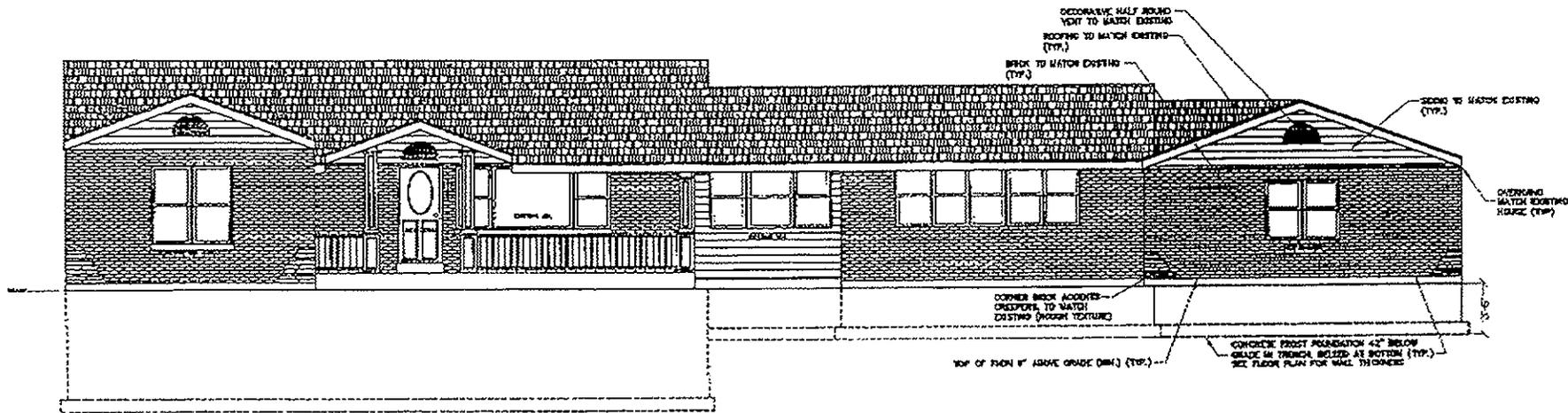
APPROVED by me this ____ day of _____ 2008.

Elizabeth M. Asperger, Village President

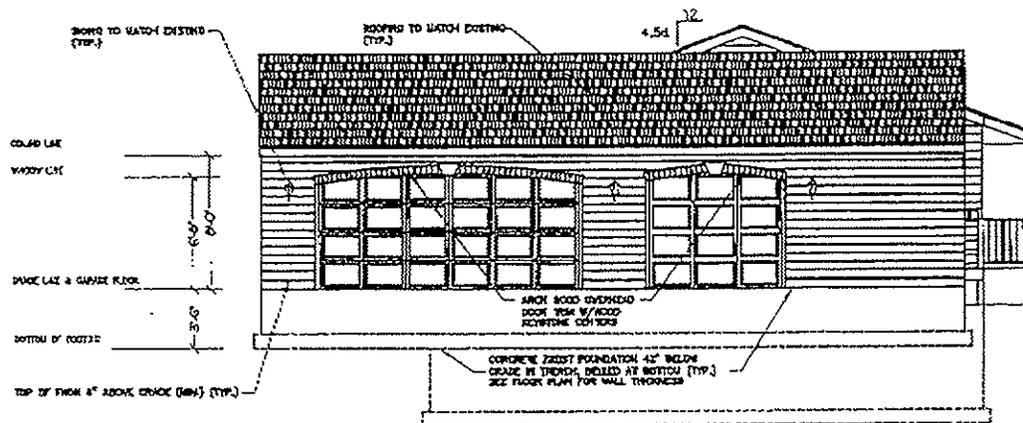
ATTEST:

Robert N. Milne, Village Clerk

5-8.2



SOUTH ELEVATION
SCALE 1/8"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"

Kohlstadt

EX A

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

March 20, 2008

President Asperger and
Board of Trustees

RE: **ZONING CASE #567 - VARIATION – REQUIRED REAR YARD/ DELORIS KOHLSTEDT, 351 LEITCH AVENUE**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct an attached garage on the property at 351 Leitch Avenue.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot with a 71.81 foot width and a depth of 155.80 feet.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located in the R-3 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant desires a variation from Paragraph 3-110C4 (Rear Yard) of the La Grange Zoning Code. The applicant wishes to encroach into the required setback by 6 feet. At the public hearing, the applicant requested a variation to allow for the construction of an attached garage on the subject property. Subparagraph 14-303E1(a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

IV. THE PUBLIC HEARING:

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on March 20, 2008. Present were Commissioners Nancy Pierson, Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef and Chairperson Ellen Brewin presiding. Also present was Assistant Community Development Director Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

5-B.4

Chairperson Brewin swore in Jim Kohlstedt, 422 S. Kensington, who presented the application on behalf of his mother, Deloris Kohlstedt:

- The house is currently being remodeled in order to create a handicap accessible kitchen, bathroom, laundry room and bedroom. Renovations include a three car side-loading attached garage addition that will encroach into the required rear yard by six feet.
- As originally constructed in 1952, the house is setback 31 feet from Goodman, which is further than the requirement of 17 feet. Due to this configuration, the property does not have adequate space in the back to construct the proposed garage.
- Ms. Mesaros stated that two neighbors have called the Village in support of this application.

Chairperson Brewin solicited questions and comments from the Commissioners:

- Commissioner Pierson asked if it would be possible to construct a two-car garage. Answer: due to the need for wheelchair access and storage space, a three-car garage is more functional.
- Commissioner Benson stated that the issue is not the size of the garage; it's a setback issue. The garage size is permitted by the Zoning Code.

Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:

1. Unique Physical Condition:

This zoning lot, which measures 71.81 ft by 155.80 ft, is larger than typical residential lots, which measure 50 ft. wide. However, the subject property is typical of corner lots in the area between Goodman and Elm Avenue and Gilbert to Edgewood.

2. Not Self-Created:

The house was constructed in 1952. The petitioner purchased the subject property in 1983 and has made no modifications to it.

3. Denied Substantial Rights:

5-B.5

STAFF REPORT

CASE: ZBA #567 – Deloris W. Kohlstedt -351 S. Leitch - Required Rear Yard

BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioner wishes to construct a 21 ft. deep three-car attached garage and wheelchair ramp on the subject property at 351 Leitch Avenue. They would like to convert their existing attached garage into an accessible kitchen area. In the R-3 Single Family Residential District in which the subject property is located, the rear yard setback requirement is 20% of the lot depth (25 ft. minimum). The rear yard requirement for the subject property is 31.15 ft.

The proposed attached garage will encroach into the required rear yard setback by 6 ft. In order to construct the attached garage, the petitioners seek a variation from Paragraph 3-110C4 (Rear Yard) of the Zoning Code. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."

Unique Physical Condition - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot, which measures 71.81 ft by 155.80 ft, is larger than typical residential lots in the R-3 Single Family Residential District, which measure 50 ft. wide. However, the subject property is typical of corner lots in the surrounding area between Goodman and Elm Avenue and Gilbert to Edgewood.

Not Self-Created - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

The house was constructed in 1952 and the petitioner purchased the subject property in 1983, and has made no modifications to it.

Denied Substantial Rights - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

According to the petitioner, the ability to construct an addition to the property is limited by its current configuration. If the existing structure were to be demolished, a building with a larger footprint of over 3,900 square feet could be constructed. The petitioner believes that the existing garage is the only space available for expansion.

Not Merely Special Privilege - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

Due to the configuration of the house, construction of more than a single car attached garage would not be possible. (Only 15 feet remains between the house and rear yard; this space would not accommodate the depth of a garage (usually 22 feet). The requested rear yard is the minimum permitted on standard lots in La Grange (25 feet) and therefore is not a special privilege.

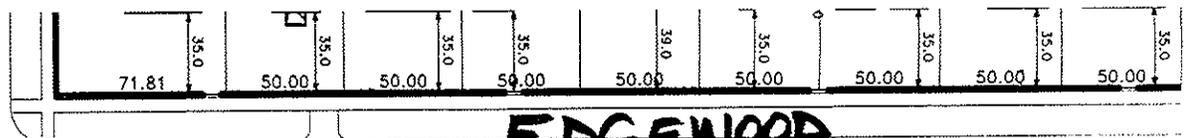
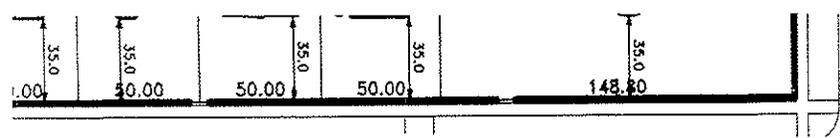
Code and Plan Purposes - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

With the requested variation, the petitioner's house would still meet the Zoning Code requirements for maximum building coverage, side yard, corner side and front yard.

Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity;*
or
- b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*

5-B.7



EDGEWOOD

5-13-8

MAPLE AVE

71.81	155.69	155.69	71.81
50	140 -001	195 -013	50
50	141 -002	194 -014	50
50	142 -003	193 -015	50
50	143 -004	192 -016	50
50	144 -005 "A"	191 -017	50
50	145 -006 (417)	190 -018	50
50	146 -007	189 -019	50
50	147 -008	188 -020	50
50	148 -009	187 -021	50
50	149 -010	186 -022	50
50	150 -011	185 -023	50
50	151 -012	184 -024	50
71.81	155.79	155.80	71.81

PECK AVE

LEITCH AVE

71.81	155.69	155.69	71.81
50	232 -001	287 -013	50
50	233 -002	286 -014	50
50	234 -003	285 -015	50
50	235 -004	284 -016	50
50	236 -005 "A"	283 -017	50
50	237 -006	282 -018	50
50	238 -007 (418)	281 -019	50
50	239 -008	280 -020	50
50	240 -009	279 -021	50
50	241 -010	278 -022	50
50	242 -011	277 -023	50
50	243 -012	276 -024	50
71.81	155.80	155.79	71.81

EDGEWOOD AVE



↑ 351 LEITCH

GOODMAN AVE

48.8	155.80	155.81	48.8
50	152 -001	183 -011	50
50	153 -002	182 -012	50
50	154 -003	181 -013	50
50	155 -004 "A"	180 -014	50
50	156 -005	179 -015	50
50	157 -006 (424)	178 -016	50

48.8	155.81	155.80	48.8
50	244 -001	275	50
50	245	274 -034	50
50	246	273	50
50	247 -033 "A"	272 -014	50
50	248	271 -015	50
50	249 -006 (425)	270 -016	50

5-B.P

APPLICATION FOR ZONING VARIATION

Application # 567

Date Filed: Feb. 20, 2008

UARCO # 84384

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

(please type or print)

Application is hereby made by Deloris W. Kohlstedt

Address: 351 S. Leitch Phone: 708-354-6424

Owner of property located at: 351 S. Leitch Ave., La Grange

Permanent Real Estate Index No: 18-05-418-012-0000

Present Zoning Classification R-4 Present Use: Single Family Residential

Ordinance Provision for Variation from Article # 3-110C4 of Zoning Ordinance, to wit:

Rear yard requirement is 20% of lot size (155 feet 9 3/8 inches) equal to 31.15 feet.

A. Minimum Variation of Zoning requirement necessary to permit the proposed use, construction, or development: The rear yard requirement would be reduced by 6.15 feet from 31.15 feet to 25 feet.

B. The purpose therefore, is to construct an attached garage to the existing three bedroom ranch home. The existing two car garage is being converted into a wheelchair accessible kitchen. The attached garage would include a wheelchair ramp to allow access to the new kitchen area.

C. The specific feature(s) of the proposed use, construction, or development that require a variation: The existing house is situated on an east west axis on the lot. Because the east side of the house is treated as a rear yard under the LaGrange ordinance, only an additional 15.55 could be added, which is not wide enough to add a two car garage or deep enough to add a three car side loaded garage. A detached two or three car garage could be added without requesting a variance, but would result in an exposed wheelchair ramp rather than an interior ramp. The proposal creates a buffer of 25 feet from the new garage structure to the eastern neighbor and a buffer of 7.15 feet to the northern neighbor, whereas a separate structure garage could be constructed within 3 feet of the north property line and 3 feet of the eastern property line.

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. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

5-B.10

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting **each** of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

- a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit: The existing house is set back 31 feet 9 and 5/8 inches from Goodman, when the required set back is only 17 feet. LaGrange ordinance limits to ten feet the amount that an attached garage can extend toward Goodman from the existing house. This prevents an attached garage from being added to the front of the existing house on the Goodman side. The existing kitchen is not large enough to be made wheelchair accessible. The existing garage can be converted into a wheelchair accessible kitchen with a first floor laundry room, but the rear lot restriction prevents more than a single car garage from being added to the existing residence.
- b. A reasonable return or use of your property is not possible under the existing regulations, because: ...the existing house, purchased by petitioner in 1983, was constructed with a much greater set back from Goodman than required by the ordinance, 31 feet 9 inches versus the required 17 feet. If the existing house were torn down and a new house built, the new house could have a foot print of 3,911 square feet and could be constructed to within 17 feet of Goodman. The existing house is approximately 1,950 square feet. The rear set back requirement when combined with the ten foot limitation from the front of the existing structure, limits an addition to 651 square feet. The addition allowable under the ordinance, 15 feet x 42 feet, has no economic value to petitioner since it cannot be configured as an attached garage. The total square footage of such a structure would be 2,601, more than 1,300 square feet less than allowed if the existing house were torn down and a new structure built.
- c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): Because of the combination of where the existing house was built on the lot, almost 15 feet further back from Goodman than required, the ten foot limit on how far an attached garage can extend from an existing structure, and the rear yard limitation, it is not possible to add an addition that has economic value or reasonable usefulness, and almost mandates the house be sold for a tear down unless a variance is granted. The proposed addition would be approximately 882 square feet, bringing the total square footage of the house with the proposed addition to 2,831, or a lot coverage percentage of approximately 25.3%, almost ten percent less than allowed in LaGrange. The proposed driveway would be approximately 1242 square feet, and combined with the structure would have a coverage of approximately 36.4 %, almost 9% less than allowed by LaGrange ordinance.

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

5-13-11

The existing house was purchased by petitioner in 1983 in the same configuration as it currently exists. The house was built approximately 15 feet further back from Goodman than required. An ordinance passed in October, 2007 by LaGrange, now limits the distance an attached garage may extend from the existing structure toward Goodman to ten feet. This effectively makes the Goodman set back 17 feet plus 5 feet, or a total of 22 feet. A new structure would be subject only to the 17 foot set back. There are numerous corner lots in LaGrange and the surrounding neighborhood where residences have been constructed closer to Goodman than 22 feet. This structure and where it is situated on this lot create a unique physical condition.

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

This situation was not created by petitioner. The residence when purchased by petitioner was located in its current position. The house was constructed in approximately 1952.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

If the existing structure were demolished, a single floor structure of over 3900 square feet could be constructed on the lot. Petitioner is limited by the combination of the existing site of the structure, the ten foot extension ordinance, and the rear set back requirement to an addition of 651 feet, or 1,300 square feet less than a new structure would be allowed. Even if the variance is granted the total square footage of the residence would be 2,831 square feet, more than 1,100 square feet less than Village ordinances would allow for a new residence.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

Attaching the garage to the existing structure facilitates wheelchair ramp access to the residence, and results in greater set backs from neighboring properties than would exist if a stand alone garage were constructed. It is not an attempt to obtain a special privilege, and indeed results in a lot coverage by the structure that is at least ten percent less than a new structure would be allowed.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

The construction would be in harmony with other codes. The only variance being requested is to reduce the rear yard from 31.15 feet to 25 feet. The construction would preserve the character of the existing home as a one story ranch house and would provide for wheelchair accessibility. A stand alone

5-13-12

garage could be constructed without any variance, much closer to neighbors properties both to the north and to the east.

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
- (d) Would unduly increase the danger of flood or fire; or
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

The construction would be in harmony with other codes. The only variance being requested is to reduce the rear yard from 31.15 feet to 25 feet. The construction would preserve the character of the existing home as a one story ranch house and would provide for wheelchair accessibility. A stand alone garage could be constructed without any variance, much closer to neighbors properties both to the north and to the east.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

A variety of alternatives have been considered, but none allow a multi car attached garage which can provide covered wheel chair accessibility to the existing residence. The alternative of constructing a stand alone garage does not require a variance, but results in a wheel chair ramp that is remote from the garage and which would be exposed to rain, snow and the elements.

NOTICE: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

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

- (a) Legal Publication (direct cost);

5-B.13

- (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);

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

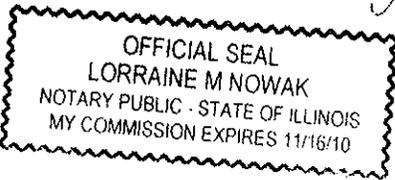
I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the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

Meloni W. Koblsted 351 S. Litch
 (Signature of Owner or Contract Purchaser) (Address)

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

Subscribed and sworn to before me this 30th day of February, 2008.

Lorraine M. Nowak
 (Notary Public) (Seal)



Enclosures: _____

5-B.14

(FOR VILLAGE USE ONLY)

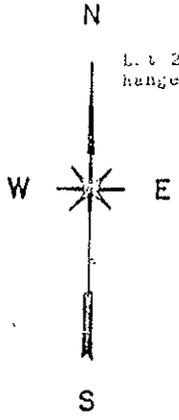
1. Filed with Office of the Community Development Director: 2-20 . 2008 .
2. Transmitted to Zoning Board of Appeals at their meeting held:
3-20-08
3. Continuation (if any): _____
4. Notice of hearing published in: Sub Life on: 2-27-08
5. Findings and Recommendation of Zoning Board of Appeals referred 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: _____

Conditions Imposed:

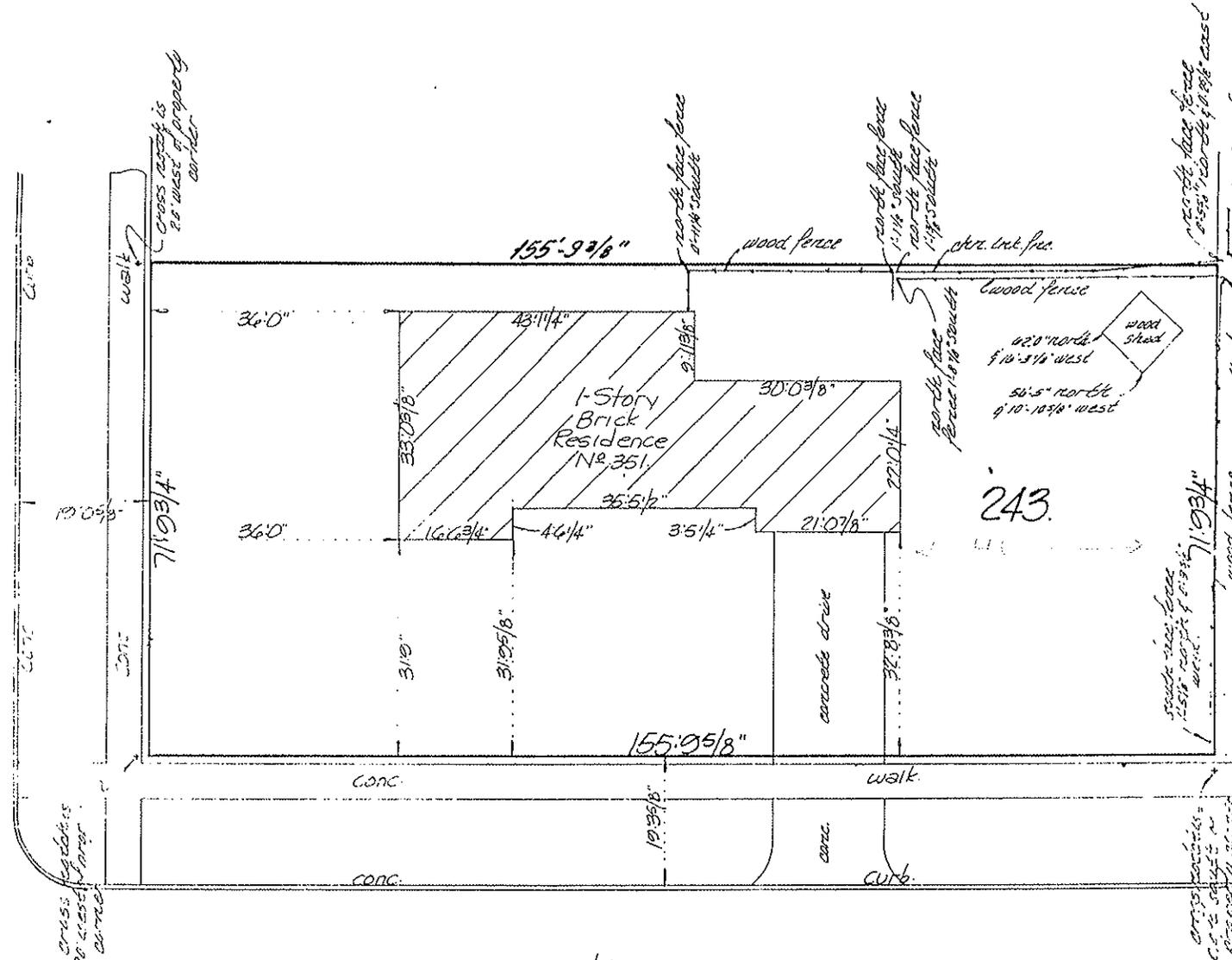
5-B.15

PLAT OF SURVEY

Lot 243 in Elmere's Leitchworth, being a Subdivision in the West 1/2 of the East 1/2 of Section 5, Township 38 North, Range 12 East of the 3rd Principal Meridian, in Cook County, Illinois.



LEITCH AVENUE



GOODMAN AVENUE

AVENUE

[] CHECK (X) IN BOX MEANS THIS SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois } ss.
County of Cook }

State of Illinois } ss.
County of Cook }

We, CERTIFIED SURVEY CO. do hereby certify that we have located the building on the above property.

We, CERTIFIED SURVEY CO. do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Order No. 70260
Scale: 1 inch = 15' foot
Date: Oct. 1, 1983

Loc. No. RET 243

5-B-16

17-8-11-5

EXISTING SETBACK/SITE LAYOUT

Lt 243 in Elmhurst's Leitchworth, being a Subdivision in the West 1/2 of the East 1/2 of Section 5, Township 38 North, Range 12 East of the 3rd Principal Meridian, in Cook County, Illinois,

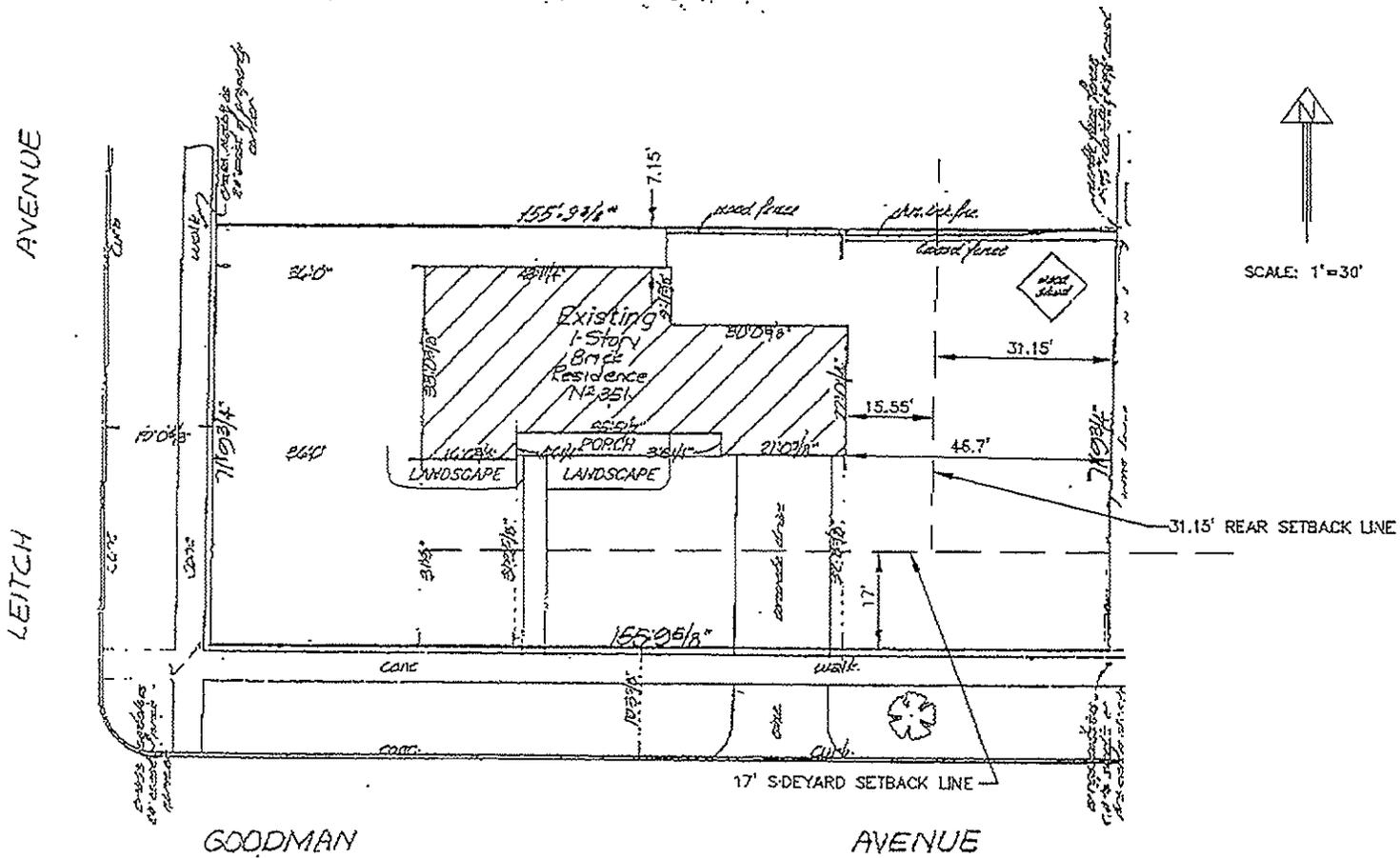


EXHIBIT "A"



PROPOSED SITE LAYOUT

L.1 243 in Klare's Leitchworth, being a subdivision in the West 1/2 of the East 1/2 of Section 5, Township 38 North, Range 12 East of the 3rd Principal Meridian, in Cook County, Illinois.

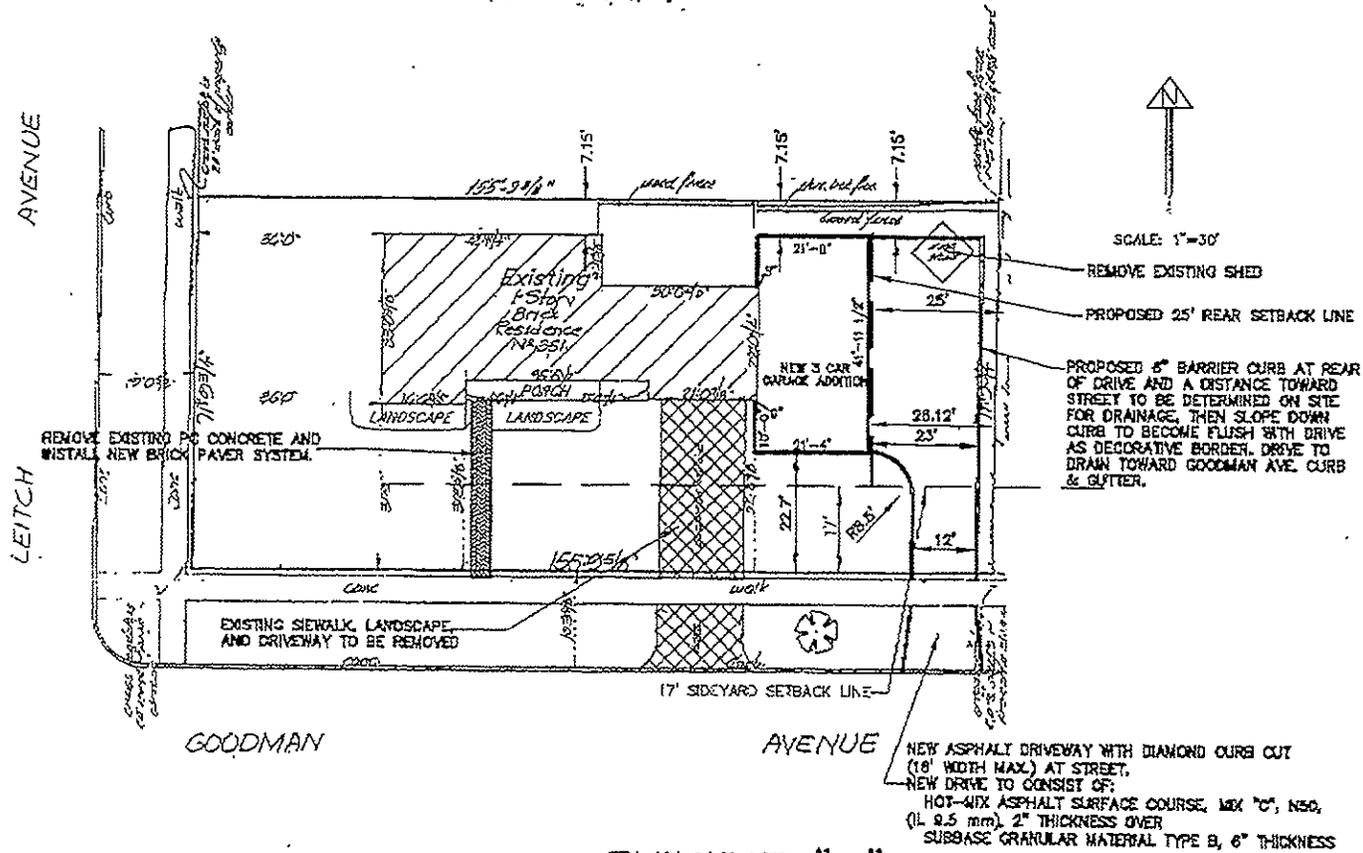


EXHIBIT "C"

1919
6-6

PROPOSED SETBACK LAYOUT

L. & 243 in Elmer's Leitchworth, being a Subdivision in the West 1/2 of the East 1/2 of Section 5, Township 38 North, Range 12 East of the 3rd Principal Meridian, in Cook County, Illinois.

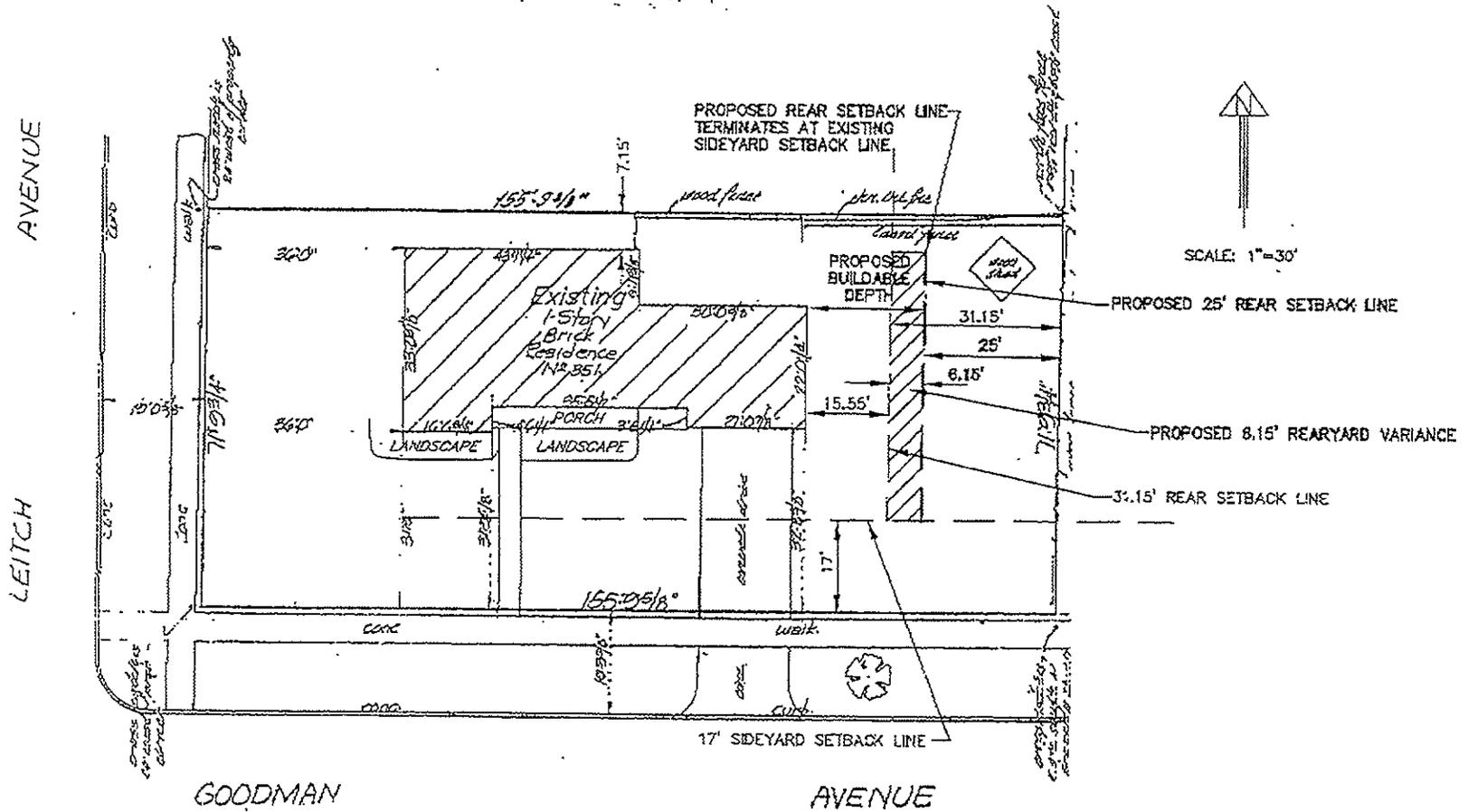


EXHIBIT "B"

ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY

(NOTICE: THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THIS FORM DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS; BUT WHEN POWERS ARE EXERCISED, YOUR AGENT WILL HAVE TO USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS FORM AND KEEP A RECORD OF RECEIPTS, DISBURSEMENTS, AND SIGNIFICANT ACTIONS TAKEN AS AGENT. A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS THE AGENT IS NOT ACTING PROPERLY. YOU MAY NAME SUCCESSOR AGENTS UNDER THIS FORM BUT NOT CO-AGENTS. UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THIS POWER IN THE MANNER PROVIDED BELOW, UNTIL YOU REVOKE THIS POWER OR A COURT ACTING ON YOUR BEHALF TERMINATES IT, YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT ARE EXPLAINED MORE FULLY IN SECTION 3-4 OF THE ILLINOIS "STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY LAW" OF WHICH THIS FORM IS A PART (SEE THE BACK OF THIS FORM). THAT LAW EXPRESSLY PERMITS THE USE OF ANY DIFFERENT FORM OF POWER OF ATTORNEY YOU MAY DESIRE. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

POWER OF ATTORNEY made this 17 day of May, 2005.

1. I, **DELORIS W. KOHLSTEDT**, of **LAGRANGE, ILLINOIS 60525** hereby appoint: **JAMES A. KOHLSTEDT, 2100 CLEARWATER DRIVE, OAKBROOK, ILLINOIS 60523**, as my attorney-in-fact (my "agent") to act for me and in my name (in any way I could act in person) with respect to the following powers, as defined in Section 3-4 of the "Statutory Short Form Power of Attorney for Property Law" (including all amendments), but subject to any limitations on or additions to the specified powers inserted in paragraph 2 or 3 below:

- (a) Real estate transactions.
- (b) Financial institution transactions.
- (c) Stock and bond transactions.
- (d) Tangible personal property transactions.
- (e) Safe deposit box transactions.
- (f) Insurance and annuity transactions.
- (g) Retirement plan transactions.
- (h) Social Security, employment and military service benefits.

5-13-20

(THIS POWER OF ATTORNEY MAY BE AMENDED OR REVOKED BY YOU AT ANY TIME AND IN ANY MANNER. ABSENT AMENDMENT OR REVOCATION, THE AUTHORITY GRANTED IN THIS POWER OF ATTORNEY WILL BECOME EFFECTIVE AT THE TIME THIS POWER IS SIGNED AND WILL CONTINUE UNTIL YOUR DEATH UNLESS A LIMITATION ON THE BEGINNING DATE OR DURATION IS MADE BY INITIALING AND COMPLETING EITHER (OR BOTH) OF THE FOLLOWING:)

6. (X) This power of attorney shall become effective on May 17 2005.

7. (X) This power of attorney shall terminate on my death.

8. If any agent named by me shall die, become incompetent, resign or refuse to accept the office of agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such agent:

Mary C. Rohde
Joyce K. Jensen

For purposes of this paragraph 8, a person shall be considered to be incompetent if and while the person is a minor or an adjudicated incompetent or disabled person or the person is unable to give prompt and intelligent consideration to business matters, as certified by a licensed physician.

9. If a guardian of my estate (my property) is to be appointed, I nominate the agent acting under this power of attorney as such guardian, to serve without bond or security.

10. I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my agent.

Signed Deloris W. Kohlstedt
Deloris W. Kohlstedt

(YOU MAY, BUT ARE NOT REQUIRED TO, REQUEST YOUR AGENT AND SUCCESSOR AGENTS TO PROVIDE SPECIMEN SIGNATURES BELOW. IF YOU INCLUDE SPECIMEN SIGNATURES IN THIS POWER OF ATTORNEY, YOU MUST COMPLETE THE CERTIFICATION OPPOSITE THE SIGNATURES OF THE AGENTS.)

5-B.21

SECTION 3-4 OF THE ILLINOIS STATUTORY SHORT FORM
POWER OF ATTORNEY FOR PROPERTY LAW
(755 ILCS 45/3-4)

§3-4. Explanation of powers granted in the statutory short form power of attorney for property. This Section defines each category of powers listed in the statutory short form power of attorney for property and the effect of granting powers to an agent. When the title of any of the following categories is retained (not struck out) in a statutory property power form, the effect will be to grant the agent all of the principal's rights, powers and discretions with respect to the types of property and transactions covered by the retained category, subject to any limitations on the granted powers that appear on the face of the form. The agent will have authority to exercise each granted power for and in the name of the principal with respect to all of the principal's interests in every type of property or transaction covered by the granted power at the time of exercise, whether the principal's interests are direct or indirect, whole or fractional, legal, equitable or contractual, as a joint tenant or tenant in common or held in any other form; but the agent will not have power under any of the statutory categories (a) through (o) to make gifts of the principal's property, to exercise powers to appoint to others or to change any beneficiary whom the principal has designated to take the principal's interests at death under any will, trust, joint tenancy, beneficiary form or contractual arrangement. The agent will be under no duty to exercise granted powers or to assume control of or responsibility for the principal's property or affairs; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory property power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose and will have authority to sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent.

(a) Real estate transactions. The agent is authorized to: buy, sell, exchange, rent and lease real estate (which term includes, without limitation, real estate subject to a land trust and all beneficial interests in and powers of direction under any land trust); collect all rent, sale proceeds and earnings from real estate; convey, assign and accept title to real estate; grant easements, create conditions and release rights of homestead with respect to real estate; create land trusts and exercise all powers under land trusts; hold, possess, maintain, repair, improve, subdivide, manage, operate and insure real estate; pay, contest, protest and compromise real estate taxes and assessments; and, in general, exercise all powers with respect to real estate which the principal could if present and under no disability.

(b) Financial institution transactions. The agent is authorized to: open, close, continue and control all accounts and deposits in any type of financial institution (which term includes, without limitation, banks, trust companies, savings and building and loan associations, credit unions and brokerage firms); deposit in and withdraw from and write checks on any financial institution account or deposit; and, in general, exercise all powers with respect to financial institution transactions which the principal could if present and under no disability.

(c) Stock and bond transactions. The agent is authorized to: buy and sell all types of securities (which term includes, without limitation, stocks, bonds, mutual funds and all other types of investment securities and financial instruments); collect, hold and safekeep all dividends, interest, earnings, proceeds of sale, distributions, shares, certificates and other evidences of ownership paid or distributed with respect to securities; exercise all voting rights with respect to securities in person or by proxy, enter into voting trusts and consent to limitations on the right to vote; and, in general, exercise all powers with respect to securities which the principal could if present and under no disability.

5-B.22

property interests of the principal; collect and receipt for any claim or settlement proceeds and waive or release all rights of the principal; employ attorneys and others and enter into contingency agreements and other contracts as necessary in connection with litigation; and, in general, exercise all powers with respect to claims and litigation which the principal could if present and under no disability.

(k) Commodity and option transactions. The agent is authorized to: buy, sell, exchange, assign, convey, settle and exercise commodities futures contracts and call and put options on stocks and stock indices traded on a regulated options exchange and collect and receipt for all proceeds of any such transactions; establish or continue option accounts for the principal with any securities or futures broker; and, in general, exercise all powers with respect to commodities and options which the principal could if present and under no disability.

(l) Business operations. The agent is authorized to: organize or continue and conduct any business (which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation) in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

(m) Borrowing transactions. The agent is authorized to: borrow money; mortgage or pledge any real estate or tangible or intangible personal property as security for such purposes; sign, renew, extend, pay and satisfy any notes or other forms of obligation; and, in general, exercise all powers with respect to secured and unsecured borrowing which the principal could if present and under no disability.

(n) Estate transactions. The agent is authorized to: accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could if present and under no disability; provided, however, that the agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the agent unless specific authority to that end is given, and specific reference to the trust is made, in the statutory property power form.

(o) All other property powers and transactions. The agent is authorized to: exercise all possible powers of the principal with respect to all possible types of property and interests in property, except to the extent the principal limits the generality of this category (o) by striking out one or more of categories (a) through (n) or by specifying other limitations in the statutory property power form.

5-B.23

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
Angela M. Mesaros, Assistant Community Development Director

DATE: April 14, 2008

RE: **ORDINANCE - VARIATION - REQUIRED FRONT YARD /MATTHEW
AND MAUREEN VULICH, 410 E. MAPLE AVENUE.**

Matthew and Maureen Vulich, owners of the property at 410 E. Maple Avenue, have applied for a variation from Front Yard requirements in order to construct a front porch. The subject property is a nonconforming two-flat located in the R-5 Single Family Residential District. The property is typical of lots along Maple Avenue between Bluff and Ninth Avenue regarding front yards.

Construction of the proposed front porch would encroach into the required front yard by 6.5 ft. The Zoning Code allows reduction of any required yard and setback by variance. The requested variation falls within the authorized limits of the Zoning Code.

Currently, the applicants' home is the only two-unit building on their block. This property is located within a single family district; two flats are not permitted uses within this district. The proposed front porch is part of a façade renovation and conversion of the property into a single family house.

According to the Vulichs, the front porch would enhance the beauty of their home while maintaining the character of the neighborhood. Most properties in the petitioners' immediate area have similar front porches that encroach into the required front yard. The proposed porch would not extend any further into the required yard than the average of the two abutting properties.

On March 20, 2008, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously, five (5) ayes and zero (0) nays with two (2) Commissioners absent, to recommend that the variation be granted with the condition that the applicants engage in a covenant with the village that the front porch never be enclosed.

In addition, due to past experience, staff recommends another condition be added: that the front porch be constructed in a manner in substantial conformance with the exhibits presented at the Zoning Board of Appeals hearing.

Staff has prepared the attached ordinance authorizing the variations for your consideration.

5-4

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-_____

AN ORDINANCE GRANTING A ZONING VARIATION
FOR CONSTRUCTION OF A FRONT PORCH
AT 410 EAST MAPLE AVENUE

WHEREAS, Matthew and Maureen Vulich are the owners (the "Owners") of the property commonly known as 410 East Maple Avenue, La Grange, Illinois, and legally described as follows:

Lot 5 in Block 15 in Leiter's Third Addition to La Grange, a subdivision of that part of the southeast ¼ of Section 4 Township 38 North, Range 12 East of the Third Principal Meridian, lying west of Bluff Avenue (except the west 1095 feet of that part of said premises lying north of the south 710 feet thereof) in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owners have applied for a variation from the front yard required by Paragraph 3-110C1 of the La Grange Zoning Code in order to construct a front porch that encroaches into the required front yard as part of the remodeling of a house on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on March 20, 2008, pursuant to proper public notice, and recommended in its Findings and Recommendation dated March 20, 2008, that the variation be approved; and

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

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. Grant of Variation. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owners a variation from the minimum required front yard standard of Paragraph 3-110C1 of the La Grange Zoning Code to reduce the required front yard on the Subject Property by 6.5 feet for a front porch, subject to all of the following conditions:

5-C.1

- A. The variation is granted only to authorize construction of a front porch in substantial conformity with the design drawings attached to this Ordinance as Exhibit A (the "Approved Design"). The permit drawings to be prepared by the Owners must conform to the Approved Design.
- B. The Owners must execute a covenant in a form satisfactory to the Village declaring that the front porch must always remain open and may never be enclosed with walls, windows, screening, or any other structures or objects.
- C. If the front porch is constructed in violation of any term or condition of this Ordinance, then the Village may order the porch to be demolished and may rescind the approval granted by this Ordinance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owners and recording of the covenant required by Subsection 2B of this Ordinance, and (c) approval by the Village's Director of Community Development of conforming plans for the front porch as required by Subsection 2A of this Ordinance.

PASSED this ____ day of _____ 2008, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

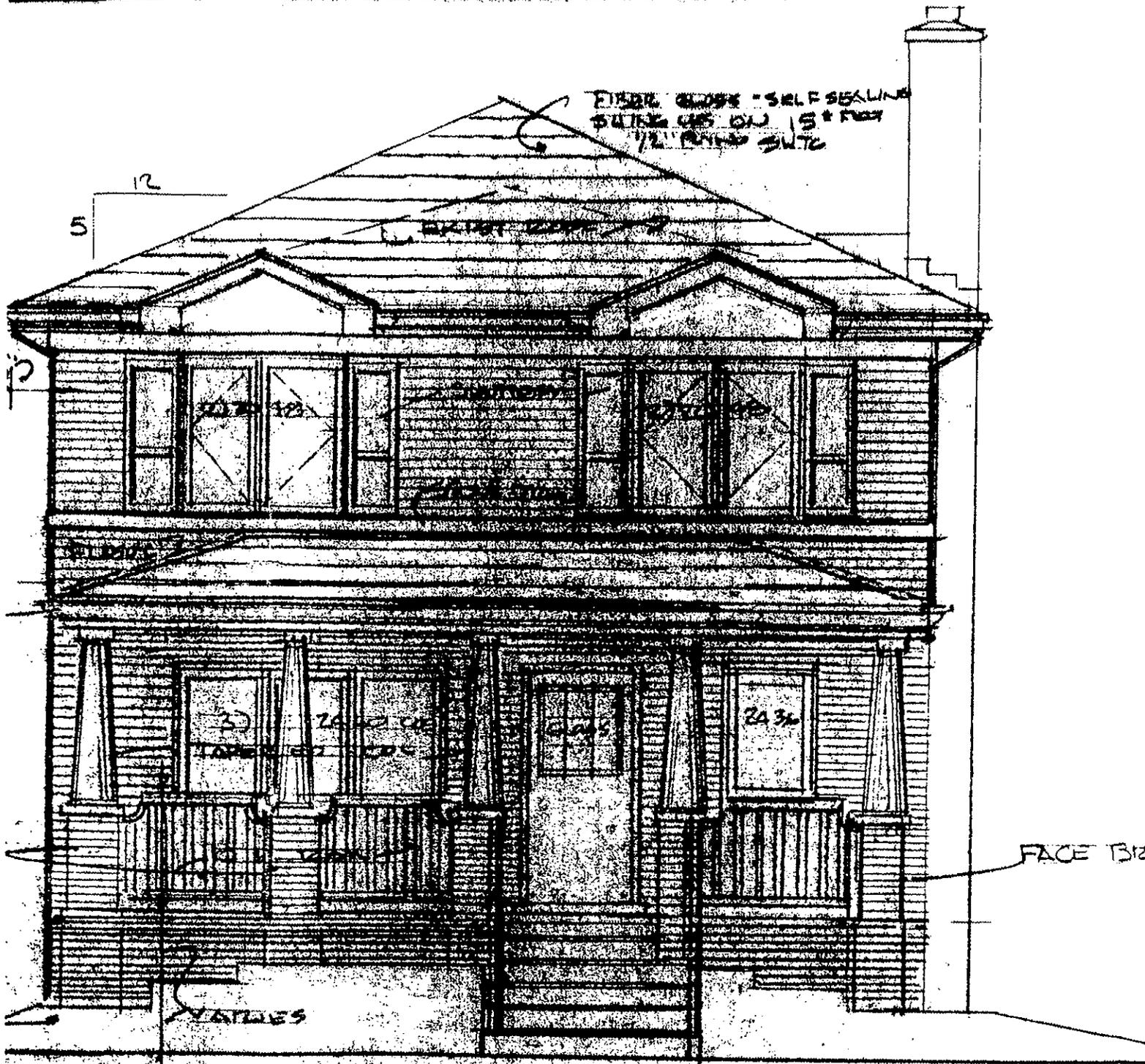
APPROVED by me this ____ day of _____ 2008.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

5-C.2



FRONT ELEVATION

SCALE 1/4"=1'-0"

5-C.3

SECTION

1

H

Exhibit A

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

March 20, 2008

RE: **ZONING CASE #566 - VARIATION – REQUIRED FRONT YARD/ MATTHEW AND MAUREEN VULICH, 410 E. MAPLE AVENUE**

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a front porch on the property at 410 E. Maple Avenue.

I. THE SUBJECT PROPERTY:

The property in question is a single family residential lot with a 50-foot width and a depth of approximately 145 ft.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located in the R-5 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant desires a variation from Paragraph 3-110C1 (Required Front Yard) of the La Grange Zoning Code. The applicant wishes to construct a front porch, which would encroach into the adjusted front yard by 6.47 feet. At the public hearing, the applicant requested a variation to allow for the construction of a front porch at the subject property. Paragraph 14-303E1(a) (Authorized Variations) allows the reduction of any required yard. The requested variation falls within the authorized limits of the zoning code.

IV. THE PUBLIC HEARING:

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variation in the La Grange Village Hall Auditorium on March 20, 2008. Present were Commissioners Nancy Pierson, Charles Benson, Jr., Nathaniel Pappalardo, Rosemary Naseef and Chairperson Ellen Brewin presiding. Also present was Assistant Community Development Director Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

5-c.4

Chairperson Brewin swore in Matthew and Maureen Vulich, owners of the subject property, 410 E. Maple Avenue, and Harold E. Miller, Architect, 9935 S. W. Hwy, Oak Lawn, who presented the application:

- The Vulichs have resided in La Grange since 1994. At this time, they would like a larger house and wish to convert their existing two-flat, in which they rent out one floor, into a single family residence. They feel that this will enable their home to fit better into the neighborhood. This home is the only two-flat on the block in a single family neighborhood.
- Other homes in the neighborhood have front porches that encroach.
- The house is currently a 24 ft by 24 ft. box that they feel is “unsightly” and propose to change the style.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Benson asked if the porch would extend further than houses on either side. Answer: No, the encroachment would be less than the neighbors’ are.
- Chairperson Brewin asked if the depth of 5.33 ft. is the smallest practical porch. Answer: Yes.
- Commissioner Pierson asked if the proposal includes expansion of the house from east to west. Answer: the building footprint would not change.
- Commissioner Naseef asked if it would be possible to construct a stoop instead of a front porch. Answer: a variation would still be necessary.

Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:

1. Unique Physical Condition:

This zoning lot is typical regarding front yard of most single lots in the R-5 district along Maple Avenue between Bluff and Ninth. This area is unique due to its proximity to industrial and multiple family uses to the east.

5-C-5

2. Not Self-Created:

According to the petitioners, the existing two-flat was constructed in the 1950's. They have made no modifications to the property that would affect the required front yard.

3. Denied Substantial Rights:

The two properties that abut the subject property have front porches with similar encroachments into the required front yard. With the requested variation, the proposed porch would not extend any further than the average of the two abutting properties (18.47 feet). According to the Vulichs, they seek the same rights as their neighbors: a front porch of similar depth with a comparable encroachment to other porches on the block.

4. Not Merely Special Privilege:

Almost all of the houses on the same block are constructed with front yards similar to that requested by the petitioners.

5. Code and Plan Purposes:

Granting the variation would allow a façade renovation and conversion of a non-conforming two-flat into a single family residence consistent with the surrounding area. This property is located within a single family district; two-flats are not permitted uses within this district. Therefore, conversion into a single family house would bring the property into compliance with the Zoning Code. The Vulichs believe that the variation would allow them to enhance the beauty of their home and bring it into harmony with the surrounding area.

6. Essential Character of the Area:

According to the Vulichs, the requested variation would not adversely affect the character of the neighborhood. In fact, the properties immediately adjacent to the subject property have front porches that encroach into the front yard. Construction of the proposed front porch would be consistent with the area and contribute positively to the neighborhood character by bringing this home into harmony with the neighboring properties.

7. No Other Remedy:

The Vulichs wish to enhance the beauty of their home and enjoy the use of a front porch as their neighbors do. Since the existing building currently encroaches into the front yard, it is not possible to construct a front porch that complies with the required yard. Another remedy for the façade renovation would be to convert the building without a

5-C.6

front porch. However, the petitioners believe that this would not improve the appearance of the house while maintaining consistency with the neighborhood.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Pierson stated that this is a unique situation. The property is a two-flat and it would be nice to convert it into a single family home.
- Chairperson Brewin stated that it is good to fit the house back into the neighborhood, because the rest of the houses in the area are further forward. This is similar to a previous case.
- Commissioner Naseef stated that she is uncomfortable with the idea that allowing this variation might set a precedent for this block. Not all of the houses have front porches and others may seek variations in the future to add front porches.
- Commissioner Pappalardo stated that the porch is the minimum functional size. Given some of the adjacent properties, this would be compatible with the neighborhood. This is a reasonable request.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Pappalardo and seconded by Commissioner Pierson that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #566 with the condition that the applicants engage in a covenant with the village that the front porch never be enclosed. Motion Carried by a roll call vote (5/0/2).

AYE: Pappalardo, Benson, Pierson, Naseef, and Brewin.
NAY: None.
ABSENT: Brenson and Schwappach.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees of the variation from Paragraph 3-110C1 (Required Front Yard) to allow construction of a front porch at 410 E. Maple Avenue.

Respectfully submitted:
Zoning Board of Appeals of the
Village of La Grange

BY: 
Ellen Brewin, Chairperson

5-C.7

STAFF REPORT

CASE: ZBA #566 - Matthew and Maureen Vulich, 410 E. Maple Ave. - Required Front Yard

BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The Vulichs wish to construct a 5.33 ft. by 24 ft, one-story open front porch as part of a larger renovation to convert their non-conforming two flat into a single family residence. Renovation of the house and construction of the front porch would bring their house into harmony with houses on their block and in their neighborhood. According to Paragraph 3-110G8 *Front Yard Reduction* of the Zoning Code, the minimum required front yard may be reduced to the average of the buildings on the two abutting lots with a minimum of 25 feet. The adjusted required front yard for this property is 25 feet. Currently the house is located 23.86 feet from the front property line; therefore a building permit could not issued for the proposed porch.

In order to construct the front porch, the petitioners seek a variation from Paragraph 3-110C1 (Front Yard) of the Zoning Code. Construction of the proposed front porch would encroach into the required front yard setback by 6.47 feet. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard. The requested variation falls within the authorized limits of the Zoning Code.

VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that **"No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."**

Unique Physical Condition - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is typical regarding front yard of most single lots in the R-5 district along Maple Avenue between Bluff and Ninth. This area is somewhat unique due to its proximity to industrial and multiple family uses to the east.

5-C.8

Not Self-Created - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

According to the petitioners, the existing two flat was constructed in the 1950's. They have made no modifications to the property that would affect the required front yard.

Denied Substantial Rights - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

The two properties that abut the subject property have front porches with similar encroachments into the required front yard. With the requested variation, the proposed porch would not extend any further into the required front yard than the average of the two abutting properties (18.47 feet). According to the Vulichs, they seek the same rights as their neighbors: a front porch of similar depth with a comparable encroachment to other porches on the block.

Not Merely Special Privilege - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

Almost all of the houses on the same block as the subject property are constructed with front yards similar to that requested by the petitioners.

Code and Plan Purposes - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

Granting the variation would allow a façade renovation and conversion of a non-conforming two-flat into a single family residence consistent of the surrounding area. This property is located within a single family district; two flats are not permitted uses within this district. Therefore, conversion into a single family residence would bring the property into compliance with the Zoning Code. The Vulichs believe that the variation would allow them to enhance the beauty of their home and bring it into harmony with the surrounding area.

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Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

- a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. Would substantially increase congestion in the public streets due to traffic or parking; or*
- d. Would unduly increase the danger of flood or fire; or*
- e. Would unduly tax public utilities and facilities in the area; or*
- f. Would endanger the public health or safety."*

According to the Vulichs, the requested variation would not adversely affect the character of the neighborhood. In fact, the properties immediately adjacent to the subject property have front porches that encroach into the required front yard. Construction of the proposed front porch would be consistent with the area and contribute positively to the neighborhood character by bringing this home into harmony with the neighboring properties.

No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

The Vulichs wish to enhance the beauty of their home and enjoy the use of a front porch as their neighbors do. Since the existing building currently encroaches into the required front yard, it is not possible to construct a front porch that complies with the required front yard. Another remedy for the façade renovation would be to convert the building without a front porch. However, the petitioners believe that this would not improve the appearance of the house while maintaining consistency with the neighborhood.

5-C.10

9th AVENUE

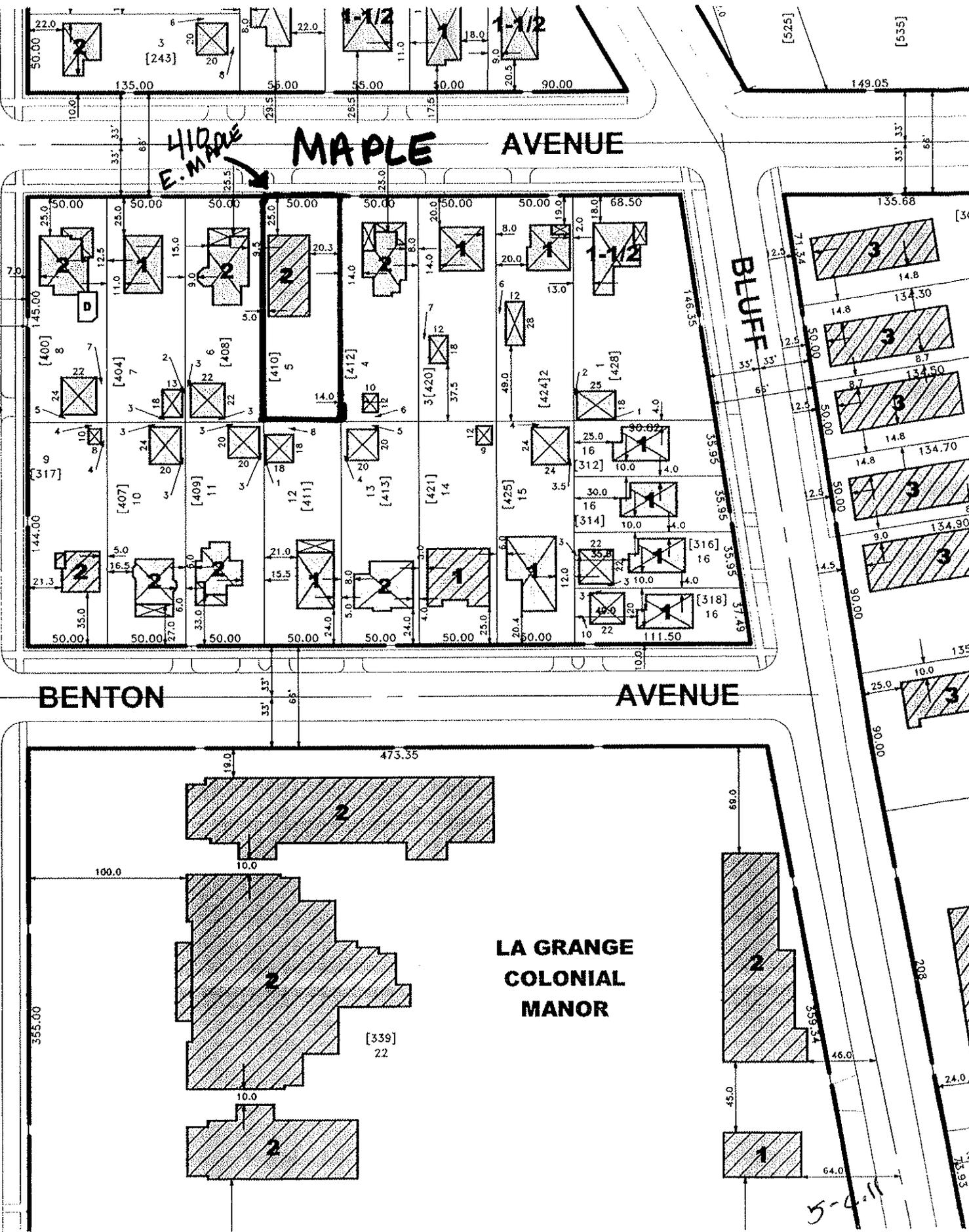
410 E. MAPLE

MAPLE AVENUE

BLUFF AVENUE

BENTON AVENUE

LA GRANGE COLONIAL MANOR



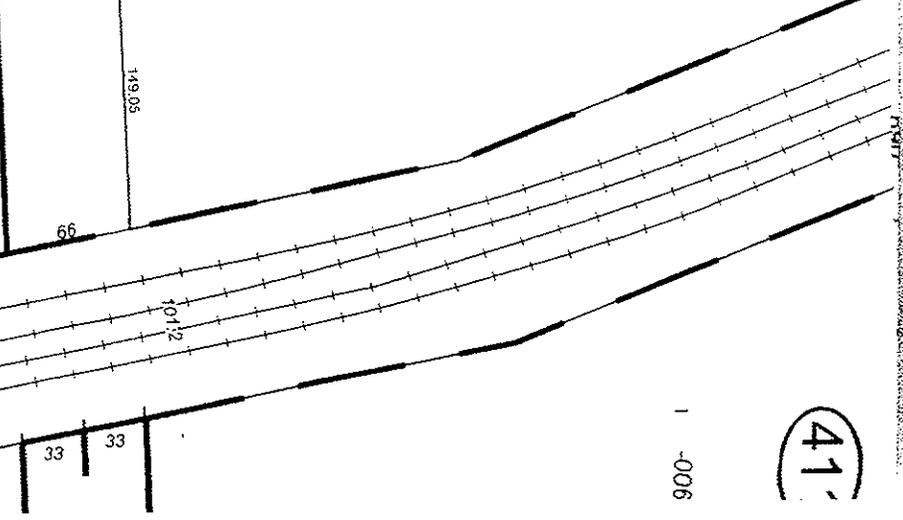
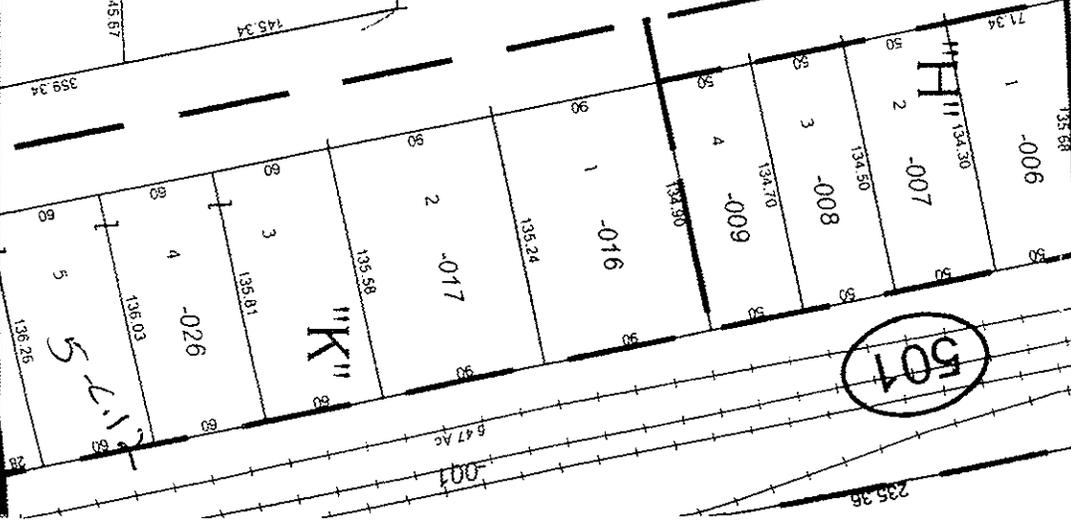
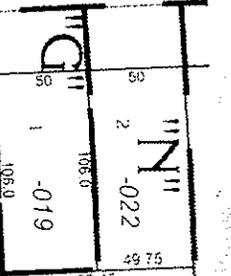
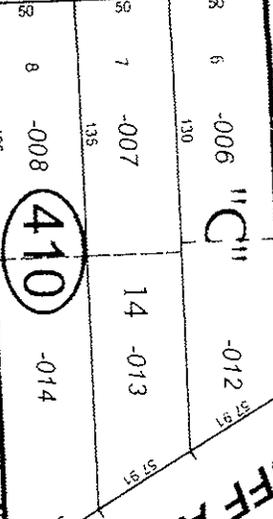
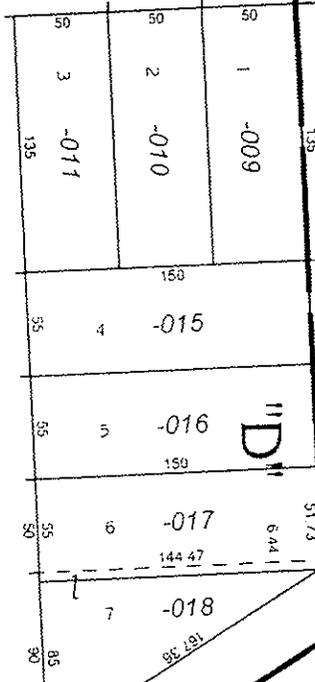
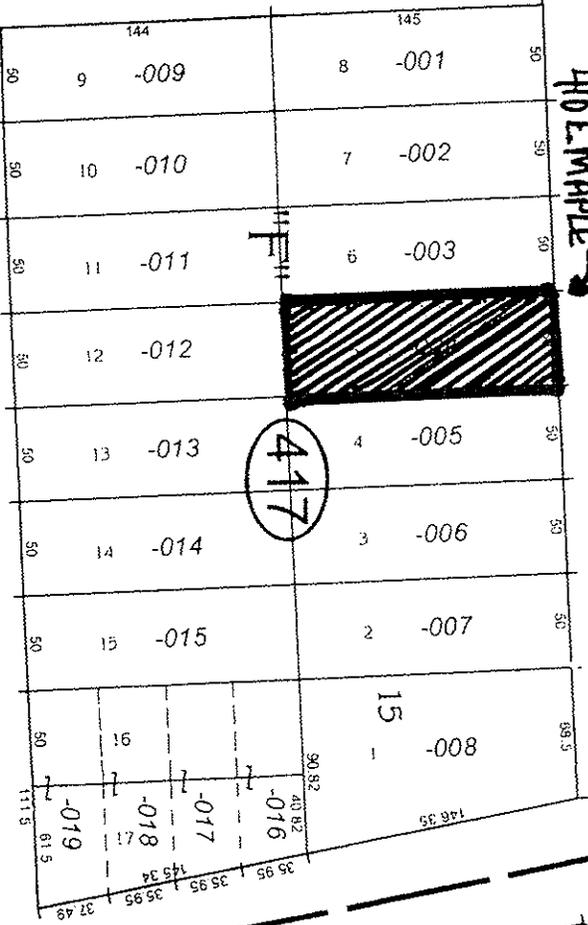
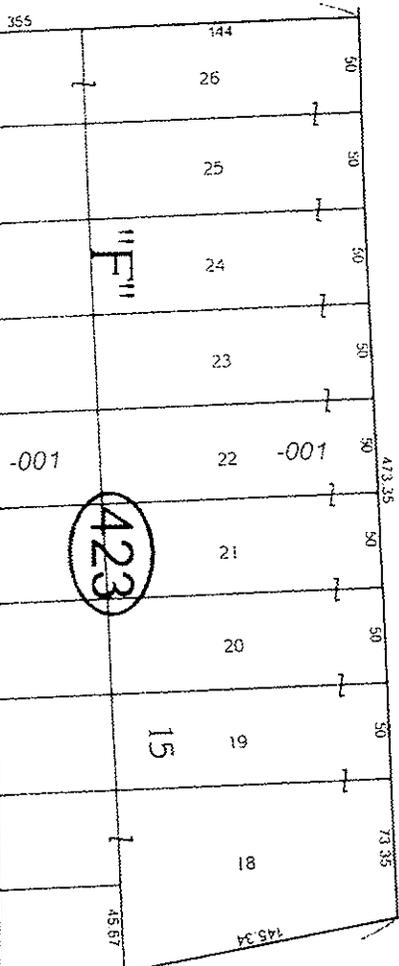
9th AVE

40' MAPLE

MAPLE AVE

BENTON AVE

BLUFF AVE



41

-006

501

411

410

417

423

APPLICATION FOR ZONING VARIATION

Application # 566
Date Filed: 2/17/08
UARCO # 84379

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

(please type or print)

Application is hereby made by Matthew and Maureen Kulich

Address: 410 E. Maple Ave Phone: 708-579-0135

Owner of property located at: 410 E. Maple Ave La Grange IL 60525

Permanent Real Estate Index No: 18-04-417-004-0000

Present Zoning Classification: R-5 Single Family Residential Present Use: Two Flat

Ordinance Provision for Variation from Article # 3-110C1 of Zoning Ordinance, to wit:

Required front yard

A. **Minimum Variation** of Zoning requirement necessary to permit the proposed use, construction, or development:

Pre-existing non-conformity

B. **The purpose** therefor, remodel of existing structure from 2-Flat

to single family dwelling

C. **The specific feature(s)** of the proposed use, construction, or development that require a variation: To

build a porch ^{5'4"} on the front in order to give the structure
character and curb appeal to fit the neighborhood when
converting from a two flat to single family home.

5-c.13

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. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting **each** of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit: There is a Pre-existing non-conformity

b. A reasonable return or use of your property is not possible under the existing regulations, because: IF the entrance of the 2-flat must remain it will always maintain the appearance of a 2-Flat

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s):

Two flat in a neighborhood of single family residences.

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

The lot is consistent with other lots in the area. However, the building was Pre-existing closer than 25ft to the Property line, as are the majority (if not all) of the existing buildings on the block.

5-c.14

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

We did not construct this building. It was built in the late 50's and remains as built.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

The porches of several other homes on the block encroach on the 25 ft regulation as much as our requested encroachment.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

This request is not^{an} unusual request and fits the existing neighborhood designs.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

The completion of this requested change is fitting to the neighborhood and would in fact improve as well as enhance the neighborhood.

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
- (d) Would unduly increase the danger of flood or fire; or
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

The acceptance of this variance request would abide
by all the above.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

In order to successfully convert this 2-Flat to a
single family dwelling the requested changes must be made.

NOTICE: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

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

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);

5-C.16

Enclosures: Plat of Survey
Proposed Drawings

(FOR VILLAGE USE ONLY)

1. Filed with Office of the Community Development Director: 2/19, 20 08.
2. Transmitted to Zoning Board of Appeals at their meeting held:
3-20-08
3. Continuation (if any): _____
4. Notice of hearing published in: Sub Life on: 2-27-08
5. Findings and Recommendation of Zoning Board of Appeals 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: _____

Conditions Imposed:

5-C-18

LEGEND

- MONUMENT FOUND
- MONUMENT SET
- (50.0') RAYORD DIMENSION
- P.U. PUBLIC UTILITY BASEMENT
- D.E. DRAINAGE EASEMENT
- R.O.W. RIGHT OF WAY
- I.P. IRON PIPE
- W.P. WOOD FENCE
- C.P. CONCRETE PORCH
- C.W. CONCRETE WALK

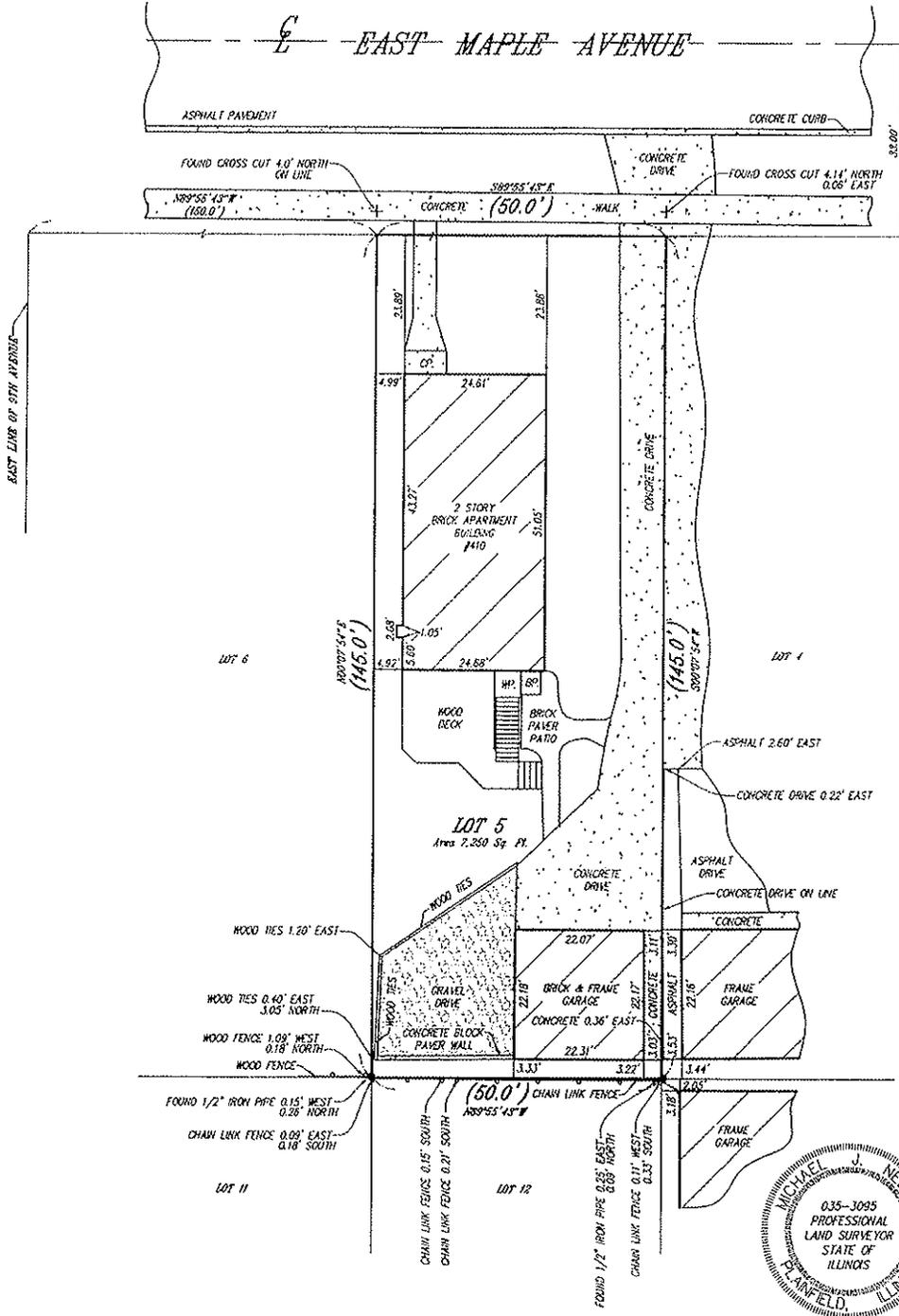
NELSON SURVEYORS, LLC.

NELSON SURVEYORS, LLC.
 13252 S. ROUTE 59
 SUITE 200
 PLAINFIELD, ILLINOIS 60585
 (815) 436-8520
 (815) 436-8524
 (815) 436-8528 FAX

PLAT OF SURVEY

LOT 5 IN BLOCK 15 IN LEITER'S THIRD ADDITION TO LAGRANGE, A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF BLUFF AVENUE (EXCEPT THE WEST 1095 FEET OF THAT PART OF SAID PREMISES LYING NORTH OF THE SOUTH 710 FEET THEREOF) IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 410 EAST MAPLE AVENUE



BASIS OF BEARINGS = NORTH LINE OF BLOCK 15 IN LEITER'S THIRD ADDITION TO LAGRANGE = S89°55'43"E (ASSUMED)



MY LICENSE EXPIRES NOVEMBER 30, 2008

STATE OF ILLINOIS), SS
 COUNTY OF WILL)

NOTES:
 THIS COPY NOT VALID WITHOUT EMBOSSED SEAL.
 ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
 BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. COMPARE THE LOCAL DESCRIPTION, BUILDING LINES, AND EASEMENTS AS SHOWN HEREON WITH YOUR DEED OR TITLE POLICE.
 CONSULT THE LOCAL AUTHORITIES FOR ADDITIONAL SETBACK LINES AND RESTRICTIONS NOT SHOWN HEREON. COMPARE ALL POINTS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES AT ONCE.
 DO NOT ASSUME DISTANCES FROM SCALED MEASUREMENTS MADE HEREON.

I, MICHAEL J. NELSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY, ALL MEASUREMENTS BEING CORRECTED TO THE STANDARD AT 68 DEGREES FAHRENHEIT.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

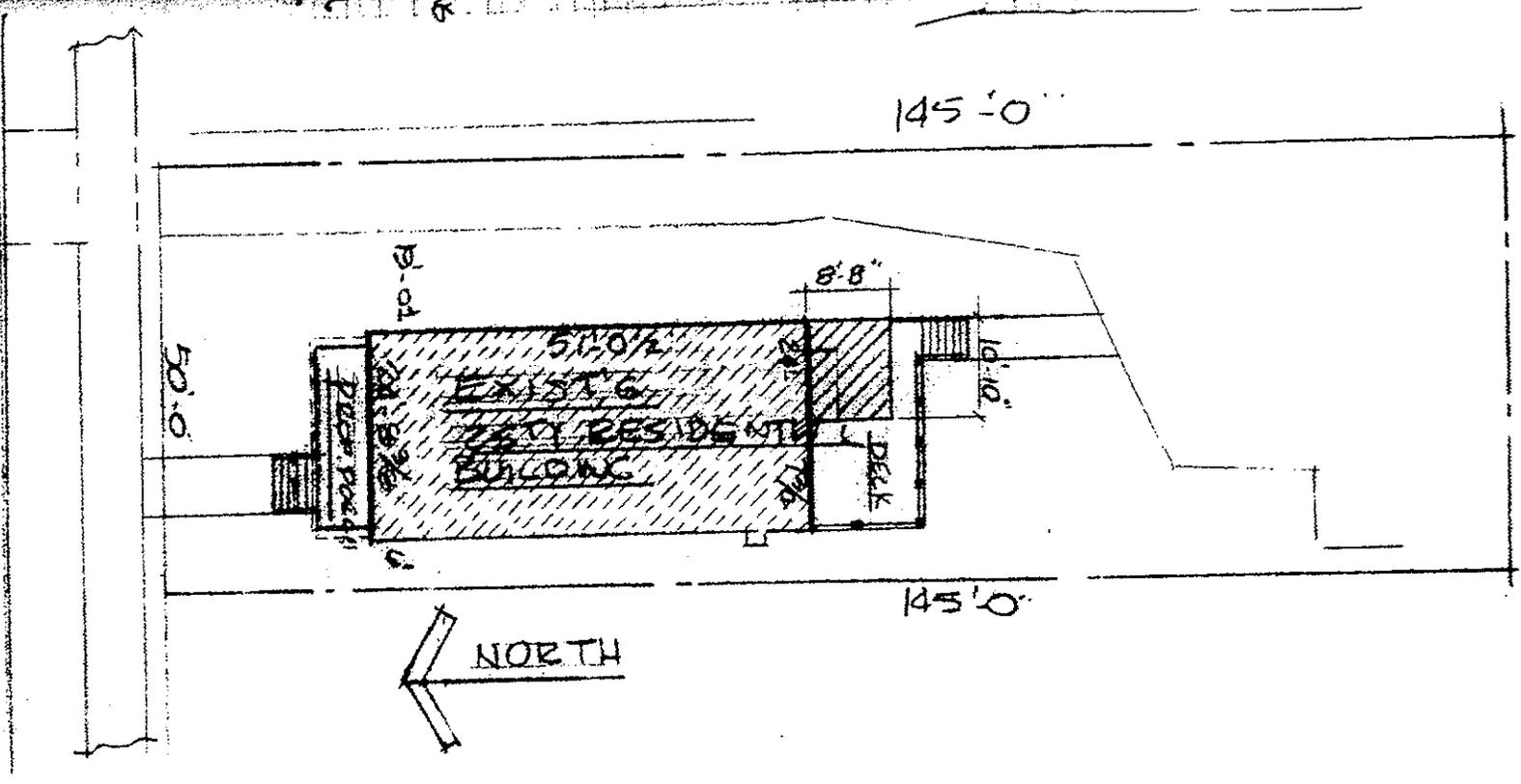
PLAINFIELD, ILLINOIS, FEBRUARY 13, 2008

MICHAEL J. NELSON
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3095
 PROFESSIONAL DESIGN FIRM LICENSE NO. 084.001688 EXPIRES 04/30/2010

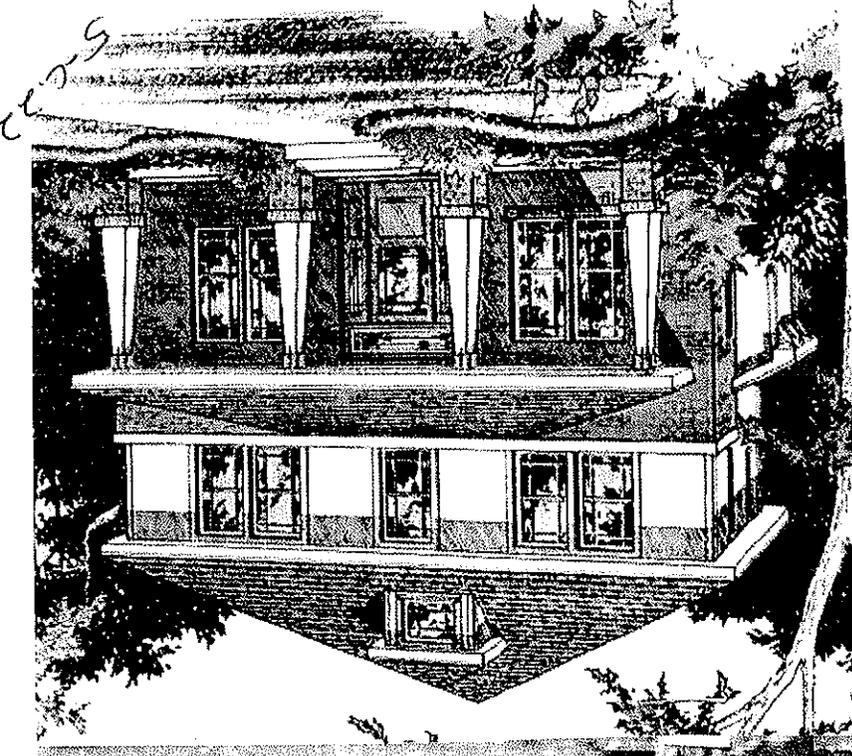
PREPARED FOR:	MAUREEN VULICH		
DATE:	FEBRUARY 13, 2008		
SCALE:	1" = 20'	DRAWN BY:	M.J.N.
JOB#	08-09	P.L.D. BK/PG:	65-74

5-19

E. MAPLE AV
SITE PLAN SCALE 1"=20'-0"



410 E. Maple
Proposed Front Porch, U. 20
5



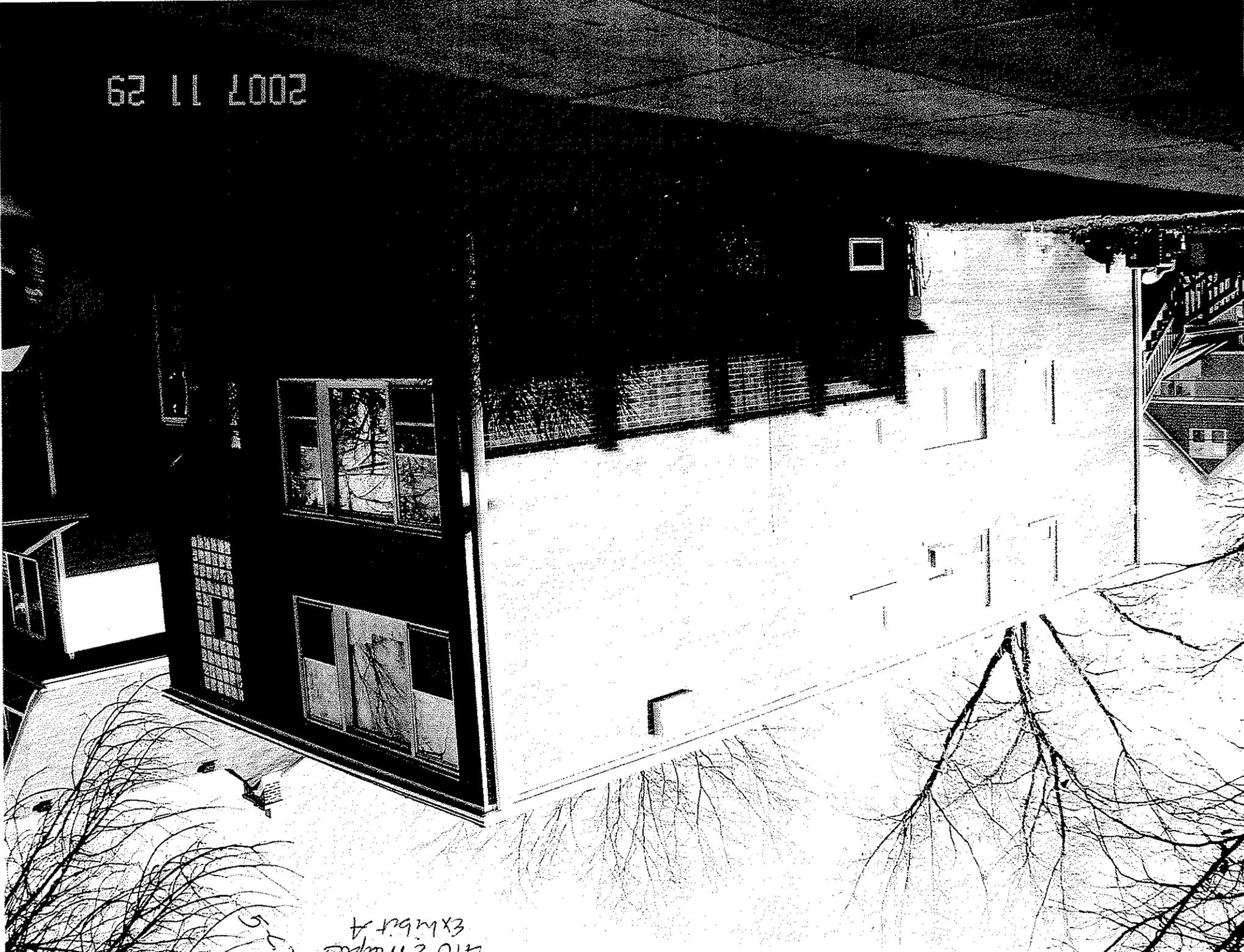
Proposed conversion to
Single family home



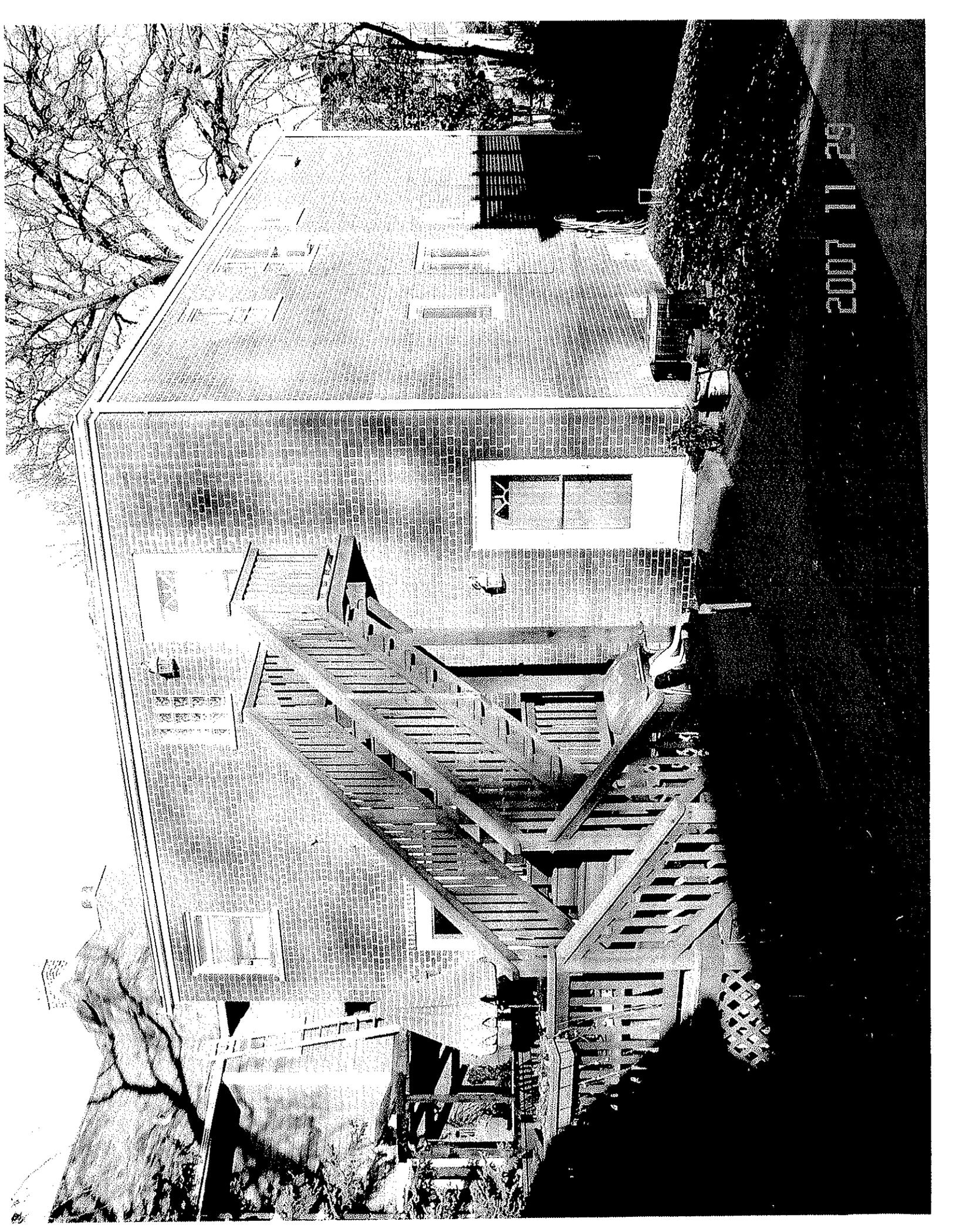
Existing 2-Flat at 410 E. Maple

ZBA Case # 526
Petitioner's Exhibit

2007 11 29

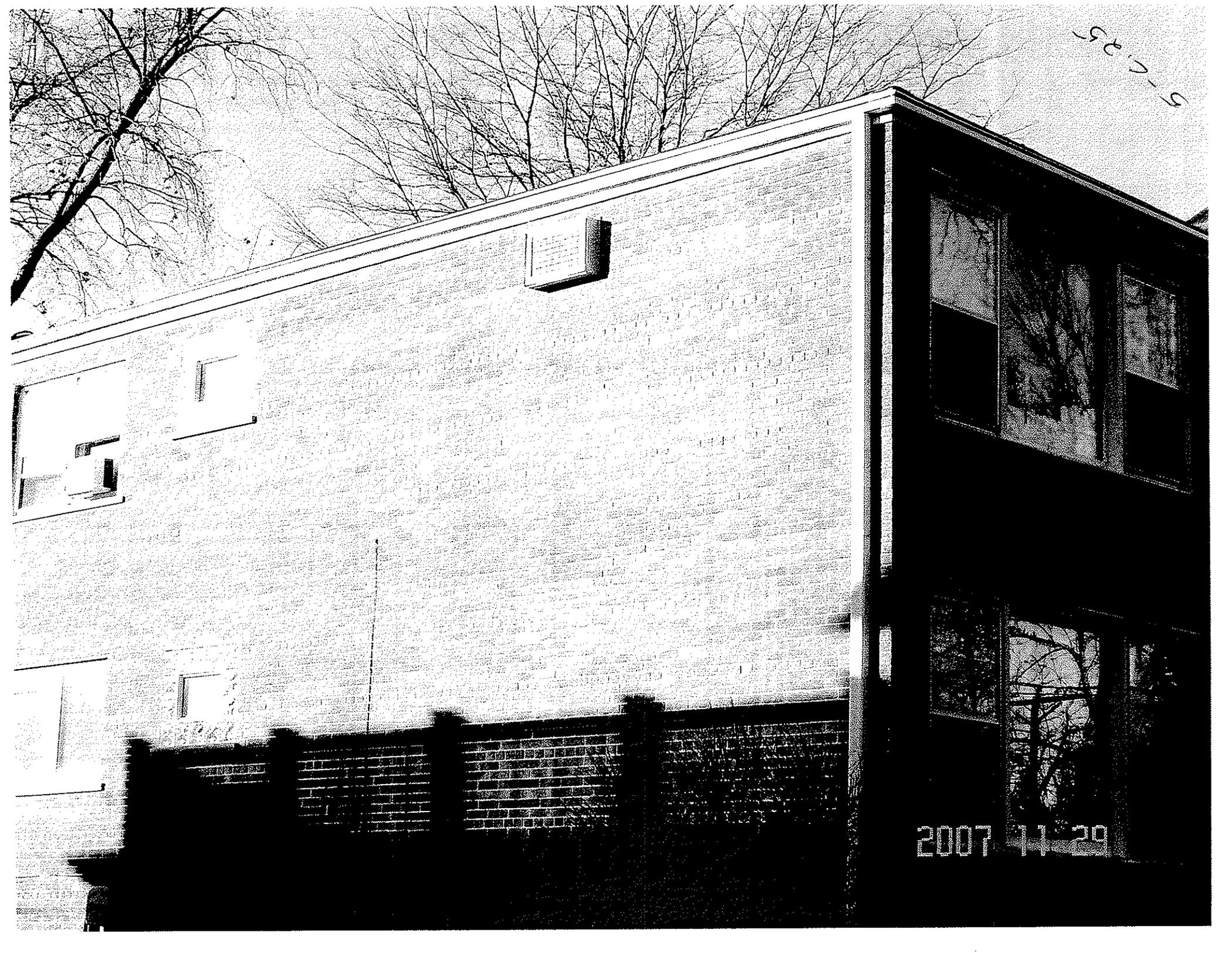


5-23-07
1410 E Maple
Exhibit A

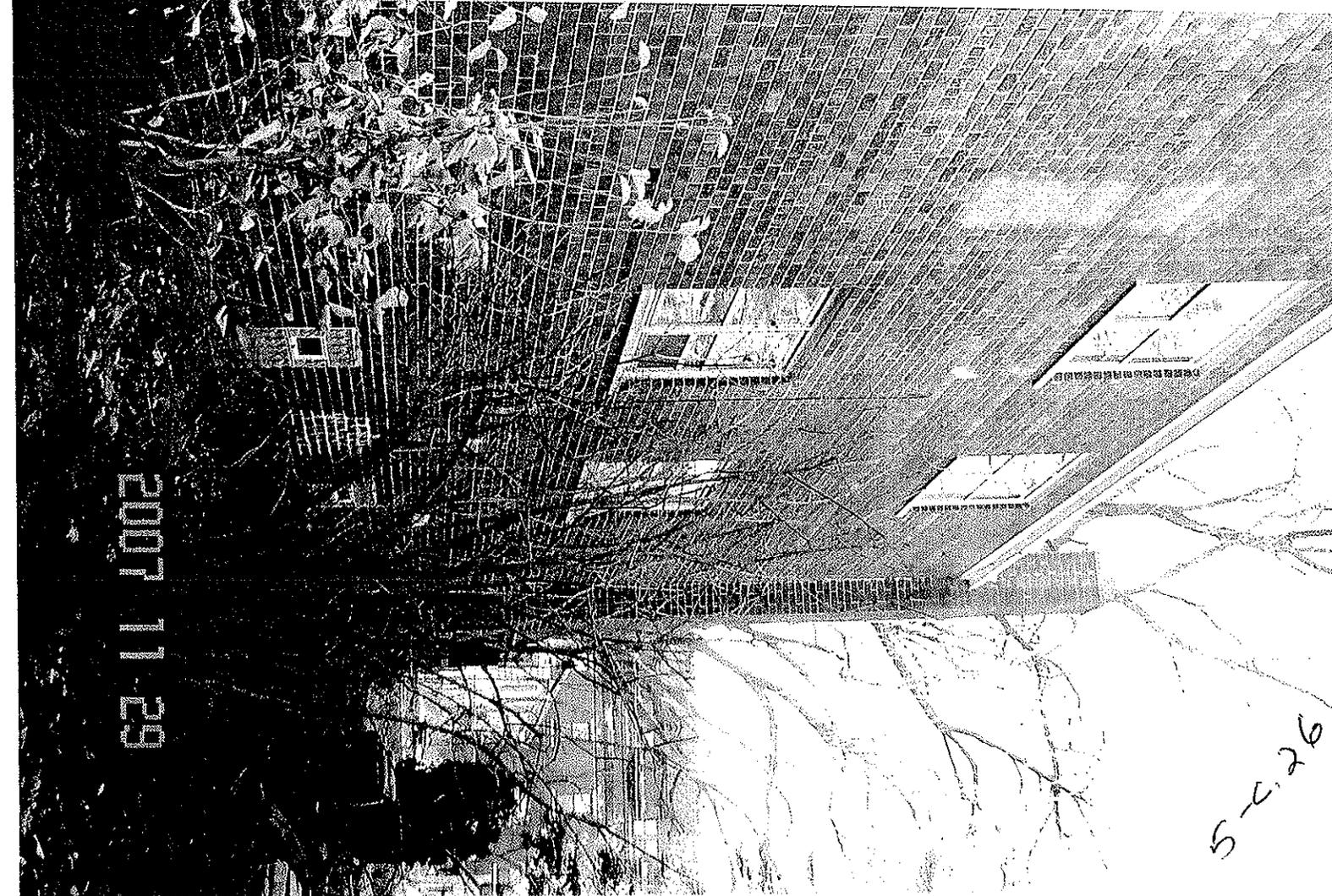


2007 11 29

58-7-5



2007 11 29

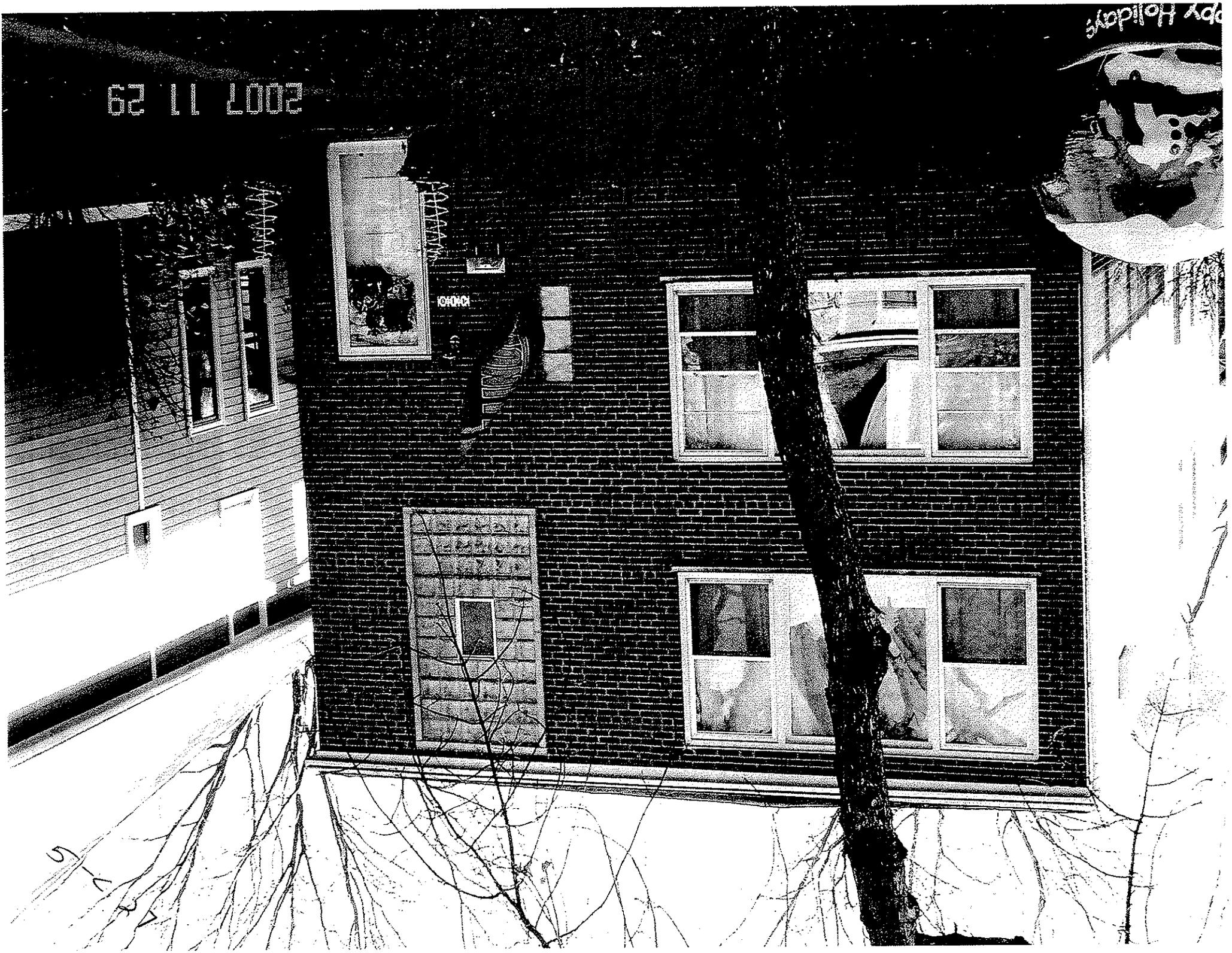


2007 11 29

5-C-26

Happy Holidays

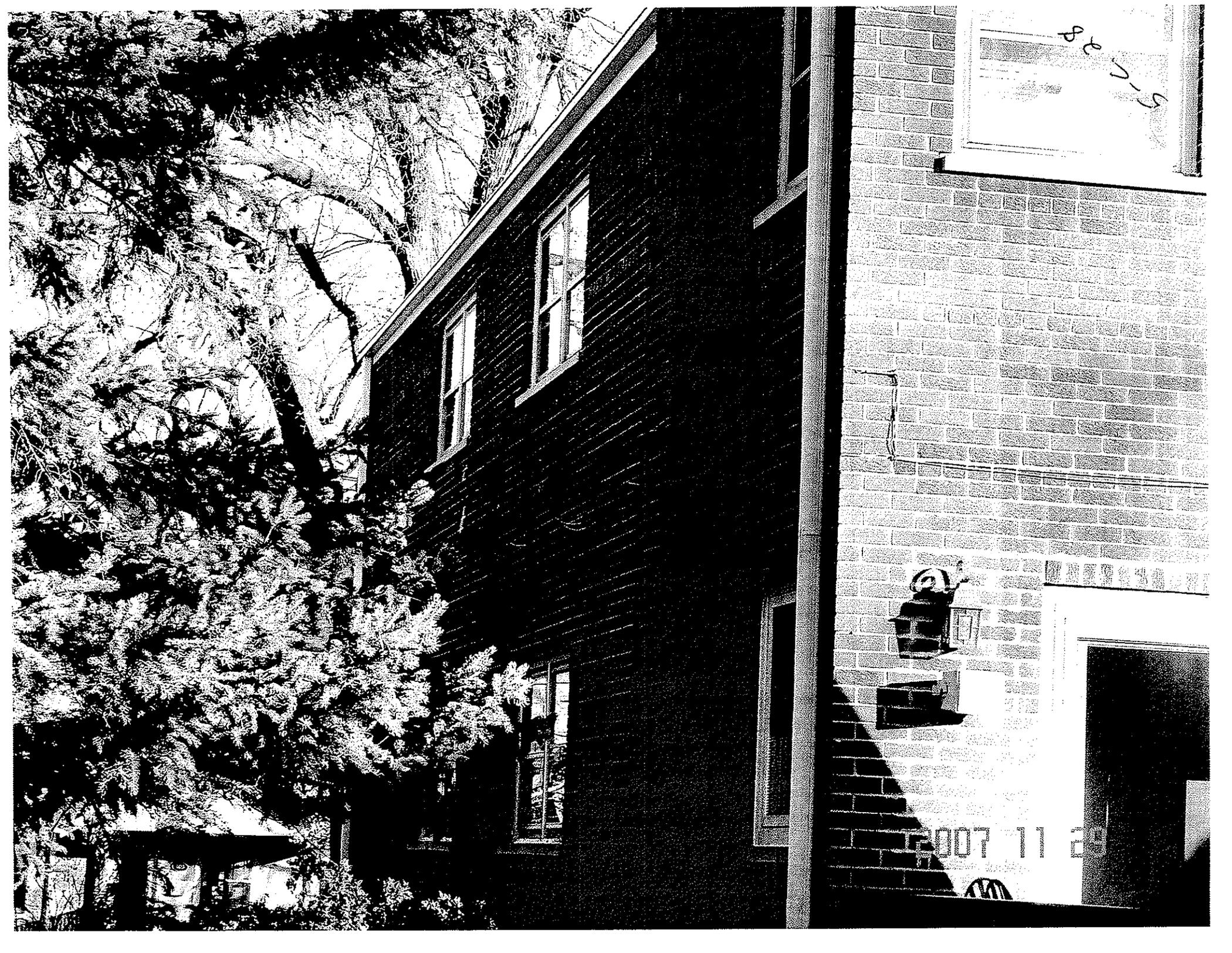
2007 11 29



11/29/07

CHINA

6
11
29



8
2
1
5

007 11 2



5-C-29

Angela Mesaros

From: Levato, Tom [TLevato@blackmankallick.com]
Sent: Wednesday, March 19, 2008 11:03 AM
To: amesaros@villageoflagrange.com
Subject: 410 E. Maple Variance Hearing

I am writing to lend my support to the variance request at 410 E. Maple. I see no reason why they should not be granted the request.

My information is as follows:

Tom Levato
304 S. 9th Ave.
352-1516

Thank you,

Tom

Tom Levato CPA, CFE, Forensic and Litigation Services Senior Manager
Blackman Kallick • 10 South Riverside Plaza, 9th Floor • Chicago, IL 60606
Direct 312/980-3265 • Fax 312/928-5265 • Mobile 708/257-3509 • BlackmanKallick.com

This written advice is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code.

Blackman Kallick Bartelstein, LLP is an Illinois registered limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).

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6-6-30

Michael S. Healy
412 East Maple Avenue
LaGrange, Illinois 60525
773/704-7065 (t)
773/409-5426 (f)

March 19, 2008

VIA FACSIMILE (708/579-0980)

Village of LaGrange
Zoning Board of Appeals
53 South LaGrange Road
LaGrange, Illinois 60525

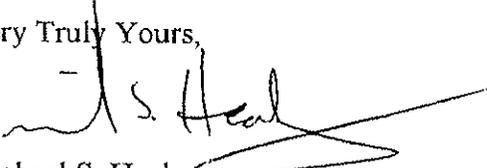
Re: *ZBA Case Number 566, 410 East Maple Avenue, LaGrange, Illinois*

Dear Board Members:

My family resides immediately east of the subject property. I would like to inform the Board that we are in support of the Applicants' Variance request. I believe that the proposed improvements will conform to the existing character of our street and surrounding neighborhood. Furthermore, I believe that the request meets all of the standards for a variance as set forth in the Village's Zoning Code.

Please feel free to contact me in the event that you have questions or require additional information from me. Thank you for your attention to this matter.

Very Truly Yours,


Michael S. Healy

55-0.31

Village of La Grange



**PUBLIC HEARING
AND
VILLAGE BOARD MEETING**

MONDAY, APRIL 14, 2008

7:30 p.m.

Book 2 of 3

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

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

DATE: April 7, 2008

RE: **BUDGET AMENDMENTS – FISCAL YEAR ENDING APRIL 30, 2008**

Pursuant to Village ordinance and in compliance with Generally Accepted Accounting Principals (GAAP), expenditures may not exceed budgeted appropriations at the fund level. As the need arises, the Village Board is presented with formal requests for budget amendments from Village departments resulting from unbudgeted expenditures causing a fund or department to be over budget. Per Village policy, revisions of the annual budget that alter the total expenditures of any fund may be approved by a two-thirds vote of the Village Board.

Attached are the required forms requesting budget adjustments resulting from unbudgeted expenditures or estimated actual expenditures exceeding budget estimates which have previously been approved and/or reviewed by the Village Board as part of the budget process. Also attached is a resolution which formally incorporates the necessary budget adjustments into the FY 2007-08 Operating and Capital Improvements Budget. Sufficient reserves are available in the respective funds to fund these unbudgeted expenditures. A description of each budget amendment is presented below:

General Fund

1. Legal Department

The Legal Department is currently over budget due to: 1) personnel issues involving two union contract negotiations with new union representation; 2) additional prosecution services relating to aggressive enforcement of property maintenance code violations and 3) special legal services required for zoning issues, tax-exempt proceedings and miscellaneous ordinances and resolutions (anti-loitering, liquor code, etc.). Budget amendments are included for Legal-Personnel \$45,000, Legal-Prosecutor \$37,500 and Legal-Special \$35,000 to reflect these additional legal services.

5-D

2. Community Development Department

Professional service expenditures in the Community Development Department are over budget due to the temporary use of contractual building inspector services. It was determined that contractual building inspection services do not provide the level of assistance required; specifically construction site management. The department has recently hired a new, highly qualified, building inspector with the intent to again perform future inspections in-house. The increase in professional service expenditures are partially offset by decreased full-time expenditures resulting from the vacancy in the building inspector position. A budget amendment for Professional Services in the amount of \$61,500 is included for the temporary use of contractual building inspector services.

The Community Development Department is also over budget due to significant professional service expenditures for plan reviews and zoning cases. Plan reviews include design engineering services for two large redevelopment projects (La Grange Place and La Grange Pointe). Zoning case expenditures reflect special services required for complex zoning cases including traffic studies, market studies and legal counsel. All plan review and zoning case fees are reimbursable by the property owner and/or applicants which are accounted for in a separate revenue accounts in the General Fund.

Budget amendments in the amount of \$90,000 and \$40,000 are included adjusting both the Professional Services - Reimbursable and Zoning Case - Reimbursable accounts as well as the corresponding miscellaneous reimbursable revenue accounts based upon estimated actual amounts.

3. Building & Grounds

Central Business District (CBD) maintenance expenditures are estimated to be over budget in FY 2007-08 due to additional required repairs for the plaza fountain and the volume and quality of flowers planted in the CBD. A budget amendment in the amount of \$14,000 is included to reflect these additional CBD maintenance expenditures.

4. Public Works Department

Estimated actual full-time salary expenditures are over budget in FY 2007-08 due to retroactive wages paid to union employees dating back to May 1, 2006. The payment of merit increases and general wage adjustments were delayed due to ongoing negotiations of the first Public Works employees' union contract.

5-D.1

Overtime and salt expenditures are also estimated to be over budget in FY 2007-08 due to numerous snow events during this winter season. Although at times there was not significant accumulations of snow, salt needed to be applied to roadways and streets were plowed to ensure safe driving conditions on Village streets. Snow & Ice expenditures also include salt purchases from local vendors at increased prices due to demand and contracting for snow removal from the Central Business District after significant snow and ice events.

Budget amendments are included for Full-Time Salaries - \$15,000, Overtime - \$25,000 and Snow & Ice - \$60,000 to reflect these additional department expenditures.

5. ETSB Fund – New Equipment

FY 2007-08 expenditures include the shared cost of a second warning siren in La Grange Park (\$19,000) and the emergency replacement of the 911 network server (\$9,500) which was failing and required significant maintenance and repairs. The replacement of the warning siren with La Grange Park was originally scheduled in FY 2006-07; however, the project was delayed pending grant funding. The emergency purchase of the 911 server and delayed replacement of the La Grange Park siren resulted in this account being over budget in FY 2007-08. A budget amendment is included in the amount of \$28,500 to account for these unbudgeted expenditures.

6. Capital Projects Fund – Bluff Avenue / M.A.R.S.

The Capital Projects Fund is expected to be over budget in FY 2007-08 due to engineering expenditures of approximately \$337,000 related to the Bluff Avenue / M.A.R.S project. These expenditures were budgeted to occur in FY 2006-07; however, due to project delays engineering did not occur until this fiscal year. Construction is anticipated to start this fall. A budget amendment is included to reflect these expenditures being carried forward from FY 2006-07.

7. Water Fund

Water Fund expenditures are estimated to be over budget in FY 2007-08 due to retroactive wages paid to union employees dating back to May 1, 2006 resulting from ongoing negotiations of the first Public Works employees' union contract; a water rate increase from the Village of McCook of 12.5 percent, effective January 1, 2008; and the replacement of Pump #2 which was budgeted in FY 2006-07; however, installation was not completed until after the end of the fiscal year. Budget amendments are included for Full-Time Salaries - \$20,000, Water Purchases-McCook - \$50,000 and New Equipment - \$19,000 to reflect these additional expenditures.

5-0-2

8. Fire Pension Fund

Fire Pension Fund payments are estimated to be over budget in FY 2007-08 due to the award of a disability pension effective June, 2007 and due to various medical evaluations and court reporter fees for the two disability hearings. Budget amendments are included for Pension Payments - \$20,000 and Miscellaneous Expenditures - \$3,500 to account for these additional expenditures.

9. TIF Fund / Debt Service Fund

The TIF Fund makes an annual transfer to the Debt Service Fund for debt service payments. It was anticipated that the Village would receive \$3.2 million of federal funds to allow the 2005 TIF Parking Structure Note to be retired in FY 2006-07. The federal funds have not yet been received. Therefore, budget amendments in the amount of \$854,241 are included to reflect the transfer and debt service payment for the 2005 TIF Parking Structure Note in FY 2007-08.

It is our recommendation that the resolution and budget amendments for FY 2007-08 be approved.

5-0.3

BUDGET AMENDMENT/TRANSFER REQUEST FORM

FY 2007-08

Pursuant to Village policy, an amendment to the annual budget that alters the total expenditures of any fund and/or is in excess of \$10,000 may be approved by a two-thirds vote of the Village Board. No amendment of the budget shall be made increasing the budget in the event revenues or reserve funds are not available to effectuate the purpose of the revision.

Transfer Funds From:

<u>Account Number</u>	<u>Fund / Description</u>	<u>Amount</u>
01-00-40-4000	General Fund - Fund Balance	\$293,000
01-00-58-5830	Reimbursable - Com Devlp Professional Services	\$90,000
01-00-58-5831	Reimbursable - Com Devlp Zoning Cases	\$40,000

Transfer Funds To:

<u>Account Number</u>	<u>Fund / Description</u>	<u>Amount</u>
01-04-62-6234	Legal - Prosecutor	\$37,500
01-04-62-6235	Legal - Special	\$35,000
01-04-62-6238	Legal - Personnel	\$45,000
01-06-62-6230	Community Development - Professional Services	\$61,500
01-06-62-6231	Community Development - Prof. Svc Reimbursable	\$90,000
01-06-62-6235	Community Development - Zoning Cases Reimbursable	\$40,000
01-10-62-6222	Building & Grounds - CBD Maintenance	\$14,000
01-11-60-6000	Public Works - Full-Time Salaries	\$15,000
01-11-60-6002	Public Works - Overtime	\$25,000
01-11-62-6265	Public Works - Snow & Ice Control	\$60,000

- Purpose: 1) Legal - two union contract negotiations, code enforcement, zoning and redevelopment projects .
2) Community Development - temporary contractual services for building inspections; reimbursable professional services for plan reviews for two large redevelopment projects and zoning cases.
3) Building & Grounds - fountain repairs & maintenance; volume & quality of CBD flowers.
4) DPW - retroactive wages, salt and overtime due to numerous snow events.

Recommended By: _____

Village Manager 

04-07-08

Date

Village Board

Approved: _____

Date

Recorded By _____

Finance Dept. _____

Date

5-D-4

BUDGET AMENDMENT/TRANSFER REQUEST FORM

FY 2007-08

Pursuant to Village policy, an amendment to the annual budget that alters the total expenditures of any fund and/or is in excess of \$10,000 may be approved by a two-thirds vote of the Village Board. No amendment of the budget shall be made increasing the budget in the event revenues or reserve funds are not available to effectuate the purpose of the revision.

Transfer Funds From:

<u>Account Number</u>	<u>Fund / Description</u>	<u>Amount</u>
24-00-40-4000	ETSB Fund - Fund Balance	\$28,500
40-00-40-4000	Capital Projects Fund - Fund Balance	\$337,000
50-00-40-4000	Water Fund - Fund Balance	\$89,000
23-00-40-4000	TIF Fund - Fund Balance	\$854,241
90-00-40-4000	Debt Service Fund - Fund Balance	\$854,241

Transfer Funds To:

<u>Account Number</u>	<u>Fund / Description</u>	<u>Amount</u>
24-00-66-6600	ETSB - New Equipment	\$28,500
40-00-66-6691	Capital Projects - Bluff Avenue / M.A.R.S.	\$337,000
50-00-60-6000	Water - Full-Time Salaries	\$20,000
50-00-62-6290	Water - Purchases - McCook	\$50,000
50-00-66-6600	Water - New Equipment	\$19,000
23-00-69-6990	TIF - Transfer to Debt Service	\$854,241
90-00-67-6710	Debt Service - Parking Structure Note	\$854,241

- Purpose: 1) ETSB - delayed purchase of warning siren with LG Pk; emergency replacement of 911 server.
2) Capital Projects - engineering services for Bluff Avenue/MARS due to project delays.
3) Water Fund - retroactive wages, McCook water rate increase, delayed replacement of Pump #2.
4) TIF / Debt Service - delayed receipt of \$3.2 ml federal funds, resulting in note payment for
for FY 2007-08.

Recommended By:  04-07-08
Village Manager Date

Village Board
Approved: _____
Date

Recorded By _____
Finance Dept. Date

5-015

VILLAGE OF LAGRANGE

A RESOLUTION AMENDING THE FY 2007-08 OPERATING
AND CAPITAL IMPROVEMENTS BUDGET

RESOLUTION R-08-_____

BE IT RESOLVED that the President and Board of Trustees of the Village of
La Grange adopt the 2007-08 Operating and Capital Improvements Budget
Amendments as set forth in the document as attached hereto and made a part
here of.

Adopted this ____ day of _____, 2008, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this ____ day of _____, 2008

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

5-0.6

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

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

FROM: Robert Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager

DATE: April 14, 2008

RE: **CONTRACT - GROUP HEALTH AND LIFE INSURANCE RENEWAL**

The Village provides group health insurance coverage as a benefit to its full-time employees. Coverage for employees hired after 2004 is provided under the Blue Advantage Entrepreneur (BAE) plan through Blue Cross/Blue Shield of Illinois. Employees working for the Village prior to that time had an option to continue benefits through the HMO-Illinois program, or switch to the BAE plan. Our current health insurance contract with Blue Cross expires on April 30, 2008.

The Village experienced a period of stable health insurance premiums throughout a majority of the 1990's. Starting in 2000, the Village began to incur an upward trend in its health insurance costs consistent with other groups. In response, the Village implemented several plan design changes in 2001, 2002 and 2004 which had the result of mitigating, to some extent, the considerable premium increases which were experienced. The financial burden was shared with employees in the form of both new and increased co-payments.

Due to lower costs as a result of the plan design changes; general downward cost trend in the health care industry; and decreases in benefit utilization by employees, the Village enjoyed two consecutive years (2005 and 2006) without any increase in health insurance premiums. After substantial analysis, in 2007, the Village agreed to a renewal increase of 15% which had a net effect of a 5% increase each year over the three year period.

The initial renewal proposal from Blue Cross for this year requested a 12.1% increase in premiums. The proposed increase was primarily due to medical inflation. We charged our brokers Jim Relyea and Sandy Basak of Mercer Health and Benefits to analyze reports regarding our utilization and negotiate the best possible renewal for the Village. We also asked them to gauge the marketplace through a proposal process with other medical providers to ensure that the Village was receiving the most competitive rate.

As a result of those actions, Blue Cross/Blue Shield has agreed to an 8.8% renewal increase under the current program structure. Since the negotiated renewal is below our budget allocation, there will be a slight cost savings to the Village in the FY 2008-09 budget.

5-E

Over the past year, we have received a number of complaints related to the Blue Advantage program which has been provided since 2004. Primarily complaints consist of concerns about less primary care physician options, reduced network options and less access to specialists. As a result, staff recommends that eligible employees would have an option to select either the Blue Advantage or HMO-Illinois program during the annual open-enrollment period. Blue Cross has agreed to provide the dual program offering. Employees choosing to select the HMO-Illinois program would be required to pay the additional premium costs in order for the Village to maintain cost neutrality.

Our group life insurance is provided by Fort Dearborn Life through Blue Cross/Blue Shield. Because of continued good claims history, we have negotiated a one-year agreement with Fort Dearborn Life with no increase in premiums.

We recommend that the contract with Blue Cross/Blue Shield for group health insurance and Fort Dearborn for group life insurance, effective May 1, 2008 be approved and that the Village Manager be authorized to execute the contract documents.

5-E.1

VILLAGE OF LA GRANGE
Police Department

BOARD REPORT

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

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

DATE: April 14, 2008

RE: **INTERGOVERNMENTAL AGREEMENT – USE OF POLICE DEPARTMENT
PISTOL RANGE**

The Village endeavors to facilitate intergovernmental cooperation to strengthen working relationships and to judiciously use taxpayer resources. Towards that end, we share and are compensated for the use of the Police Department's pistol range by area law enforcement agencies. Currently, the Police Departments of La Grange Park, Western Springs and Willowbrook use pistol range.

The Village of Burr Ridge has recently approached us and indicated their interest in entering into an intergovernmental agreement which would allow their police officers to utilize our pistol range. We have met with the police officials of Burr Ridge and have agreed on the rules of operation and hourly rate, consistent with other municipalities using our facility.

Attached for your consideration is an intergovernmental agreement between the Village of La Grange and the Village of Burr Ridge for use of our pistol range. This is our standard agreement.

We recommend that the agreement be approved.

H:\eelder\ellie\BrdRpt\PD\Agmt\PistolRange.doc

5-F



HERBERT A. TIMM
Chief of Police

DEPARTMENT OF POLICE
VILLAGE OF BURR RIDGE
7660 COUNTY LINE ROAD
BURR RIDGE, ILLINOIS 60527

ADMINISTRATIVE (630) 323-8181
FAX (630) 654-4441

March 5, 2008

Chief Michael Holub
LaGrange Police Department
304 W. Burlington Ave.
LaGrange, IL 60525-2381

Mike
Chief Holub,

Enclosed with this correspondence you will find copies of the Intergovernmental Agreement between Burr Ridge and LaGrange for our use of your pistol range, and the related Operations Policy. You will note that the copies are signed by our Mayor and by me.

I would appreciate your arranging for appropriate signatures by yourself and your Village President. Once this is accomplished please return a copy to me for our files.

I sincerely appreciate your agreeing to our use of your range for training purposes, as this arrangement will enhance our firearms qualification program. I will have our Firearms Training Coordinator, Sergeant Bryan DeYoung, contact your agency to schedule dates and times for training that will be convenient to both our agencies.

Thank you, again, for accommodating our training needs.

Sincerely,

Herbert Timm
Chief of Police

COPY
5-F.1

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE VILLAGE OF BURR RIDGE AND THE VILLAGE OF LA GRANGE
“PISTOL RANGE”**

WHEREAS, the Village of La Grange and the Village of Burr Ridge, Illinois, hereinafter designated as “participating municipalities”, wish to enter into an Intergovernmental Agreement that allows for the use of the La Grange Police Pistol Range by officers, auxiliary officers and other employees designated by the police chiefs of the participating municipalities;

Now, therefore, the participating municipalities, pursuant to authority granted under Illinois Compiled Statutes, agree as follows:

1. The Village of Burr Ridge hereby agrees to compensate the Village of La Grange at the rate of \$100.00 per hour for each hour or portion of an hour that their personnel utilize the La Grange Pistol Range, which amount will be billed monthly, and paid within thirty calendar days of billing.
2. The participating municipalities agree to comply with and abide by the Operations Policy set forth in Attachment “A” of this agreement which can be changed at any time upon the mutual agreement of the participating municipalities.
3. Any participating municipality can withdraw from this Intergovernmental Agreement and cancel its participation by providing a thirty-day notice of such to the other.
4. The Village of La Grange shall have the right to cancel this entire agreement upon thirty days notice to Burr Ridge.
5. The term of this agreement shall be for one year from the date hereof. The Agreement shall be deemed automatically renewed for successive one-year periods by all participants unless notice is given otherwise.
6. The Village of Burr Ridge agrees to defend, indemnify and hold harmless the Village of La Grange, its agents, officials and employees from any and all liability arising from the utilization of the range by its personnel. Each participating municipality shall bear the responsibility for any loss, liability, claim or lawsuit arising out of that participating municipality’s use of the property as a pistol range.

5-F.2

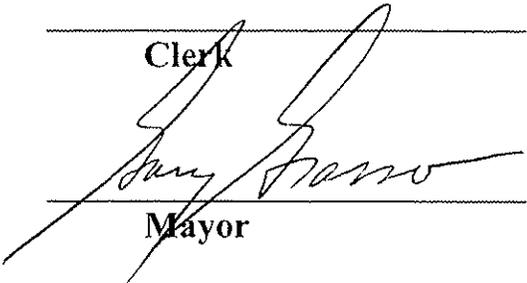
7. The provisions of this agreement will become effective upon the approval by the respective participating municipalities and execution by their respective President/Mayor.

VILLAGE OF LA GRANGE

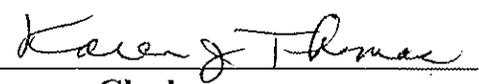
President

Clerk

VILLAGE OF BURR RIDGE



Mayor



Clerk

ATTACHMENT "A"

OPERATIONS POLICY – LA GRANGE POLICE PISTOL RANGE

Section 1: Designated employees from the Burr Ridge Police Department will only use the range when accompanied by a qualified range officer, which is to be provided by the agency using the range. This range officer will be trained on all operational aspects of the range equipment and will be responsible for the continual safe and proper operation of the range when conducting shooting exercises for his/her department

Section 2: The range will be available to user agencies from 7:00 a.m. to 10:00 p.m. each day of the year. If future problems occur regarding availability, the participating agencies will create a mutually agreed upon schedule.

Section 3: For safety reasons, it is mandatory that there is always a minimum of two people present when shooting or the handling of live ammunition is to take place. Both people shall be from the user agency.

Section 4: Each user agency shall supply its own ammunition, targets, shooting supplies, etc. The La Grange Police Department shall provide reasonable space for each user agency to install secure lockers or other mutually agreeable secure storage devices to allow the user agency to stock such supplies in a convenient and safe manner. At no time will weapon(s) be stored in unsecured lockers or storage areas.

Section 5: The range officer from the user agency shall, prior to using the range, check in at the La Grange dispatch center, sign out the range key and sign a time card that would be clock punched. Should the range officer determine that the condition of the range is dirty or that the range has mechanical problems, he/she will report his/her findings to the on-duty La Grange Watch Commander. Upon conclusion of use, the same range officer will have the on-duty La Grange Watch Commander check the range condition in reference to cleanliness and working order. The range officer will return and sign in key and sign time card that was again clock punched. This time card shall be used for billing purposes.

Section 6: The Village of La Grange shall be responsible for all routine maintenance and repairs. The responsible agency shall be responsible for all costs associated with repairs due to negligence by their employees. The Village of La Grange shall notify all user agencies when the range is not operational due to

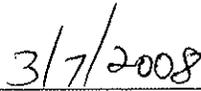
5-F.4

La Grange shall notify all user agencies when the range is not operational due to malfunction and will attempt to reduce "down time" through prompt service and repair.

The following Police Chiefs acknowledge their approval of these operational guidelines and will distribute guidelines to all affected personnel.



Chief Michael A. Holub



Date



Chief Herbert A. Timm



Date

5-F.5

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: April 14, 2008

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

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. From time to time it is necessary to declare and dispose of such 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.

In the past, the Police Department has organized a public auction to sell property which is no longer useful, or of any benefit to the Village of La Grange. We are trending away from department-organized auctions to regional municipal auctions, private auction houses and on-line auction services. These efforts are much more effective, less labor intensive and reach a broader audience of prospective bidders.

This property disposal request consists of nine (9) vehicles forfeited to the La Grange Police Department over the past couple of years. 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 La Grange. The statutory appeals time has lapsed on all of the vehicles and the Police Department now holds title to all of them. The attached list is an inventory of vehicles to be sold through eBay and through the WCMC auction at Triton College on June 21, 2008.

We recommend that the Village Board authorize staff to dispose of the forfeiture vehicles as provided for in the attached ordinance.

5-6

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 _____ 20__.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 20__.

By: _____
Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

5-G.1

2008 Disposal Of Forfeited Vehicles

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN #</u>	<u>Auction Place</u>
2001	Suzuki	GSX-R750 Motorcycle	JS1GR7HAX12101833	eBay
2000	Plymouth	Neon	1P3ES46C8YD584371	eBay
1993	Cadillac	Seville	1G6KS52B2PU82356	eBay
1964	Chevrolet	Malibu	45569K162577	eBay
1995	Nissan	Pathfinder	JN8HD17Y8SW034099	WCMC
1985	Lincoln	Continental	1MRBP97F5FY637394	WCMC
1994	Saturn	SW2	1G8ZJ8570RZ112146	WCMC
1993	Saturn	SL2	1G8ZK5574PZ263290	WCMC
1984	Chevrolet	Monte Carlo	1G1AZ37G5ER211673	WCMC

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

5-G.2

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager and
Catherine Benjamin, Executive Secretary

DATE: April 14, 2008

RE: **ORDINANCE — AMENDMENT TO PARKING RESTRICTIONS/
SOUTH SIDE OF BREWSTER AVENUE FROM MADISON AVENUE
EAST TO LA GRANGE ROAD**

It has come to our attention that it appears that a sign regulating on-street parking is missing on the south side of Brewster Avenue, between Madison Avenue and La Grange Road (west-half of this end block segment). Parking on the east half of the end block is signed “2-Hour Parking 8:00 a.m. — 6:00 p.m.” As a result, about five commuters park in this area all day long.

We have referenced the Village Code of Ordinances and there is no mention of this segment of Brewster under Chapter 78: Parking Schedules. Staff has conducted a field visit and confirmed the absence of signage and the presence of long-standing parked vehicles.

To provide an immediate administrative remedy to this issue, we have installed regulatory signage: “No Parking 8:00 a.m. — 10:00 a.m., Monday — Friday”. This is consistent with other regulatory signage on adjacent residential streets.

Attached for your consideration is a housekeeping ordinance to authorize this regulatory signage along the south side of Brewster Avenue, between Madison Avenue and La Grange Road.

We recommend that the attached ordinance be approved.

F:\USERS\veelder\ellie\BrdRpt\parkingrestrictionbrewster.brd.doc

5-4

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 78
OF THE LA GRANGE CODE OF ORDINANCES
REGARDING PARKING SCHEDULES

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and useful to amend the parking regulations on Brewster Avenue in the manner provided in this Ordinance;

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

Section 1. Recital. The foregoing recital is incorporated into this Ordinance as a finding of the President and Board of Trustees.

Section 2. Amendment of Chapter 78 of Code of Ordinances. Schedule (B)(1) of Chapter 78, titled "Parking Schedules," of the La Grange Code of Ordinances is hereby amended to add thereto the following:

<i>Street</i>	<i>Side</i>	<i>Time</i>	<i>Location</i>
Brewster	South	8:00 a.m. to 10:00 a.m. Monday through Friday	Between La Grange Road and 50 feet East of Madison Avenue

Section 3. 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.

PASSED this ____ day of _____ 2008

AYES:

NAYS:

ABSTAIN:

APPROVED this ____ day of _____ 2008

Village President

ATTEST:

Village Clerk

5-H.1

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

March 24, 2008

Consolidated Voucher 080324

<u>Fund No.</u>	<u>Fund Name</u>	<u>03/24/08 Voucher</u>	<u>03/20/08 Payroll</u>	<u>Total</u>
01	General	76,440.76	232,800.84	309,241.60
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	66.93		66.93
23	TIF	124.96		124.96
24	ETSB	200.00		200.00
40	Capital Projects	17,750.56		17,750.56
50	Water	115,948.85	34,122.93	150,071.78
51	Parking	655.36	20,377.38	21,032.74
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension	300.00		300.00
80	Sewer	61,767.79	9,157.27	70,925.06
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>273,255.21</u>	<u>296,458.42</u>	<u>569,713.63</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

5-1

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

April 14, 2008

Consolidated Voucher 080414

Fund No.	Fund Name	04/14/08 Voucher	04/04/08 Payroll	Total
01	General	235,572.48	247,291.52	482,864.00
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	1,264.71		1,264.71
23	TIF	12,174.82		12,174.82
24	ETSB	2,473.35		2,473.35
40	Capital Projects	620.84		620.84
50	Water	137,385.31	33,183.67	170,568.98
51	Parking	7,181.06	19,613.52	26,794.58
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	10,795.45	8,572.39	19,367.84
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>407,468.02</u>	<u>308,661.10</u>	<u>716,129.12</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

5-3

MINUTES

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

Monday, March 10, 2008 - 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 7:33 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were present:

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

ABSENT: Trustee Wolf

OTHERS: Village Manager Robert Pilipiszyn
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 Ken Watkins
Police Chief Mike Holub
Fire Chief David Fleege
Doings Reporter Ken Knutson

2. PRESIDENT'S REPORT

President Asperger expressed condolences to the family of Lorraine Burkey at her recent passing. Mrs. Burkey served the public in numerous volunteer capacities.

The Budget Workshop was conducted on Saturday, March 8 and President Asperger encouraged the public to view the proposed budget on the Village website particularly the Village Manager's Message which summarizes the Village's financial condition. The budget is to be adopted on April 14 after a Public Hearing.

The Village's new five-year solid waste contract will include a Spring Clean-Up day scheduled with regular pick-up the week of April 14. Detailed information will be forthcoming in the next edition of the Village Spokesman and posted on the Village website.

5-K

The regular Village Board meeting scheduled for Monday, March 24 is canceled and the next regular Village Board meeting will be held on Monday, April 14.

Lastly, President Asperger noted that the RTA will begin its free ride service to seniors on March 17 and announced contact information for those interested.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

President Asperger requested that public comments be limited to the items on the omnibus agenda and comments regarding the proposed YMCA Redevelopment Project would be heard after that item was presented. There were no comments related to the omnibus agenda.

4. OMNIBUS AGENDA AND VOTE

- A. Professional Services Agreement / Phase I – Renovation of the Stone Avenue Train Station (Legat Architects, Oak Brook, Illinois - \$49,400)
- B. Purchase – Trash Receptacles for the Central Business District and West End Business District (Nu-Toys, La Grange, Illinois \$68,704)
- C. Consolidated Voucher 080310 (\$551,365.87)
- D. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, February 25, 2008

It was moved by Trustee Langan to approve items A, B, C, and D of the Omnibus Agenda, seconded by Trustee Horvath. Approved by roll call vote.

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

President Asperger noted the beginning of the renovation of the Stone Avenue Train Station will greatly enhance and preserve this historic structure. Due to METRA funding and coordination issues with other station projects, renovation most likely will not begin until 2009.

5. CURRENT BUSINESS

- A. Ordinance – (1) Zoning Map Amendment, (2) Amendment to Comprehensive Plan, (3) Design Review Permit, (4) Special Use Permit, (5) Planned Development Concept/Final Plan, (6) Site Plan Approval and Elevations to Authorize a Mixed Retail and Multiple Family Residential Development, 31 E. Ogden Avenue, Atlantic Realty Partners, Inc.: Referred to Trustee Livingston

5-K.1

Trustee Langan stated that he would recuse himself from this item due to his employment with the YMCA Metropolitan Chicago. Trustee Langan noted he would remain present in the audience.

Trustee Livingston noted the details of the last meeting regarding this item. Trustee Livingston explained the options for this item are (i) to accept it with the safe guards that are place; (ii) make suggestions to the developer and see if the developer agrees or disagrees to the suggested changes; (iii) remand it back to the Plan Commission with direction; or (iv) come back to the Board for final approval or denial. Although Trustee Livingston did not believe a vote would take place this evening, he requested his colleagues move forward.

Trustee Livingston believes that residents, Village Board, Village staff, and various commissions have worked hard to ensure this project has the safeguards and measures to address resident concerns. Trustee Livingston feels the proposed project adds stability to the site and it is in the best interest of the community to act.

Trustee Livingston moved to approve the ordinance inclusive of items 1 through 6 as introduced for purposes of discussion, seconded by Trustee Horvath.

President Asperger thanked Trustee Livingston for his introduction. After giving a brief yet thorough review of the historical events and previous Village Board discussions and explaining the role of the Village, President Asperger opened the floor for audience comments.

1. Kenneth Costill, 331 Blackstone believes this is a great opportunity for the Village and the YMCA to improve this corner and encourages a quick decision.
2. Rob Metzger, 234 S. Leitch as President of the Park District is extremely excited about this project which allows for the immediate development of Gordon Park and the ability for the Park District to replenish their reserve fund. Mr. Metzger invited the audience to attend a Park District planning session on Wednesday, March 12 at the Recreational Center.
3. Rose Naseef, 911 S. Stone expressed concerns related to environmental issues with the demolition of the former YMCA building. Ms. Naseef encouraged the Board to ensure that recycling and salvaging items from the building be instituted in order to avoid land fills and thereby conserve natural resources. Mr. Richard Aaronson of Atlantic Realty Partners advised Ms. Naseef that they would salvage as much scrap material as possible, soil remediation will occur at the former gas station site, and that Atlantic would be seeking LEED (Leadership in Energy and Environmental Design) certification for this project.

5-K.2

4. Chris Walsh, 31 S. Spring is in favor of this project and believes La Grange is a unique walk-able community. Mr. Walsh hopes the Board seizes the opportunity for this project rather than allowing a big box development at this site.
5. Ralph Gutekunst, believes this project is aesthetically pleasing and economically viable for all concerned and encourages Board approval.
6. Mark Lannan, 200 S. 7th Avenue urged the Board to follow the recommendation of the Plan Commission and approve the project.
7. John Conroyd, 404 S. Catherine supports the development and urged the Board to consider both short-term and long-term benefits as well as revenue benefits for local schools.
8. Mike LaPidus, President of the La Grange Business Association and on behalf of the business community encouraged the Board to vote in favor of this project.
9. Karen Deane, 139 Malden is in favor of the project and excited to learn of the Park District's plans to have a splash park; tot lot; and walking trail. President Asperger suggested Ms. Deane attend the upcoming Park District planning session to express her interests.
10. Cindy Bronars and her daughter expressed their favor of the project and hoped it would move forward quickly.
11. Ken Eastman, 66 S. Bluff commended the Board for the steps taken in the process to redevelop this portion of the Village for the good of the community. Mr. Eastman believes the developer is a great partner and has been exceedingly cooperative in the expectations set forth.
12. Dave Bier, 340 S. 7th Avenue expressed concerns regarding traffic and appearance but overall feels the Plan Commission has done a great job and is in favor of the development.
13. Joan Smothers, 201 S. Stone is in favor of the project and believes the Park District's efforts are positive. Ms. Smothers does believe there should be more two-bedroom rental units.
14. Kate Townsend, 126 N. Ashland expressed concerns with pedestrian safety and asked the Board to move slowly and consider improvements to the intersection of Ogden Avenue and Ashland Avenue prior to the start of the development.
15. Alice Hanna, 109 N. Ashland is in agreement with Ms. Townsend regarding pedestrian safety.

5-12.3

16. Tim Kelsas, 67 N. Brainard favors the project, and noted his observations that traffic congestion on eastbound Ogden Avenue is due to vehicles blocking the intersection on La Grange Road, which can be addressed by enforcement.
17. Sandy Strauss, 212 S. 7th Avenue supports the project and believes the congestion at Ogden Avenue and La Grange Road could be resolved by having a Police Officer at that intersection to enforce violators blocking the intersection. Ms. Strauss feels this project is well planned; will enhance schools; and urged the Board's approval.
18. Steve Palmer, 1010 – 41st Street applauds the fact that the developer is seeking to make the area safer and supports the Plan Commission's unanimous recommendation to approve this project.
19. Kevin Shields, 45 N. Drexel, although not opposed to the redevelopment project, is adamantly opposed to the sale of Park District real estate. Mr. Shields noted his concerns of money approved via a referendum in 2005 to improve parks. Mr. Shields feels that a pedestrian bridge would help to maintain pedestrian safety and that the development project should be remanded back to the Plan Commission.

President Asperger opened the discussion to the Village Board of Trustees.

Trustee Palermo thanked residents for their comments and expressed concerns with density and conformity with the Comprehensive Plan. President Asperger noted that the Comprehensive Plan is meant to provide guidelines.

Trustee Horvath is supportive of the mixed use development, however continues to have concerns with pedestrian safety and would like to further research a pedestrian bridge. Village Manager Robert Pilipiszyn noted that because of the financial impact, further discussion would be necessary with the developer.

Trustee Kuchler expressed concerns relating to tandem parking and does not believe this development project is in the best interest of the community. Trustee Kuchler believes that Gordon Park could be developed without the apartment project and feels other sources should be utilized. President Asperger noted that the redevelopment agreement would incorporate restrictions and standards of protection for the Village.

President Asperger requested Mr. Richard Aaronson of Atlantic Realty Partners to address some of the concerns brought forward. Mr. Aaronson commented on several concerns and indicated he would be available to return on April 14 to further clarify issues the Board may have and to address specifics.

President Asperger noted that continued discussion will resume at the next regularly scheduled Village Board meeting on April 14, 2008.

5-K.4

6. MANAGER'S REPORT

None

7. PUBLIC COMMENTS NOT ON AGENDA

None

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Livingston invited the audience to attend the League of Women Voters "Cool Cities Forum" on April 19.

Trustee Palermo expressed his thanks to staff for placing the proposed Village budget on the Village website.

10. ADJOURNMENT

At 10:25 p.m. it was moved by Trustee Horvath to adjourn, seconded by Trustee Livingston. Approved by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

5-K.5

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Administration

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager

DATE: April 14, 2008

RE: **ORDINANCE - (1) ZONING MAP AMENDMENT, (2) AMENDMENT TO COMPREHENSIVE PLAN, (3) DESIGN REVIEW PERMIT, (4) SPECIAL USE PERMIT, (5) PLANNED DEVELOPMENT CONCEPT/FINAL PLAN, (6) SITE PLAN APPROVAL AND ELEVATIONS TO AUTHORIZE A MIXED RETAIL AND MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT, 31 E. Ogden Avenue, Atlantic Realty Partners, Inc.**

This matter was last considered at a third meeting of the Village Board on Monday, March 10. At that time, considerable public input was received and considered. There was also some Village Board discussion. Given the lateness of the hour, this matter was continued to Monday, April 14.

Staff has been communicating with the applicant to be prepared to address the issues and concerns expressed by the Village Board on March 10. As part of this process, we have made available to the Village Board individual conferences with staff and the developer to further clarify details of the development proposal; to better understand consideration given to alternative elements of the land use plan; and to understand safeguards to ensure a high quality project over the long term. These points will be re-addressed in public as part of Atlantic's follow-up presentation to the Village Board discussion from March 10.

On a related matter, the Park District has developed a consensus master plan for Gordon Park. A three-dimensional fly-around of the master plan has also been developed, which includes to-scale modeling of Atlantic's proposal and adjacent residential properties. We have encouraged Atlantic, with the Park District's permission, to include this visual aid in their presentation. While further analysis and intergovernmental cooperation will be required in order to implement this master plan, what is significant is that the Park District has "caught up" to our consideration of the YMCA redevelopment project in terms of site planning land use concepts. This additional information, which has been provided under separate cover, should further aid the Village Board in its consideration of this redevelopment proposal.

6-A

We propose that the Village Board proceed on Monday in the following manner:

1. Allow the applicant to address Village Board concerns expressed at your last meeting;
2. Conclude acceptance of public comments;
3. Continue and perhaps conclude Village Board deliberations; and
4. Take action, if appropriate, on the proposed ordinance, which would grant the necessary zoning approvals for the proposed project. The proposed ordinance has been revised to reflect the deliberations of the Village Board and some comments from the applicant. The current draft of the ordinance is attached.

With respect to action on the applications, the Village Board has several options. Those options are as follows:

1. Approve the applications as recommended by the Plan Commission, with the conditions stated in the proposed ordinance or with other conditions determined by the Village Board to be necessary and appropriate. The Village Board's approval would be made by passing the ordinance either in its current form or as modified in writing during the meeting.
2. Request that the applicant modify its proposal in one or more specific ways to address particular concerns of the Village Board. If modifications are requested, and the applicant states that it will make the modifications, then the Village Board may pass the proposed ordinance (as it may be revised during the meeting to reflect the agreed-on modifications) or may continue the matter to a subsequent regular or special meeting of the Village Board with the understanding that once the modifications are made, the Village Board will act on the ordinance.
3. Remand the applications to the Plan Commission for further consideration of specific elements of the proposal and the Board's particular concerns about those specific elements. It would be inappropriate to remand the applications without clear direction to the Plan Commission from the Village Board identifying its specific concerns and providing guidance on the Board's expectations. Note that the Zoning Code provides that the applicant must agree to any extension of time for Village Board action beyond 45 days after the Board received the Plan Commission's recommendation. The applicant surely will agree, because if it does not agree, the applications are deemed to be denied.
4. Deny the applications. The best way to deny the applications is for the Village Board to vote on a motion to approve the proposed ordinance. Because 4

6-A.1

affirmative votes are required to pass the ordinance, a vote of fewer than 4 ayes will act as a denial of the applications.

Representatives of Atlantic Realty Partners will be in attendance at the meeting to answer any questions you may have regarding their applications.

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6-A.2

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL COMPREHENSIVE PLAN
AND APPROVING DEVELOPMENT OF THE FORMER YMCA PROPERTY
WITH RESIDENTIAL AND RETAIL USES

WHEREAS, Atlantic Realty Partners (the "*Applicant*") is the legal owner or contract purchaser of certain parcels of property located in the Village of La Grange at the northeast corner of the intersection of La Grange Road and Ogden Avenue, which parcels are depicted and legally described in Exhibit A attached to this Ordinance and by this reference incorporated into this Ordinance (collectively the "*Property*"); and

WHEREAS, most of the Property previously was used as the location of the facilities and programs of the Rich Port YMCA, which relocated all of its facilities and programs and entered into a contract to sell its property to the Applicant; and

WHEREAS, the smaller remaining portion of the Property is owned by the Park District of La Grange, which has entered into a contract to its property to the Applicant; and

WHEREAS, most of the Property currently is classified in the Village's C-3 General Service Commercial District, with the remaining portion of the property being classified in the OS Open Space District; and

WHEREAS, the Applicant proposes to develop the Property with 284 multiple family dwelling units, 26 townhouses, and retail space along with open space, roadways, parking, sidewalks, lighting, and various other related improvements (the "*Project*"); and

WHEREAS, to secure the approvals necessary to authorize the proposed Project, the Applicant filed applications (the "*Applications*") with the Village seeking approval of (1) a Zoning Map amendment to reclassify into the C-3 District all portions of the Property that currently are classified in the OS Open Space District, (2) a special use permit authorizing a planned development, (3) planned development concept plans and final plans, (4) various modifications of La Grange Zoning Code (the "*Zoning Code*") standards to authorize the Project as proposed, (5) site plans, and (6) a design review permit for the exterior appearance plans; and

WHEREAS, as part of its consideration of the Project, the Village proposed an amendment to the Village's Official Comprehensive Plan to reclassify certain portions of the Property for medium density residential use and other portions for high density use; and

WHEREAS, pursuant to public notice thereof published in the Suburban Life newspaper, the La Grange Plan Commission conducted a public hearing, including a

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series of hearing sessions that concluded on January 22, 2008, to consider the Applications and the amendment to the Comprehensive Plan; and

WHEREAS, during the course of the public hearing, the Applicant revised various features of its plans for the proposed Project in response to comments from the Plan Commissioners and testimony from members of the public; and

WHEREAS, after the public hearing process, and after the Plan Commission considered and deliberated on all of the testimony and evidence presented at the public hearing, the revised plans for the Project, and all of the facts and circumstances affecting the Applications and the Project, the Plan Commission recommended that the Board of Trustees approve the proposed amendment to the Official Comprehensive Plan and approve the Applications subject to various conditions; and

WHEREAS, the President and Board of Trustees of the Village of La Grange conducted a public workshop session and other meetings to consider the Applications; and

WHEREAS, during the public hearing and also before the Board of Trustees, the Developer represented that, because most or all of the proposed multiple family dwellings may be converted from rental units into condominiums, those dwellings will be constructed to high standards and appointed with high-quality materials, fixtures, and appliances of a nature typical to upper-market condominiums in the west suburban Chicago-land area, including such things as wood flooring; upgraded moldings and trim-work, cabinetry, bathroom fixtures, kitchen appliances, and door hardware; and similar appointments; and

WHEREAS, the President and Board of Trustees have considered the findings and recommendations of the Plan Commission, the plans for the proposed Project, the representations of the Applicant, and all of the facts and circumstances affecting the Applications and the Project, and the President and Board of Trustees have determined that the Applications meet the standards set forth in the Zoning Code applicable to the relief sought by the Applicant if the conditions set forth in this Ordinance are satisfied; and

WHEREAS, the President and Board of Trustees also have determined that it is appropriate to amend the Official Comprehensive Plan as provided in this Ordinance;

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

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

Section 2. Approval of Zoning Map Amendment. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Chapter 14, Part VI of the La Grange Zoning Code, hereby amends the Village's Zoning Map to reclassify all portions of the Property into the C-3 District.

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Section 3. Approval of Special Use Permit for a Planned Development. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Section 14-401 of the Zoning Code, hereby grants to the Applicant a special use permit authorizing a planned development, subject to the conditions set forth in Section 9 of this Ordinance.

Section 4. Approval of Planned Development Concept and Final Plans. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Chapter 14, Part V of the Zoning Code, hereby approves the planned development concept plans and final plans for the Project in the form attached to this Ordinance as Exhibit B and by this reference incorporated into this Ordinance (the "Approved PD Final Plans"), subject to the conditions set forth in Section 9 of this Ordinance.

Section 5. Approval of Modifications of Zoning Standards. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Section 14-508 of the Zoning Code, hereby approves the following modifications to the regulations of the Zoning Code, subject to the conditions set forth in Section 9 of this Ordinance:

- A. Minimum Lot Area Per Unit. The minimum lot area per multiple family dwelling unit for the Project is 1,000 square feet. The calculation of this standard will include the entirety of the Property, including without limitation the North Open Space Parcel as defined in Subsection 9M of this Ordinance, regardless whether use of that parcel is public or private and regardless of ownership of that parcel.
- B. Maximum Height. The maximum height for the buildings identified as Buildings A, B, C, and D in Exhibit B is five stories and 70 feet. The height of all other buildings must comply with Zoning Code standards.
- C. Minimum Yards and Minimum Setbacks from Streets. The minimum yards and minimum setbacks from streets for the buildings identified as Buildings C, D, and E in Exhibit B are the distances specified on the Approved Site Plan defined in Section 6 of this Ordinance. All other buildings must comply with the yard and setback requirements of the Zoning Code.
- D. Minimum Number of Off-Street Parking Spaces. The minimum number of required off-street parking spaces for the dwelling units in the buildings identified as Buildings A, B, C, and D in Exhibit B is 1.4 spaces per dwelling unit. The minimum overall number of off-street parking spaces required for the Project is 401 spaces, as depicted in the Approved PD Final Plans. The required number of off-street parking spaces may be adjusted by written determination of the Board of Trustees in agreement with the Applicant.

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- E. Circulation Aisles for Underground Parking. The required widths and locations of the circulation aisles for the underground parking within the Project (under Buildings A, B, C, and D) are the widths and locations to be specified in the final engineering plans for the Project to be prepared and approved in accordance with the terms of the required development agreement for the Project.

Section 6. Site Plan Approval. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Section 14-402 of the Zoning Code, hereby approves the site plan for the Project in the form included in Exhibit B to this Ordinance (the "*Approved Site Plan*"), subject to the conditions set forth in Section 9 of this Ordinance.

Section 7. 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 exterior appearance plans for the Project in the form included in Exhibit B to this Ordinance (the "*Approved Exterior Appearance Plans*"), subject to the conditions set forth in Section 9 of this Ordinance.

Section 8. Approval of Amendment to Comprehensive Plan. The Board of Trustees, pursuant to the authority vested in it by the laws of the State of Illinois and Sections 2-105 and 2-106 of the La Grange Zoning Code, hereby amends the Village's Official Comprehensive Plan, Figure 2 titled "Long-Range Land Use Plan," to reclassify portions of the Property from "Open Space and Recreation" to "Medium Density Residential" (for the property on which townhouses are approved) and "High Density Residential" (for the property on which a part of the multiple family buildings are approved), as generally depicted in Exhibit C attached to this Ordinance and by this reference incorporated into this Ordinance. The Village Manager is authorized and directed to cause a new Figure 2 to be prepared in final form, published, and filed as provided by law.

Section 9. Conditions. The approvals granted in Sections 3 through 7 of this Ordinance have been granted expressly subject to, and are at all times subject to, the following conditions:

- A. Lighting Plans. Before the Village issues any building permit for the Project, the Applicant must submit, for Village review to determine conformance with applicable Village standards, all lighting plans and elements for the Project including among other things photometric calculations, choices of all lighting fixtures, and all lighting standards throughout the Project.
- B. Construction Staging Plan, Hours. Before the Village issues any building permit for the Project, the Applicant must submit, for Village review to determine conformance with applicable Village standards, a construction staging plan for the Project, including among other things demolition phasing, delivery routes, construction parking, and street cleaning. The

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Village Manager may impose reasonable conditions on the construction staging for the Project as necessary to protect the public safety and welfare. Construction activities generating outdoor noise of any kind is permitted within the Village only during the following hours: Monday through Friday 7:00 a.m. to 7:00 p.m.; Saturday 8:00 a.m. to 6:00 p.m.; and Sunday 12:00 p.m. to 5:00 p.m.

- C. Plats; Survey. Before the Village issues a certificate of occupancy for the Project, the Applicant must submit one or more properly prepared plats of consolidation or subdivision and an ALTA survey for the entire Property.
- D. Declarations of Conditions, Covenants, and Restrictions. Before the Village issues any building permit for the Project, the Applicant must submit one or more declarations of conditions, covenants, and restrictions to create one or more property owners associations and to otherwise govern development and maintenance of the Project, including without limitation provisions regarding permissible retail tenants. Each declaration must in a form or forms satisfactory to the Village Manager and Village Attorney and in accordance with the terms of the required development agreement.
- E. Development Agreement. Before the Village issues any building permit for the Project, the Applicant must enter into a development agreement with the Village based on the Village's model form and the substantial draft of such an agreement previously provided to the Applicant, and in a final form satisfactory to the Board of Trustees. The development agreement must include, among other things, terms for construction of infrastructure improvements, reasonable Village consent to any transfers of ownership of the Project before its completion, and the posting of performance security for completion of the infrastructure improvements.
- F. Grading Plans and Other Engineering Plans. Before the Village issues any building permit for the Project, the Applicant must submit final grading and engineering plans for Village review to determine conformance with applicable Village standards.
- G. Building Materials. The Applicant must submit samples of all final building materials for the exterior of the buildings on the Subject Property that are consistent with the Approved PD Final Plans. Each of those samples will be subject to reasonable review and approval of the Village Manager before it is used in the Project.
- H. Landscaping and Screening Plans. Before the Village issues any building permit for the Project, the Applicant must submit detailed landscaping and screening plans to the Village for Village review to determine conformance with applicable Village standards. Wherever possible, the Applicant must install native vegetation to facilitate good drainage and erosion control.

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- I. Roof. Before the Village issues any building permit for the Project, the Applicant must submit plans for review and approval by the Director of Community Development to: (i) install a roof surface with a Solar Reflectance Index (SRI) compliant with the LEED ND rating system and vegetation, that in combination covers 75 percent of the roof surface, if logistically and economically feasible, and (ii) to install a water collection, storage, and pumping system to the extent logistically and economically feasible to collect rainwater for landscaping irrigation uses. The determination of feasibility will be made by the Village, in the reasonable exercise of its discretion, in consultation with the Applicant.
- J. Underground Utilities. All electrical, cable, and telecommunications equipment and other utilities within the Property must be located underground.
- K. Offsite Relocation and Burial of Electrical Facilities. The Applicant must cooperate with ComEd to relocate, underground, the electrical facilities adjacent to the Property, as outlined in the Applicant's Application for Planned Development dated August 16, 2007. The Village Manager has the authority to decide the final locations of electrical wires and other facilities.
- L. Bicycle Parking. The Applicant must provide useful bicycle parking within 200 feet of each entrance to a retail space. The Applicant also must provide bicycle parking inside or adjacent to each multiple family building sufficient to accommodate the occupants of each unit. Before the Village issues any building permit for the Project, the Applicant must submit, for reasonable review and approval by the Director of Community Development, detailed plans for the bicycle parking including location, number, and design.
- M. North Open Space Parcel. The parcel of property north of Shawmut Avenue between the existing building known as "La Grange Tower" and the proposed townhouses, as depicted on the Approved Site Plan, (the "*North Open Space Parcel*") must be dedicated as permanent open space by instrument satisfactory to the Village Manager and Village Attorney. The North Open Space Parcel must be maintained either by a property owners association as set forth in a declaration of conditions, covenants, and restrictions or by the Park District of La Grange.
- N. Shawmut Avenue and Locust Avenue Improvements. The improvement of Shawmut Avenue and Locust Avenue requires use of property currently owned by the Park District of La Grange. All approvals for the Project are subject to the condition that the Village has reached a satisfactory agreement with the Park District that allows dedication as right-of-way of, and development and use of, the necessary Park District property so

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that Shawmut Avenue and Locust Avenue can be improved as depicted on the Approved PD Final Plans.

- O. Public Dedication of Roads. All roads and related improvements built within the Property as public rights-of-way must be dedicated to the Village in the manner provided in the required development agreement.
- P. Right-of-Way Construction. The Applicant must reconstruct all rights-of-way within the Property to standard Village specifications provided by the Village Engineer, including installation of all underground improvements necessary to serve the Project and roadway system such as drainage systems, electrical facilities, and other utilities and infrastructure.
- Q. Sidewalks. All public sidewalks built as part of the Project must meet standard Village specifications unless other specifications are approved in writing in advance by the Director of Community Development and must be located within dedicated public right-of-way except as otherwise specifically approved by the Village.
- R. Retail Uses. The retail space within the Project may be leased or sold only for retail-sales-tax-generating uses, unless otherwise approved by the Village Manager in writing in advance, based on standards to be included in the required development agreement. A list of approved uses and prohibited uses will be included in the required development agreement. The Village has the right to require the cessation of any use not in compliance with this Ordinance or the development agreement.
- S. Implementation of Engineering Recommendations. The Applicant must implement all of the recommendations from the engineering review conducted by the Village Engineer and dated October 5, 2007.
- T. Pedestrian Improvements. The Applicant must prepare detailed engineering plans for approval by the Village Engineer and the Illinois Department of Transportation ("IDOT") for the following improvements to be completed by the Applicant to the intersection of Ogden Avenue and La Grange Road:
- Re-striping of crosswalks with wide, white longitudinal lines, as approved by Village Manager.
 - Repainting of stop bars.
 - Installation of countdown pedestrian signals.
 - Installation of bollards at the corners of intersections.
 - Installation of a corner island on the east approach of Ogden Avenue.
 - Installation of pedestrian oriented street lights along the entire length of the Project along Ogden Avenue and La Grange Road.

6-11-9

- Installation of a kiosk of a style consistent with the Village's way-finding signage program at a location agreeable to IDOT and the Village.

U. Vehicular Improvements. The Applicant must work diligently with the Village to secure approval from IDOT to implement the following recommendations from the traffic and parking study conducted by KLOA and dated October 5, 2007:

- Consolidation of entrances at Ogden Avenue. If authorized by IDOT, installation of a right-in / right-out driveway entrance onto Ogden Avenue.
- Installation of overhead traffic signals and cobra-style overhead street lighting at the intersection of Ogden Avenue and Locust Avenue.
- Installation of a dedicated right-turn lane on westbound Ogden Avenue at La Grange Road of a length and turning radius acceptable to IDOT to accommodate adequate vehicular stacking.
- Installation of traffic signals at the four corners of Ogden Avenue at La Grange Road with combined standards for the traffic control device and cobra-style overhead street lighting.
- Replacement of all overhead, concrete-based streetlights with decorative streetlights (such as the lights currently in use in the Calendar Court Parking Lot) for the entire length of the Project along Ogden Avenue and La Grange Road.
- Re-striping of the existing pavement on La Grange Road from Brewster Lane south to Shawmut Avenue to provide five traffic lanes including two through lanes in each direction and a separate southbound left turn lane serving Shawmut Avenue.
- Widening of Ogden Avenue to provide a separate eastbound left-turn lane at Locust Avenue.

The Applicant must install the improvements that are approved by IDOT and any inconsistency between the plans approved by IDOT and the plan approved by this Ordinance may be approved by the Village Manager in the reasonable exercise of his discretion based on a determination that the IDOT approvals are substantially consistent with the Village-approved plans and that any inconsistency is a reasonably acceptable alternative to the Village-approved plans and is similarly protective of public safety. Notwithstanding the previous sentence, the inability, due to IDOT or any other cause, of the Applicant to construct the intersection of Ogden Avenue and Locust Avenue with stoplights and a configuration substantially similar to the intersection depicted on the Approved Site Plan will be a basis for the Village to require suspension of construction of the Project and, if no reasonable solution can be devised, rescission by the Board of Trustees' approvals of the approvals granted by this Ordinance. In addition to the authority of the Village Manager set forth in the first sentence of this paragraph, the Board of Trustees may consider and

approve any IDOT-approved plans that are inconsistent with Village-approved plans and approve the IDOT-approved plans, without a further hearing.

- V. Park District Improvements. The Applicant must provide the following contributions toward common community open space in the manner directed by the Park District of La Grange:
- Relocation of mature trees within the Property to new locations within Gordon Park to the extent reasonably possible.
 - Donation of topsoil and grading services for playing fields within Gordon Park.
 - Construction of an archway for the Gordon Park entrance as depicted in the Approved PD Final Plans.
 - Payment of certain engineering costs related to the redevelopment of Gordon Park as agreed between the Applicant and the Park District.
 - Payment of certain consulting and landscaping architecture and design fees related to the redevelopment of Gordon Park as agreed between the Applicant and the Park District.
 - Payment of the costs of certain labor and construction equipment to re-grade Gordon Park as agreed between the Applicant and the Park District.
- W. No Authorization of Work. This Ordinance does not authorize commencement of any work within the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- X. Compliance with Applicable Codes, Ordinances, and Regulations. The Property is subject to all Village codes, ordinances, and regulations except as specified provided otherwise in this Ordinance.
- Y. Legal Title to Property. Before this Ordinance becomes effective, the Applicant must submit documents to the Village establishing to the satisfaction of the Village Manager that the Applicant owns legal fee simple title to all of the Property.
- Z. Unconditional Agreement and Consent. The Applicant has agreed to all of the terms and conditions set forth in this Ordinance. To memorialize that agreement, the Applicant must execute and deliver to the Village the Unconditional Agreement and Consent attached to this Ordinance as Exhibit D.

Section 10. Violation of Condition or Code. Any violation of (i) any material term or condition stated in this Ordinance or (ii) any applicable Village code, ordinance, or regulation is grounds for the rescission of the approvals made in this Ordinance. Not less than 30 days prior to any action by the Board of Trustees to rescind any approval, the Village will give the owner of the Property written notice of the violation and provide the owner with an opportunity to be heard by the Board of Trustees if the violation has not been cured within that 30-day period.

Section 11. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form in the manner provided by law and (b) submission to the Village by the Applicant of documents establishing to the satisfaction of the Village Manager that the Applicant holds legal fee simple title to all of the Property.

PASSED this ____ day of _____ 2008.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2008.

Elizabeth Asperger, Village President

ATTEST:

Robert Milne, Village Clerk

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6-A.12

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

6-A.13

EXHIBIT B

APPROVED PLANNED DEVELOPMENT FINAL PLANS,
SITE PLANS, AND EXTERIOR APPEARANCE PLANS

6-A.14

EXHIBIT C

GENERAL DEPICTION OF COMPREHENSIVE PLAN AMENDMENT

6-A.15

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of La Grange, Illinois (the "Village");

WHEREAS, Atlantic Realty Partners (the "Applicant"), is the legal owner of a certain property within the Village legally described in Attachment A to this Unconditional Agreement and Consent (the "Subject Property"); and

WHEREAS, the Applicant seeks numerous approvals from the Village necessary for the redevelopment of the Subject Property (the "Project") as described in La Grange Ordinance No. _____ adopted the President and Board of Trustees of the Village of La Grange on _____, 2008 (the "Ordinance"); and

WHEREAS, the Ordinance grants approvals sought by the Applicant and necessary for the Project; and

WHEREAS, the Applicant desires to provide the Village with binding evidence of the Applicant's unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance;

NOW THEREFORE, the Applicant and the Village hereby agree and covenant as follows:

1. The Applicant unconditionally agrees to and accepts, and will abide by, all of the terms, conditions, restrictions, and provisions of the Ordinance.

2. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's review and approval of any plans for the Subject Property or the issuance of any permits for the use and development of the Subject Property, and that the Village's review and approval of any such plans and issuance of any such permits do not and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind at any time.

3. The Applicant acknowledges and agrees that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the Applicant be provided with any notice required by statute or ordinance.

4. The Applicant does and will indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of those parties in connection with (a) the Village's review and approval of any plans and issuance of any permits, (b) the procedures followed in

6-A.16

connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by the Applicant of its obligations under this Unconditional Agreement and Consent.

5. The Applicant will pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. Those expenses may include out-of-pocket expenses, such as attorneys' and experts' fees, and the reasonable value of any services rendered by any employees of the Village.

6. The Applicant consents to the approvals granted in the Ordinance and to the recordation of the Ordinance and this Unconditional Agreement and Consent against the Subject Property for the purpose of providing notice that the Applicant is subject to the terms, conditions, restrictions, and provisions of the Ordinance.

DATED this _____ day of _____ 2008.

APPLICANT

Printed name: _____

Signature: _____

Title: _____

Attest:

Printed name: _____

Signature: _____

Title: _____

6-A.17

ATTACHMENT A
TO UNCONDITIONAL AGREEMENT AND CONSENT

LEGAL DESCRIPTION OF PROPERTY

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6-A.18

FINDINGS OF FACT

PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

January 22, 2008

RE: PLAN COMMISSION CASE #186 - (1) Planned Development Concept/Final Plan; (2) map amendment to the Zoning Code rezoning from OS (Open Space) to C-3 (General Service Commercial); (3) Site Plans; and (4) design plans to authorize a mixed retail, multiple family and townhouse development within the C-3 District (General Service Commercial) - La Grange Place, 31 East Ogden, Atlantic Realty Partners.

We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of La Grange on the proposed Planned Unit Development and Site Plan Approval at the corner of Ogden Avenue and La Grange Road.

I. THE APPLICATION:

Atlantic Realty Partners seeks approval of (1) Zoning Map amendment to rezone portions of the subject property, including 2.82 acres, which is currently part of Gordon Park, and four parcels previously utilized by the YMCA, from its current classification of OS Open Space District to the C-3 General Service Commercial District and Amendment to *Figure 2, Long Range Land Use Plan* of the *Official Comprehensive Plan* to identify the subject property as medium density residential and high density residential; (2) Design Review Permit; (3) Site Plans and Elevations, dated January 22, 2008; and (4) Special Use Permit/Planned Development, including development concept and final plan in order to construct a mixed use development at 31 E. Ogden Avenue.

II. PUBLIC HEARING:

After due notice, in accordance with law, the Plan Commission held a public hearing on September 11, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Tyrrell, Reich, Holder, Weyrauch, and Williams with Chairman Randolph presiding. Also present were Trustees Mark Kuchler, James Palermo, Barb Wolf; Assistant Village Manager, Andrianna Peterson; Community Development Director, Patrick D. Benjamin; Assistant Community Development Director, Angela Mesaros; Village Attorney, Mark Burkland; and Village Engineer, Tom Heuer.

Chairman Randolph swore in petitioners Richard Aaronson and Ben Curran with Atlantic Realty Partners, Atlanta, Georgia; Bruce Huvad, Attorney with the law firm Cohen, Salk and Huvad, Northbrook, IL; Mark Hopkins, HKM Architects and Planners, Arlington Heights, IL; and Peter Lemmon, Metro Transportation, Chicago, IL, who presented the application:

6-1A.19

- Presentation included reasons for sale of the property by the YMCA, redevelopment of Gordon Park, aerial maps of the property and proposed development, market analysis, traffic impact and energy efficient construction techniques.
- The proposed development includes two 4-5 story multiple family buildings with 298 one- and two-bedroom rental units, 33,000 square feet of retail and 37 town homes, improvements to Gordon Park, pedestrian bridge over Ogden Avenue, burial of overhead utility lines, and "Triangle Park" at corner of Ogden & Locust.

Chairman Randolph solicited comments from the Commissioners, which included:

- Concerns with the narrowness of the courtyard between the multiple family buildings and massing of the two residential buildings; and
- Traffic, especially ingress into Locust Avenue, west along Ogden Avenue.

Chairman Randolph suggested that the meeting recess until Tuesday, October 9, 2007, at 7:30 p.m. and the Plan Commission recessed at 9:30 p.m.

The Plan Commission reconvened the hearing on October 9, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Reich, Holder, Weyrauch, and Williams. Also present were Trustee Tom Livingston; Zoning Board Commissioner, Kathy Schwappach; Design Review Commissioners Tim Reardon and Regina McClinton; Village Manager Robert Pilipiszyn; Assistant Village Manager Andrianna Peterson; Community Development Director Patrick D. Benjamin; Assistant Community Development Director Angela Mesaros; Village Attorney Andrew Fiske; and Village Engineer Tom Heuer.

Patrick Benjamin called the meeting to order. With no Chairman present, a motion was made by Commissioner Reich, seconded by Commissioner Weyrauch that Commissioner Holder serve as pro tem. Motion carried by voice vote.

Chairman pro tem Holder introduced the Applicant who continued the presentation:

- Townhouse elevations and modifications to the project, including elimination of the dome on the corner retail building.
- Atlantic Realty would be selective about retail uses and discourage full-service restaurants due to parking constraints on the site.
- Mr. Aaronson presented images of courtyards and discussed the amount of courtyard green space that is proposed for the multiple family component.

Staff asked expert witnesses, who were sworn in, to comment on the findings of their studies:

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- Eric Russell, traffic consultant, Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA), stated that road improvements will require coordination with the Illinois Department of Transportation (IDOT). Mr. Russell presented a review of the traffic study submitted by the petitioner. He presented analysis and recommendations for several options to access this property.
- Tom Heuer, Heuer and Associates, consulting Civil Engineer, stated that Gordon Park was originally subdivided with streets and sewers and planned as an industrial site. Infrastructure was extended for future growth and should be sufficient for the proposed improvements.
- Phil McKenna, Kane, McKenna and Associates, Fiscal Impact Analyst, expressed agreement with the financial analysis submitted by the petitioner. The project would have a very positive fiscal impact.
- Linda Goodman, Goodman Williams Group, the marketing consultant who prepared the Market Assessments in conjunction with our Comprehensive Plan (adopted in 2005), provided an independent review of the market feasibility study submitted by Atlantic Realty. Ms. Goodman stated that the project is an excellent site for rental units and would benefit the downtown businesses and bring in a younger demographic. Ms. Goodman reviewed the retail opportunities and stated that a number of national retail users could be interested in the site, including office supply stores, Bed, Bath & Beyond, and Best Buy.

Chairman pro tem Holder solicited questions and comments of the witnesses from the Commissioners:

- Commissioners asked about the parking ratio. Ms. Goodman stated that people would seek this location due to its proximity to transit. Mr. Russell stated that the parking demand would depend on the type of retail use.

After discussion by the Commissioners, Chairman pro tem Holder solicited questions and comments from the Audience. The following persons spoke at the meeting:

- Paul Kerpan, 7 N. Spring,
- William Dobias, 141 N. La Grange Road, (on behalf of 75 residents of La Grange Towers Condominium, 141 N. La Grange Road)
- Harlan Hirt, 421 S. Spring,
- Ed Kram, 222 N. Kensington,
- Joan Hoigard, 345 S. Sixth,
- Tim Reardon, 21 S. La Grange Road, and
- Ed Ellis, 317 S. Catherine Avenue.

The public comments focused on the following general areas:

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- *Redevelopment of Open Space.* Residents expressed opposition to the rezoning of the Park District property on the northern parcel for construction of town homes.
- *Traffic.* Concerns with ingress/egress from the site and potential for increased traffic.

Chairman pro tem Holder suggested that the public testimony be continued until Tuesday, October 23, 2007, at 7:30 p.m. and the Plan Commission recessed at 9:50 p.m.

The Plan Commission reconvened the hearing on October 23, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Kardatzke, Reich, Holder, Weyrauch, and Williams with Chairman Pro tem Tyrrell presiding. Also present were Trustees James Palermo and Barb Wolf; Design Review Commissioner Tim Reardon; Village Manager Robert Pilipiszyn; Community Development Director Patrick D. Benjamin; Assistant Director, Community Development Angela Mesaros; Village Attorney Andrew Fiske; and Village Engineer Tom Heuer.

Patrick Benjamin introduced Tim Kelpsas, Vice President of the Park District of La Grange, who stated that if the rezoning were not approved, the Park District would not be able to improve Gordon Park. He further stated that the Park District seeks input from interested citizens on improvements to Gordon Park with the goal of increasing the quality of open space and park programs.

The petitioner, Atlantic Realty Partners, reintroduced the application and addressed comments from the Commissioners from the last hearing:

- Commercial uses comprise only 10% of the area of the site. Since this is the biggest traffic generator, they anticipate a marginal impact on traffic.
- Courtyard images demonstrated that the proposed area provides a sufficient amount of open space to the residents of the apartment buildings.
- Atlantic has revisited the mix of residential units as recommended by the Village's marking consultant, Goodman Williams Group.

Chairman pro tem Tyrrell solicited questions and comments from the Audience. The following persons spoke at the meeting:

- Joanne Jacobson, 141 N. La Grange Road,
- Phil Fowler, 115 N. Madison,
- Alice Hanna, 109 N. Madison,
- James Docherty, 17 S. Brainard,
- Orlando Coryell, 115 S. Spring,
- William Dobias, 141 N. La Grange Road,

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- Kevin Shields, 45 N. Drexel Avenue, and
- Kyran Quinlon, 33 Brewster.

The public comments focused on the following general areas:

- *Redevelopment of Open Space.* Residents submitted a petition of objection to the rezoning of the Park District property at the northwest portion of the site from open space to commercial and opposition to the development of the town homes.
- *Traffic.* Concerns about the safety of the children who live in the area to the west of the subject property.
- Residents of La Grange Towers, 141 N. La Grange Road, engaged Peter Pointer, FAICP, certified urban planner and founder of Planning Resources, Inc., to conduct an analysis of the applications. His findings were that improving existing parkland would not be a significant trade-off for the loss of open space; town homes should be omitted from the plan and the density transferred closer to the corner of Ogden Avenue and La Grange Road.

Chairman pro tem Tyrrell solicited comments from the Commissioners, which included:

- Questions about responsibility for resolving the traffic issues. Answer: the developer as conditioned by the Ordinance.
- Parking for the 20,000 square feet of retail at the corner. Due to the lack of parking, it would not be appropriate to dedicate the entire space for a restaurant. However, this space could potentially accommodate a limited amount of food and beverage users.
- Multiple family unit counts and mix. Mr. Aaronson stated that achieving the proper balance of parking and number of units involved a long process.
- Financial feasibility without the town home component. Answer: it depends upon other factors such as allocation of land costs for other uses on the site.
- Condominiums versus rental units. Answer: the project would be all rentals with a stabilization rate of approximately 18 months. In a more stable market, they might consider phasing a potential conversion to condominiums in the future.
- South elevation of the building appears as a large mass that is too bulky with too much land dedicated to hardscape.

Chairman pro tem Tyrrell suggested that the meeting be continued until Tuesday, November 13, 2007, at 7:30 p.m. and the Plan Commission recessed at 9:40 p.m.

6-A.23

The Plan Commission reconvened the hearing on November 13, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Tyrrell, Kardatzke, Reich, Holder, Weyrauch, and Williams with Chairman Randolph presiding. Also present were Village President Liz Asperger; Trustees James Palermo and Tom Livingston; Design Review Commissioner Tim Reardon; Village Manager Robert Pilipiszyn; Assistant Village Manager Andrianna Peterson; Community Development Director Patrick D. Benjamin; Assistant Community Development Director Angela Mesaros; Village Attorney Mark Burkland; Village Engineer Tom Heuer; Assistant Director of Public Works, Mike Bojovic.

- Rob Metzger, President of the Park District of La Grange, spoke on behalf of the Park District. Mr. Metzger addressed the following issues: current use of the land, existing condition of Gordon Park, value of the land, and financial condition of the Park District.
- Commissioners asked Rob Metzger about the potential to sell only the 1.2 acres of the property improved with the maintenance shed. Answer: the Park District has decided that it would be more beneficial to the community to sell the entire 2.82 acres. Mr. Metzger also stated that the Park District would not be willing to rededicate Shawmut Avenue, if they could not sell the northern parcel.
- The petitioner, Atlantic Realty Partners, reintroduced the application and addressed comments from the Commissioners from the last hearing, including a review of the massing and revisions to the elevations. Mr. Aaronson stated that he believes the base traffic as proposed is similar to the former YMCA traffic.
- Eric Russell, KLOA, traffic consultant, presented comments from a meeting with Village Staff and the Traffic Bureau of Illinois Department of Transportation (IDOT). At the meeting, IDOT indicated that this project would most likely not get approval for the signalization at Shawmut and La Grange Road and suggested eliminating the proposed right-in/right-out access proposed near La Grange Road and Ogden Avenue, with the only access from Ogden at Locust.
- Ms. Mesaros reviewed the zoning relief requested by the development team: setbacks from street right-of-way, multiple family parking and lot area per unit.

Chairman Randolph solicited comments from the Commissioners:

- Commissioner Reich stated that he is concerned with the lack of open space and bulk/mass. He further stated that he would vote "no" to most of these requests.
- Commissioner Tyrrell stated that in over 20 years, he has not had more people send letters and leave messages against a property; he would also vote against this project.

6-A.24

- Commissioner Holder stated that he would vote against this project for the destruction of green space and for bulk reasons.
- Commissioner Weyrauch stated that the project needs additional open space and she has a little bit of a problem with the bulk. So at this time, she would vote "no."
- Commissioner Kardatzke stated the petitioner should go back to the drawing board and figure something else out for this site.
- Commissioner Williams stated that he is not in favor of rezoning the open space. If the developer could take away the town homes, he would vote in favor of it.
- Chairman Randolph stated that bulk is his first objection. He does not like the density of the town homes. He stated that he would be inclined to vote "no."

Chairman Randolph suggested that the meeting be continued and the Plan Commission adjourned with no date certain at 9:50 p.m.

After due notice, in accordance with law, the Plan Commission held a public hearing on January 8, 2008, in the La Grange Village Hall Auditorium. Present were Commissioners Reich, Holder, Weyrauch, Kardatzke and Williams with Chairman Randolph presiding. Also present were Village President Elizabeth Asperger; Trustees James Palermo, Tom Livingston and Mark Kuchler; Village Manager Robert Pilipiszyn; Assistant Village Manager Andrianna Peterson; Community Development Director Patrick D. Benjamin; Assistant Community Development Director Angela Mesaros; and Village Attorney Andrew Fiske.

Chairman Randolph introduced Richard Aaronson of Atlantic Realty Partners, who presented revisions to the site plan and elevations and addressed issues from the last meeting:

- *Multiple family buildings.* Revisions included a further breakup from two buildings into four buildings.
- *Massing of elevations.* The plans include elimination of the domination of the roof elements, smaller footprints, continuities and design and a retreat from the craftsman style influence.
- *Town home layout.* Revisions included high visibility open space to the south, reduction in density and the tightness of the site.
- *Transportation.* Metro Transportation, ARP's consultant has had discussions with IDOT and has received conditional approval for the right-in/right-out access onto Ogden Avenue.

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- *Density.* The total number of units has been reduced from 298 to 285. All buildings are now five stories and under the maximum allowable height of seventy feet.
- The overall plan has not changed and the underground parking is still a very important element.
- Mr. Aaronson requested that the Plan Commission have an opportunity to vote at this meeting.

Chairman Randolph solicited comments from the Commissioners, which included:

- Concerns including the east elevation's strong base and verticality with the parking deck sticking out, size of the openings in the multiple family elevations, tandem parking in the garage, retail usage, conversations with IDOT, and layout of the town homes.
- Commissioner Weyrauch stated that elevations of the larger buildings have improved, that she likes the elimination of the pitched roofs and the balconies add texture.

After discussion by the Commissioners, Chairman Randolph solicited questions and comments from the audience. The following persons spoke at the meeting:

- Tim Kelpsas, Vice President of the Park District of La Grange;
- Kevin Shields, 45 N. Drexel;
- Don Robertson, 70 S. 7th Avenue;
- Karen Deane, 139 Malden;
- Kate Brogan, 219 S. Madison;
- Chris Walsh, Park District Commissioner;
- James Docherty, 17 S. Brainard;
- Harlan Hirt, 431 S. Spring;
- Susan Friend, Executive Director of SEASPAR;
- Jim Farnan, 533 S. Edgewood, President of the La Grange Little League;
- John Ernst, 400 Block of Kensington;
- David Bier, 340 S. 7th Avenue;
- Ralph Gutekunst, 32 N. Brainard;
- Alice Baxter, 141 N. La Grange Road;
- James Warpit, 233 S. Park Road;
- Alice Hanna, 109 N. Ashland;
- Ruben Varela, 1099 S. Catherine.

The public comments focused on the following general areas:

- *Development of open space.* Residents expressed support of the re-zoning of the Park District land, because they would like to see new improvements to the Park District property at Gordon Park.

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- *Density.* Residents expressed concern about the number of children in the proposed development who might have to walk cross La Grange Road to get to school. They felt that the proposal is too big for this town and were not in favor of selling the park land for this project.
- Jim Farnan, 533 S. Edgewood, President of the La Grange Little League, stated that their program relies heavily on the Park District to maintain the baseball fields, and he supports the sale of land. The Little League will not lose space. They do not use the property proposed for re-zoning.
- Don Robertson, 70 S. 7th Avenue, American Youth Soccer Organization (AYSO), Region 300, stated that they are a primary user of the northeast corner of Gordon Park and they would like to see the revenue from the sale of Park District land used to improve Gordon Park. Therefore, they support selling the park land.
- *Traffic.* Concerns were expressed for ingress and egress to the site and potential for increased traffic.

Chairman Randolph solicited comments and questions from the Commissioners:

- Commissioners were concerned with the bulk of the town homes especially the town homes on the west side, closest to La Grange Towers.
- Commissioner Weyrauch further stated that there would be much larger impact on traffic if this were an office park or commercial development. The proposed buildings are mid-rises; therefore, she is not concerned about density.
- Commissioner Holder expressed concern about density. However, he has no problem with the height given the surrounding area. Commissioner Holder further stated that he would like the town homes pushed further back from the La Grange Tower.
- Commissioners requested move Buildings A and B to the west to provide additional green space and parking underground. In addition, that the height be changed to a mix of four, five and six story buildings to provide undulations.
- Mr. Aaronson stated that they could potentially eliminate eight town homes to bring the density to 309, which is permitted under a planned development.

There being no further questions or comments from the Commissioners and Audience, Chairman Randolph suggested that the meeting be continued and the Plan Commission adjourn until Tuesday, January 22, 2008 at 7:30 p.m. The Plan Commission recessed at 9:25 p.m.

6-11-27

The Plan Commission held a meeting on January 22, 2008, in the La Grange Village Hall Auditorium. Present were Commissioners Tyrrell, Reich, Holder, Weyrauch, Kardatzke and Williams with Chairman Randolph presiding. Also present were Trustee James Palermo, Village Manager, Robert Pilipiszyn, Community Development Director, Patrick D. Benjamin; Assistant Community Development Director, Angela Mesaros; and Village Attorney, Andrew Fiske.

Chairman Randolph introduced Richard Aaronson of Atlantic Realty Partners, who presented revisions to the site plan and elevations and addressed issues from the last meeting:

- The town homes have been reconfigured to provide open space on the western 1/3 of the development. They have eliminated six town homes and two apartments, in order to accomplish their goal of a density of 309 total units.
- The town homes are setback 134 feet to the west, 169 feet from building face of the La Grange Towers to building face of the town homes. They will dedicate this as permanent open space by whatever means appropriate to assure that this remains open. They have spoken with representatives of La Grange Tower who are available to comment later.
- The elevations have a varied roofline. They found that increasing the parapet and the ceiling height looked better than a stair step modulation from four to six stories.
- The east side of the garage has been revised to create a sense of occupancy on the ground floor by adding artificial glazing.

Chairman Randolph solicited comments from the Commissioners, which included:

- Questions and comments about building materials, framing system, management, trash pickup, visitor parking, and green roof technology.

After discussion by the Commissioners, Chairman Randolph solicited questions and comments from the audience only concerning the new revisions to the plans. The following persons spoke at the meeting:

- James Docherty, 17 S. Brainard, stated that he would like to see Atlantic remove a floor of the apartment buildings.
- Guy Wachowski, Director of La Grange Tower Association, 141 N. La Grange Road, stated that La Grange Towers did not have an official agreement with Atlantic. The residents prefer that the open space remain open to the public.
- Orlando Coryell, 115 S. Spring, commented on traffic circulation.

6-A-28

III. FINDINGS AND RECOMMENDATION:

- Commissioner Holder congratulated Atlantic Realty Partners with regard to maintaining open space and creating a buffer. They have demonstrated a willingness to work with the neighbors and with the community.
- Commissioner Holder stated that he is very pleased with the changes regarding site layout, height and quality of design.
- Commissioner Weyrauch stated that the windows at the ground floor soften the façade and she would like to see this carried out around to Ogden. Commissioner Weyrauch further stated that she likes the new layout for the town homes.
- Chairman Randolph stated that Atlantic Realty has worked with the Commission and shown flexibility. The east elevation has been improved and softened. The roofline undulations are a move in the right direction. He would like to see less density but thinks that Atlantic Realty has balanced density with sensitivity to the community.
- Commissioner Tyrrell stated that he is concerned with the slope of access on Locust at Ogden. Mr. Aaronson stated that IDOT would dictate the standards for minimum grade.
- Chairman Randolph stated that he understands the interior parking will be tandem; however, he has no problem with assigned tandem parking.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Holder and seconded by Commissioner Reich that the Plan Commission recommend to the Village Board of Trustees approval of the application for a Zoning Map amendment to rezone portions of the subject property, including 2.82 acres, which is currently part of Gordon Park, and four parcels previously utilized by the YMCA, from its current classification of OS Open Space District to the C-3 General Service Commercial District; and

Amendment to *Figure 2, Long Range Land Use Plan of the Official Comprehensive Plan* to identify the subject property as medium density residential and high density residential.

Motion carried by a roll call vote:

AYE: Tyrrell, Kardatzke, Reich, Holder, Weyrauch, Williams and Randolph.
NAY: None.
ABSENT: None.

6-A.29

There being no further questions or comments from the audience or the Commissioners, a second motion was made by Commissioner Weyrauch and seconded by Commissioner Reich that the Plan Commission recommend to the Village Board of Trustees approval of the application for Design Review Permit as submitted with Plan Commission Case #186.

Motion carried by a roll call vote:

AYE: Tyrrell, Kardatzke, Reich, Holder, Weyrauch, Williams and Randolph.
NAY: None.
ABSENT: None.

There being no further questions or comments from the audience or the Commissioners, a third motion was made by Commissioner Reich and seconded by Commissioner Holder that the Plan Commission recommend to the Village Board of Trustees approval of the Site Plans and elevations, as submitted for Plan Commission meeting, dated January 22, 2008.

Motion carried by a roll call vote:

AYE: Tyrrell, Kardatzke, Reich, Holder, Weyrauch, Williams and Randolph.
NAY: None.
ABSENT: None.

There being no further questions or comments from the audience or the Commissioners, a final motion was made by Commissioner Holder and seconded by Commissioner Reich that the Plan Commission recommend to the Village Board of Trustees approval of the Special Use Permit/Planned Development including Development Concept Plan and Final Plan with the following conditions:

1. Lighting Plans. Before the Village issues any building permit for the Project, the Applicant must submit, for Village Manager review and approval, all lighting plans and elements for the Project including, among other things, photometric calculations, choices of all lighting fixtures, and all lighting standards throughout the Project, all in compliance with standards therefore set forth in the Village's Code of Ordinances.
2. Construction Staging Plan. Before the Village issues the first building permit for the Project, the Applicant must submit, for Village Manager review and approval, a construction staging plan for the Project, including among other things demolition phasing, delivery routes, construction parking, and street cleaning. The Village Manager may impose reasonable conditions on the construction staging for the Project as necessary to protect the public safety and welfare. Construction activities generating outdoor noise of any kind shall be permitted within the Village only during the following

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hours: Monday through Friday: 7:00 a.m. to 7:00 p.m.; Saturday: 8:00 a.m. to 6:00 p.m.; and Sunday: 12:00 p.m. to 5:00 p.m.

3. Plat of Consolidation. Before the Village issues a certificate of occupancy for the Project, the Applicant must submit a properly prepared plat of consolidation for the entire subject property.
4. Declaration of Conditions, Covenants, and Restrictions. Before the Village issues any building permit for the Project, the Applicant must submit one or more declarations of conditions, covenants, and restrictions to govern development and maintenance of the Project, in a form or forms satisfactory to the Village Manager and Village Attorney.
5. Development Agreement. Before the Village issues any building permit for the Project, the Applicant must enter into a development agreement with the Village using the Village's model form and in a final form satisfactory to the Board of Trustees. The development agreement must include, among other things, a timetable for completion of infrastructure improvements, reasonable Village consent to any transfers of ownership of the Project before its completion, and the posting of performance security for completion of the infrastructure improvements.
6. Grading Plans and Other Engineering Plans. Before the Village issues any building permit for the Project, the Applicant must submit final grading and engineering plans for review and approval by the Village Manager.
7. Building Materials. Before the Village issues any building permit for the Project, the Applicant must submit samples of all final building materials for the exterior of the buildings on the Subject Property. Each of those samples will be subject to approval of the Village Manager before it is used in the Project.
8. Windows. Prior to Village Board approval, the Applicant must submit for review and approval by staff, revised site plans and elevations that include (a) additional glazing along the Ogden Avenue ground floor building elevation, (b) additional glazing to the north west ground floor elevation of Building A, and (c) if possible, larger windows.
9. Landscaping and Screening Plans. Before the Village issues any building permit for the Project, the Applicant must submit detailed screening and landscaping plans to the Village for review and approval by the Village Manager. Wherever possible, the Applicant must install native vegetation to facilitate good drainage and erosion control.
10. Green Roof. Before the Village issues any building permit for the Project, the Applicant must submit detailed plans to install a "green" (vegetated) roof for at least 50% of all building within the project.

6-A.31

11. Underground Utilities Only. All electrical, cable, and telecommunications equipment and other utilities within the subject property must be located underground.
12. Offsite Relocation and Burial of Electrical Facilities. The Applicant must cooperate with ComEd to relocate underground the electrical facilities adjacent to the subject property, as outlined in the plans submitted with the Applicant's Application for Planned Development dated August 16, 2007. The Village Manager will have the decision-making authority over the final locations of electrical wires and other facilities.
13. Bicycle Parking. The Applicant must provide useful bicycle parking within 200 feet of each entrance to a commercial space. The Applicant also must provide bicycle parking inside each residential building sufficient to accommodate the occupants of each unit. Before the Village issues any building permit for the Project, the Applicant must submit, for Village Manager review and approval, detailed plans for the bicycle parking, including location, number, and design.
14. Shawmut Avenue Extension. Approvals for the Project will be subject to the condition that the Village has reached a satisfactory agreement with the Park District of La Grange to allow the use of Shawmut Avenue in the manner depicted on Village-approved plans for the Project.
15. Right-of-Way Improvements. All streets built as part of the project must be dedicated by the Applicant for general public use.
16. Right-of-Way Construction. The Applicant must reconstruct newly dedicated Shawmut Avenue and existing Locust Avenue to Village Engineer specifications, including all underground infrastructure necessary to serve roadway system (drainage, electrical, etc.).
17. Sidewalks. All sidewalks built as part of the project must be dedicated by the Applicant for general public use and be of sufficient width for review and approval of the Village Manager.
18. Retail Uses. The Village will have the authority to designate the types of retail tenants within the buildings known as Building C and Building E to ensure the appropriateness of that use and the availability of sufficient on-site parking space to accommodate the parking demand generated by that use.
19. Implementation of Engineering Recommendations. The Applicant shall implement all of the recommendations from the engineering review conducted by the Village Consulting Engineer, Tom Heuer and dated October 5, 2007.
20. Plan Details. Prior to approval by the Village Board, the Applicant must submit, for Village Manager review and approval, the following details:
 - Width of sidewalks along Ogden Avenue and La Grange Road

6-A-32

- Width of dedicated land along Ogden Avenue and La Grange Road.
- Raised landscape areas for plantings between roads and pedestrian walking area along Ogden Avenue and La Grange Road.

21. Public Improvements. The nature, scope and extent of public dedications, improvements or contributions to be provided by the Applicant for review and approval by the Village Manager:

A. Pedestrian Improvements. The Applicant must prepare detailed engineering plans for approval by the Village Engineer and IDOT for the following improvements to be completed by the Applicant to the intersection of Ogden Avenue and La Grange Road:

- Re-striping of crosswalks with wide, white longitudinal lines, as approved by Village Manager.
- Repainting of stop bars.
- Installation of countdown pedestrian signals.
- Installation of bollards at the corners of intersections.
- Installation of a corner island on the east approach of Ogden Avenue.
- Installation of pedestrian oriented street lights along the entire length of the project along Ogden Avenue and La Grange Road.

B. Vehicular Improvements. The Applicant must secure approval from IDOT to implement the following recommendations from the traffic and parking study conducted by KLOA and dated October 5, 2007:

- Consolidation of entrances at Ogden Avenue. If authorized by IDOT, installation of a right-in / right-out driveway entrance onto Ogden Avenue.
- Installation of traffic signals at the intersection of Ogden Avenue and Locust Avenue with overhead traffic control device and "cobra" style overhead street light.
- Installation of a dedicated right-turn lane on westbound Ogden Avenue at La Grange Road to be of a length and turning radius acceptable to the Village Manager and IDOT to accommodate adequate vehicular stacking.
- Installation of traffic signal at four corners of Ogden Avenue at La Grange Road with combined standard (traffic control device and "cobra" style overhead streetlight).
- Replacement of all overhead concrete streetlights with decorative, streetscape-oriented streetlights (such as the lights currently in use in the Calendar Court Parking Lot) for entire length of the project along Ogden Avenue and La Grange Road.

6-A.33

C. Park District Improvements. The Applicant must provide the following contributions toward common community open space in the manner directed by the Park District of La Grange:

- Relocate mature trees within the subject property to new locations within Gordon Park.
- Provide topsoil and grading services to for the playing fields within Gordon Park.
- Construct of an archway for the Gordon Park entrance.
- Pay for certain engineering costs related to the redevelopment of Gordon Park.
- Pay for certain consulting and landscaping architecture and design fees related to the redevelopment of Gordon Park.
- Pay for the costs of certain labor and construction equipment to re-grade Gordon Park.

Motion carried by a roll call vote:

AYE: Tyrrell, Kardatzke, Reich, Holder, Weyrauch, Williams and Randolph.
NAY: None.
ABSENT: None.

BE IT THEREFORE RESOLVED that the Plan Commission recommend to the Village Board of Trustees granting a Zoning Map Amendment, Design Review, Special Use/Planned Development Concept/Final Plan Approval for the property legally described in Plan Commission Case #186 and commonly referred to as 31 E. Ogden Avenue.

Respectfully Submitted

PLAN COMMISSION OF THE
VILLAGE OF LA GRANGE



Stephen Randolph, Chairman
January 22, 2008

6-A.34

STAFF REPORT

PC Case #186

TO: Plan Commission

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

DATE: September 11, 2007

RE: **PLANNED DEVELOPMENT CONCEPT/FINAL SITE PLAN APPROVAL TO AUTHORIZE A MIXED RETAIL AND MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT, Northeast Corner La Grange Rd and Ogden Ave. 31 E. Ogden Avenue, Atlantic Realty Partners, Inc.**

I. BACKGROUND

Atlantic Realty Partners is the contract purchaser of the former YMCA property, a 4.29 acre site previously used for a fitness facility, child care, and single room occupancy (SRO) housing at 31 E. Ogden Avenue. In addition, they have a contract to purchase three parcels of Park District property to the north of the YMCA, consisting of 2.83 acres of open space, park land.

Atlantic Realty proposes to redevelop the subject property with a mixed use project. The proposal consists of retail, multiple family dwelling units and townhouses. Specifically, the petitioner wishes to construct a single story retail building on the northeast corner of Ogden Avenue and La Grange Road with approximately 20,000 square feet of retail and 121 surface parking spaces. On the eastern portion of the property, they propose two five-story residential buildings with a total of 298 units. Building 'A' of the two buildings will have approximately 13,000 square feet of retail space on the first floor. Underground parking for 416 spaces will be provided for the multiple family units. In addition, 37 townhouses would be located on the northern portion of the property (currently Park District property) with 74 interior parking spaces and 12 surface parking spaces.

As provided for in our Zoning Code, Atlantic Realty participated in two pre-application meetings held on April 11 and May 29, 2007 with Department Head staff, Design Review Commissioners, Village Planner and Village Engineer. These meetings resulted in extensive revisions to the façade of the corner retail building and more detailed plans expanding the site plan to include improvements and enhancements to Gordon Park directly east of the subject property.

6-A.35

After staff evaluation of the plans, we determined that it would be necessary for the development to be constructed as a Planned Development, because it requires relief from height, off-street parking ratio for multiple family units, minimum lot area per dwelling unit, building spacing and setbacks from street right-of-way provisions of the Code.

II. APPLICATIONS

In order to construct the proposed mixed use development, the petitioner has submitted the following applications:

1. Zoning map amendment to rezone a portion of the property from Open Space (OS) to C-3 General Service Commercial
2. Special Use Permit/ Planned Unit Development
3. Final Site Plan Approval
4. Amendments to the text of Zoning Code
5. Design Review Permit

III. COMPREHENSIVE PLAN CRITERIA

In reviewing the applications before you, Commissioners may wish to consider key elements of the *Official Comprehensive Plan* adopted in May 2005. In the Market Assessments prepared in March 2004 in conjunction with the *Plan*, describes the existing YMCA building as “inadequate.” Memorandum No. 1 of the *Plan* also states that this property is “inefficient in layout with significant accessibility issues” (December 2003).

The subject property is located within the Burlington Northern Santa Fe (BNSF) Sub Area of the *Comprehensive Plan*, which “reinforces the role of Downtown La Grange as the community’s mixed-use center. The *Plan* organizes transit supportive planning principles around the three dimensions or ‘3D’s.’ They provide a means for the Village to evaluate and judge the appropriateness of private...investments. The 3D’s include density, design and diversity.”

Among the principles related to density, design and diversity are the following:

- *Mixed-use developments are highly desirable;*
- *Density combined with mixed land use creates the most effective and successful transit-oriented development;*
- *Varied housing types should be located within walking distance to transit facilities;*
- *Encourage higher housing densities within one-quarter mile or 5 minute walk of [Metra] station areas;*
- *Maintain and emphasize pedestrian and bicycle improvements and access; and*
- *Extend a pedestrian-oriented streetscape to all BNSF Railroad Corridor streets.*

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In addition to general principles and policies, the *Comprehensive Plan* established a Land Use Plan for future development within the Village. This land use plan identifies the property at the corner of La Grange Road and Ogden Avenue as BNSF Commercial and the eastern portion of the property as high density residential. This designation for the YMCA property is consistent with the proposal for the retail and multiple family buildings. In looking at the northern parcels of the subject property, which currently serve as Park District open space, the *Comprehensive Plan* identifies this area to remain open space.

According to the Zoning Code, Paragraph 2-105E3, "*the Official Comprehensive Plan, or any part thereof, may be amended at any time...Such amendment may be initiated by the Board of Trustees, the Plan Commission, the Village Manager, or by any owner of the property...*" If the Plan Commission finds that the application to develop the Park District property meets the standards of the Zoning Code, a recommendation to the Board of Trustees for an amendment to the *Official Comprehensive Plan* would also be required.

IV. MAP AMENDMENT

Atlantic Realty Partners has filed an application with the Community Development Department for a Zoning Map Amendment to rezone a portion of the property located at 31 E. Ogden Avenue from its current classification as OS Open Space to the C-3 General Service Commercial District so that the entire site would be classified under one zoning district.

Staff has worked with the applicant to determine the zoning classification that would be most appropriate for this project. Due to the proposed density, we first considered rezoning the entire site to R-8 Multiple Family Residential. However, this option was not possible because retail uses are not permitted within the residential districts. We also analyzed zoning different parcels in several combinations of R-8 district and C-3 district. No combination of districts allowed the number of units proposed for the site. Finally, we determined that the site should be zoned within a unified district. Atlantic Realty requests that the entire property be rezoned to the C-3 district with amendments to the Code that allow a mixed use development appropriate for a transit oriented development.

AMENDMENT CRITERIA:

In reviewing the request for Zoning Map Amendment, be guided by the principles stated in Section 14-605 of the Zoning Code: "*...the power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment be made. In determining whether the principle is satisfied in any particular case...weigh the data required in 14-101E and among other factors, the following standards:*"

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

One of the key purposes of the Zoning Code according to Section 1-102, is to “implement and foster the goals and policies of the Village's Official Comprehensive Plan.” As previously stated, diversity of housing options is one of the goals of the BNSF Sub Area Plan. However, another goal is the implementation of the land use plan, which identifies this property as open space and recreation.

Another purpose of the Zoning Code is to “encourage and enhance the preservation of natural resources, aesthetic amenities, and natural features.” Rezoning of this property would allow the replacement of an established green space with mature trees by the construction of 37 townhouses. In order to offset this loss of green space, the petitioner proposes to provide enhancements to Gordon Park directly adjacent and to the east of the subject property. We believe offsetting green space amenities both within the development and in Gordon Park need to be specified and quantified in order to address the loss of the existing trees and green space if the amendment is to be considered favorably.

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

The Market Assessments states, “The Park District's facilities are inadequate and parkland/ open space is below the national average. PDLG continues to explore solutions to increase recreational facilities and programs and increase the amount of parkland. The need for more programs serving young people is a high priority.” According to Atlantic Realty, the loss of green space would be offset by the proposed improvements to Gordon Park, which would enhance facilities, amenities, accessibility and foster increased use of the park.

3. *If a specific parcel is the subject, then the following factors should be considered:*

- a. *The existing uses and zoning classifications for properties in the vicinity of the subject property.*
- b. *The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.*
- c. *The extent, if any, to which any diminution in value is offset by an increase in public health safety and welfare.*
- d. *The extent to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.*

6-A.38

- e. *The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.*
- f. *The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.*
- g. *The suitability of the subject property for uses permitted or permissible under its present zoning classification.*
- h. *The availability, where relevant, of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.*
- i. *The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.*
- j. *The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.*

According to the petitioners, the map amendment is necessary to transform an underutilized property at a major, highly visible intersection in La Grange into a mixed use development. This property currently functions as green space, which provides a natural environment for residents of the La Grange Towers condominiums at 141 North La Grange Road. Neighbors of the park enjoy the open green space that has also been used by the community for programs such as the YMCA day camp. In order to offset the loss of open space, the petitioners propose to work with the Park District in order to make significant improvements to Gordon Park for the benefit of the community.

In the vicinity of the proposed development are a ten story condominium building to the east zoned R-8 multiple family residential; single story service and retail uses zoned C-3 to the south and west; Gordon Park to the east, zoned Open Space; and a seven story, 78 unit condominium building zoned R-8 multiple family to the southeast.

As currently zoned, the subject property is located in two districts: C-3 district and OS Open Space. Therefore, the property could not be part of a unified development. The northern portion of the property zoned for open space is limited in permitted uses. This portion of the site could not be redeveloped as residential and would have to remain as park or recreation use.

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Approval of the YMCA property rezoning is consistent with the *Comprehensive Plan*. However, the portion of former Park District property to the north requires further discussion and an amendment of the *Official Comprehensive Plan*.

RECOMMENDATION:

If the Commissioners find that the proposed development meets the standards, staff suggests that the Plan Commission recommend to the Village Board of Trustees approval of the Zoning Map amendment to rezone a portion of the property located at 31 E. Ogden Avenue from its current classification of OS Open Space district to the C-3 General Service Commercial District.

In addition, a second motion would be necessary to recommend to the Village Board of Trustees approval of an amendment to *Figure 2, Long Range Land Use Plan* of the Official Comprehensive Plan to identify the property as medium density residential and high density residential.

V. PLANNED DEVELOPMENT

Atlantic Realty Partners has filed an application for Planned Development Concept/Final Plan Approval with the Community Development Department. Upon our review of the application as submitted, the petitioner will need relief from the following requirements:

- Height
- Parking for Multiple Family Dwellings
- Setbacks from Street Right of Way
- Building Spacing
- Lot Area per Unit

A Planned Development is a distinct category of Special Use and has the same general purposes of all special uses. According to Section 14-502 of the Zoning Code, "*In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments.*" Among those objectives that the Village seeks to achieve through the flexibility of the planned development technique are the following:

- *Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.*
- *Efficient use of land resulting in smaller networks of utilities and streets while lowering development and housing costs.*

6-A.40

- *Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.*
- *Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.*
- *Provision for the preservation and beneficial use of open space.*
- *An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.*
- *Encouragement of land uses that promote the public health, safety and general welfare.*

A Planned Development consists of two phases: (1) Development Concept Plan to provide a basic scope of the character and nature of the development; and (2) Final Plan, which serves to implement, particularize and define the Development Concept Plan. As allowed by Code, Atlantic Realty has chosen to submit the two phases concurrently.

SPECIAL USE STANDARDS:

No special use permit for a Planned Development may be recommended or granted unless the petitioner establishes that the proposed development will meet each of the standards made applicable pursuant to Subsection 14-401E of the Zoning Code:

- (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.*

According to the Zoning Code, the C-3 General Service Commercial District is intended to provide areas for the development of service, commercial, and retail uses requiring direct vehicular access. The proposed retail uses would fit this description.

The “Vision for La Grange” as established in the *Comprehensive Plan* asserts that La Grange will remain a community with diverse housing. La Grange Place is

6-A.41

consistent with that vision -- it provides rental housing. According to the petitioner's market study, this is a type of housing that is needed in La Grange.

In addition, the Plan recommends that the Village cooperate with the Park District to create publicly accessible open space within the BNSF Corridor for community events. The conceptual plan for Gordon Park provided by Atlantic Realty would help to foster cooperation and provide park improvements for better visibility and access to community activities.

- (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 subject property is bounded by significant buffers with Ogden Avenue, a major arterial street, to the south and Gordon Park to the east. The proposed development would replace an outdated building with a mixed use project.

- (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.*

According to the petitioner, this project will contribute positively to the surrounding area with pedestrian scaled detailing, walkways through the park, bicycle stands and linkages to the Triangle Redevelopment and Gordon Park. The scale of the proposed building is also consistent with the Triangle Redevelopment to the south, La Grange Towers to the northwest and the new Plymouth Place redevelopment in La Grange Park to the north.

- (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.*

Attached you will find Memorandums from the Police Chief and Fire Department, regarding public facilities and the ability to provide police and fire protection for the area. Also, a comprehensive engineering review from the Village's consulting engineer will be provided at your meeting.

Further, Kane, McKenna and Associates, Inc., a financial analyst used by the Village, has reviewed the submittal packet. They have stated, "There is no question that the impact to the schools will be positive."

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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*

We recognize that traffic and pedestrian safety are key components of this location. The intersection of La Grange Road and Ogden Avenue has been identified by the Village for much-needed improvements to pedestrian safety and access. Village staff has commissioned Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) to conduct an analysis of the traffic study and proposals submitted by Atlantic Realty. In addition, we have asked KLOA to provide analysis and recommendations for several options to provide access to these properties. The *Traffic Study* is currently in draft form, we plan to provide the final study for review and discussion at the next meeting.

- (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.*

This project includes the redevelopment of an existing park area with green space and mature trees. Several residents of the La Grange Towers Condominium building directly adjacent to the park have expressed concern with the location of the proposed row homes and the loss of open space. Atlantic Realty is in the process of evaluating these concerns. Their goal is to have a resolution to these concerns to present to the Plan Commission at your meeting.

- (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 petitioner has expressed a willingness to comply with any additional standards imposed by the Village. The proposed project complies with the standards of the La Grange Zoning Code, including permitted uses, maximum building coverage, floor area ratio and total off-street parking. The petitioner seeks relief from the Code in the following areas: height, setbacks from street rights-of-way, building spacing, off-street parking ratio for multiple family dwellings and minimum lot area per unit requirements.

CONSIDERATIONS

In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider:

- (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*

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a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

- (b) 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.*
- (c) 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 through building design, site design, landscaping, and screening.*

ADDITIONAL STANDARDS FOR PLANNED DEVELOPMENTS

A Planned Development must meet each of the following standards in addition to the special use standards:

1. Unified Ownership Required. The petitioner is the contract purchaser of both the YMCA and Park District properties and plans to develop the property under unified ownership.
2. Minimum Area. According to the Zoning Code, "where no specific standard for minimum area is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established." The proposed development site area is seven acres. This is one of the largest developments in recent history for La Grange.
3. Covenants and Restrictions to be Enforceable by the Village. The record should state that the Conditions, Covenants and Restrictions for the subject property not be removed or released without the expressed written consent of the Village Board of Trustees. A copy of the Covenants and Restrictions will need to be prepared for Village Attorney review prior to the Village Board consideration.
4. Public Open Space and Contributions. Although this project will result in the redevelopment of an existing park on the northern parcels of this land, Atlantic Realty has stated that this will make possible benefits and improvements to Gordon Park. They have furnished preliminary concept planning services to the Park District in order to enhance the use and access of the parkland. In addition, the petitioner proposes to dedicate land to the Village for a dedicated westbound right-turn lane on Ogden Avenue and a portion of Shawmut Avenue to improve traffic circulation and access to the property. We believe all of these improvements will need to be specifically identified as part of any PUD approval.

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5. Common Open Space - Amount, Location, Use and Maintenance. Common open space, for use only by residents and their guests, will be located above the underground parking structure in the court yard area. This includes landscaped terraced area and an outdoor swimming pool. According to the petitioner, all open space amenities will be centrally owned and maintained.
6. Landscaping and Perimeter Treatment. The parking lot setbacks from the property lines will meet or exceed the required perimeter landscaped open space width of at least five (5) feet. The petitioner proposes to provide landscaping along the property lines. In addition, improvements will include “Triangle Park” to the south of Building ‘B’ with landscaping and pedestrian walkways.
7. Building Setbacks and Spacing. The petitioner has applied for an amendment to the Zoning Code to allow variation from building spacing and seeks a waiver to setbacks from Ogden Avenue and La Grange Road. The Plan Commission would need to find the building spacing acceptable, if this amendment were to be considered favorably.
8. Private Streets. The proposed development would not have any private streets.
9. Sidewalks. Currently the sidewalk along Ogden Avenue is in need of repair with utility poles obstructing the pedestrian right-of-way. The petitioner proposes to widen the sidewalk to 5 ft. to create an unobstructed pedestrian zone along the storefronts. The *Comprehensive Plan* states that pedestrian walkways should be at least 15 feet in width. Staff suggests that the petitioner provide a wider unobstructed pedestrian zone and landscape buffer between the sidewalk and Ogden Avenue. The petitioner should submit a detailed site and landscaping plan with dimensions for the sidewalk and pedestrian improvements.

In addition, the petitioner proposes to create “Triangle Park” adjacent to Building ‘B’ along Ogden Avenue. This will provide a pedestrian safe zone of street plantings, open space and walkways, which will connect to the new “Gateway” of Gordon Park.
10. Utilities. The petitioner agrees to bury all utility lines underground.

BULK, YARD AND SPACE REQUIREMENTS

The following table is a comparison of the applicable bulk, yard, and space requirements for the C-3 General Service Commercial District, Planned Development Standards and the proposed development.

6-A.45

La Grange Place
Site Plan Analysis

PC Case #186
September 11, 2007

Standard	C-3 General Service Commercial	Planned Development Standards	Proposed Development
Use	Retail, service, multiple family dwellings	Same	Retail: 33,000 sq. ft. Multiple Family: 298 units Townhouses: 37 units
Height	Maximum: 45 ft.	May be increased by no more than the greater of five stories or 70 ft.	5 stories Maximum: 71.67ft.
Total Lot Area	N/A	Min: 15,000 ft. ²	309,368 ft. ²
Lot Area per unit	Minimum: 2,000 sq. ft./unit Permitted: 154 units (309,276 ft. ² /2,000 = 154)	Units may be clustered with sufficient common open space in the development to met avg. min. lot size, taken as a whole (50% is max. reduction) C-3: 1,000 s.f./unit = maximum of 309 units allowed under Planned Development	335 units (910 sq. ft./unit)
Minimum Lot Width	Minimum: 100 ft. for multiple family	May be reduced by no more than 25%	Approx. 550 ft.
Street Right -of-Way	N/A	25 ft. PLUS one-half ft. for every ft. building exceeds 25 ft. in height Building A: minimum 39.49 ft. Building B minimum: 47.50 ft. Building C: min. 32.50 ft.	Building A: 30 ft. from Ogden Avenue Building B: 40 ft. from Ogden Building C: 17 ft. from La Grange 22 ft. from Ogden Avenue
Front Yard	N/A	No setbacks specified	La Grange Road: 3 ft.
Corner Side	N/A	No setbacks specified	Ogden Ave.: 8 ft.
Interior Side Yard	N/A	No setbacks specified	East property line: 3 ft.
Rear Yard	N/A	No setbacks specified	North property line: 5 ft.

Text in red denotes items that exceed requirements and require text amendments

Items in blue indicate items that require waivers.

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La Grange Place
Site Plan Analysis

PC Case #186
September 11, 2007

Standard	C-3 General Service Commercial	Planned Development Standards	Proposed Development
Building Spacing	N/A	12 ft. PLUS 1/2 ft. for each 1 ft. either bldg height exceeds 25 ft. (buildings: 71.67 ft. and 54.17 ft.) Required: min. 49.95 ft. $[12 \text{ ft.} + ((71.67 \text{ ft.} - 25 \text{ ft.}) + (54.17 - 25 \text{ ft.}) \times 0.5) = 49.95]$	30 ft.
Maximum Building Coverage	Maximum: 50% Permitted: 154,638 ft. ²	N/A	43.27% (133,850 sq. ft. + 309,368)
Floor Area Ratio	Maximum: 1.50	Reduced no more than 25% Maximum: 1.80	1.43
Maximum Lot Coverage	N/A	N/A	66% (205,000 ft + 309,368)
Parking Spaces	<i>Multiple Family Dwellings:</i> 1.5 spaces per dwelling unit Min: 435 spaces (298 units x 1.5 = 447 spaces) <i>Row homes:</i> 2.0 spaces per unit Min: 74 spaces (37 units x 2 = 74 spaces) <i>Retail:</i> one space per 250 ft. ² gross floor area (33,000 ft. ² /250 = 132) Min: 132 spaces TOTAL: 653 spaces	Reduced no more than 25% Minimum: 1.125 spaces per dwelling unit (298 units x 1.125 = 335)	Multifamily: 416 spaces Row homes: 86 spaces Retail: 153 spaces TOTAL: 655 spaces
Parking Setback	5 ft. setback around perimeter	No parking setback specified	5 ft.
Parking Lot Screening	Landscaped open space buffer of 5 ft. in width, 6 ft. height	Perimeters of property to be treated buffers, no specified depth	Meets Requirements
Off-Street Loading	One space for 10,001 to 50,000 ft. ² Required: min. one space	N/A	Not indicated on site plans

Text in red denotes items that exceed requirements and require text amendments
Items in blue indicate items that require waivers.

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AUTHORITY TO VARY REGULATIONS

Subject to the standards and limitations established in Section 14-508 of the Zoning Code, the Village has the authority in connection with the granting of any Planned Development approval pursuant to this Section, to change, alter, vary or waive any provisions of the Code as they apply to an approved Planned Development. Adjustments to Planned Developments are dictated by strict guidelines that must prove excellence of design prior to recommendation.

In determining whether such excellence has been shown, special consideration shall be given to the following factors:

- (a) the amount of usable open space; and*
- (b) the extent of land dedication for public building sites and open space; and*
- (c) the quality and extent of landscaping, including special elements such as water features and public art; and*
- (d) the quality and extent of recreational facilities such as swimming pools, tennis courts, playgrounds, and other residential recreational facilities; bicycle, hiking, and jogging trails; and community centers; and*
- (e) the quality of design of vehicular circulation elements and parking lots and areas; and*
- (f) the care taken to maximize energy conservation in site design, building design, and building systems; and*
- (g) the quality of roof design and finishes in terms of consistency with an attractive residential setting and the avoidance of flat roofs.*

As items (a) through (e) have been addressed in the previous sections, our analysis below includes items (f) and (g):

- (f) Energy Conservation.* Atlantic Realty has stated that they are committed to maximizing energy efficiency and conservation in this project. Although there is currently no national standard for rating environmental design in multiple family projects, they have consulted the commercial certification program from Leadership in Energy and Environmental Design (LEED®), a highly regarded national Green Building Rating System recognized by communities throughout the United States. In addition, the petitioner has researched Multifamily Guidelines for the State of California and U.S. EPA Energy Star Guidelines in the design of their project. Several qualities of conservation include plant selection for water runoff control, higher residential density minimizes the impact on environment, high efficiency appliances, windows and air filtration, and reduction of construction waste. According to a recent article in *Planning*, a publication of the American Planning Institute, “low density development requires more driving and therefore produces more carbon dioxide;” higher density developments as proposed by Atlantic Realty are identified with energy conservation.

6-A.48

- (g) *Roof design and finishes.* While the buildings have been designed to avoid flat roofs, we think further review of the design of the retail building is necessary. The dome, metal roof and asphalt shingles may not be consistent with commercial architecture and materials in downtown La Grange, specifically, the quality of the La Grange Crossings development to the south side of the property.

WAIVERS REQUESTED

Atlantic Realty's Site Plan, as proposed, would require variations from the following zoning regulations:

(1) Height

In the C-3 General Service Commercial District in which the subject property is located, the maximum height is 45 ft. Atlantic Realty has proposed one corner of Building 'B' with a height of 71.67 feet. According to Paragraph 5-110F2 of the Zoning Code, Height Adjustments in Planned Developments, "*no adjustment pursuant to the maximum allowable height requirement shall increase the maximum allowable height to more than the greater of five stories or 70 feet in any commercial district.*" The proposed height exceeds the authorized limits of the Zoning Code for a Planned Development.

Changes in elevation of the apartment buildings make the project's appearance less imposing. In addition, Memorandum No. 2, prepared as part of the *Official Comprehensive Plan*, March 2004, identifies the YMCA property as a property with the potential for increased height.

While staff believes that an increase in height to five stories and not more than 70 ft. as allowed by the Zoning Code would be appropriate given the context of the area. We believe that a text amendment for 1.67 ft. is not necessary, and we recommend that Atlantic Realty make every effort to lower the proposed height of the building to 70 ft to remain consistent with our Zoning Code.

(2) Parking for Multiple Family Dwellings

The Zoning Code requires two spaces per dwelling unit for single family attached dwellings. Atlantic Realty proposes 37 row homes for a total of 74 required spaces ($37 \times 2 = 74$ spaces). The site plan indicates 74 interior spaces and 12 outdoor spaces for a total of 86 parking spaces. Parking for the row homes exceeds the requirements.

Commercial uses are required one space per 250 square feet of gross floor area. This project would be required 132 spaces ($33,000 \text{ s. f.} \div 250 = 132$). Atlantic

6-A.49

proposes 153 spaces, which exceeds the zoning requirements for retail trade. According to the traffic study submitted by the petitioner, the proposed spaces would meet the project parking demand. However, the study assumes that the retail uses will be small specialty stores. In their preliminary review, KLOA stated that the proposed amount of parking may not be adequate for larger uses such as a grocer, sit-down restaurant, or pharmacy. They cite an example that a supermarket would generate four times the amount of peak-hour vehicle trips as a specialty store. Our Zoning Code requires one parking space per 65 square feet of gross floor area for restaurants; the proposed parking would be far underserved for a sit-down restaurant.

According to Subparagraph 10-101F1 (a) "Required Spaces," Multiple Family Dwellings are required one and one-half (1.5) parking spaces for each dwelling unit. The proposed multiple family residential buildings will have 298 dwelling units for a total of 447 required parking spaces ($298 \times 1.5 = 447$ spaces). The site plan indicates 416 indoor parking spaces for the multiple family component, which is a ratio of 1.4 spaces per unit, which would not meet the requirements.

The total amount of parking spaces required for this project is 653. Parking on this site is proposed for a total of 655 spaces. Although the total parking spaces exceeds the required minimum, the allotted parking for the multiple family buildings does not meet the requirements. Therefore, a variation is required.

Subsection 14-506 D allows reduction in "*number of off-street parking spaces for any use in the C-3 district by no more than 25%*" or 1.125 spaces per unit. Atlantic Realty seeks to reduce the number of parking spaces to 1.4 spaces per unit. This variation falls within the authorized limits of the Zoning Code as a Planned Development.

According to the *Comprehensive Plan*, the Village should "consider reductions in required off-street parking standards for commercial and residential uses in areas within one-quarter mile of station areas." As background, parking ratios for similar developments are as follows: Beacon Place, developed in 2003 with 78 units has 1.525 parking spaces per unit and Spring Avenue Station, 410 W. Burlington, 2001 with 55 units, 1.42 spaces per unit.

The petitioner's proposal for reduction of residential parking would be consistent with the Plan. However, staff believes that the retail component of the development would be underserved in the event that a restaurant, supermarket, or other larger retail user locates at the subject property. This could be addressed by increasing the number of commercial parking spaces or adding restrictions on types of commercial users.

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(3) Setbacks from Street Right of Way

Paragraph 14-505B7(a), Setbacks from Street Rights-of-Way, "Every building in a Planned Development shall be set back from the right-of-way line of every street at least 25 feet plus one-half foot for every foot by which the building exceeds 25 feet in height; provided however that the Board of Trustees may modify this standard for a building in any commercial district so long as such building meets all bulk, yard and space standards applicable to such building pursuant to Section 5-110 of this code and not otherwise modified pursuant to Section 14-508 of this Code."

The required setback from the street right-of-way for the single story retail building is 35 ft: (25 ft. + [(40.17 ft. height – 25 ft) x 0.5 ft.] = 32.58). Atlantic proposes to locate the building 17 ft. from La Grange Road and 22 ft. from Cossitt Avenue. The proposed retail setback would be consistent with the existing street wall in downtown La Grange. Therefore, this proposal would meet the objectives of the Comprehensive Plan. In addition, the Zoning Code does not require setbacks within the commercial districts.

For the multiple family buildings, the required setback for Building 'A' is 39.59 ft and Building 'B' is required 47.50 ft. Proposed setbacks for the multiple family buildings are 30 ft. for Building 'A' and 49 ft. for Building 'B'. Building 'A' would not meet the minimum requirements; therefore a waiver would be necessary for Building 'A'. This variation falls within the authorized limits of the Zoning Code as a Planned Development.

(4) Building Spacing

The Planned Development Ordinance states that no part of any building shall be closer to any part of any other building than twelve feet plus one-half foot for each one foot by which either or both of such buildings exceed twenty-five feet in height.

Required spacing between Buildings 'A' and 'B' is 50 ft. [12'+0.5' x (71.67'-25) + (54.17' - 25) = 49.92 ft.] Atlantic proposes that these buildings will be 30 ft. apart. As noted later in the Text Amendment section of this report, Paragraph 14-505B (7) of the Zoning Code will need to be revised to authorize this waiver. In the past, the Village has not authorized variations from building spacing provisions. As you may recall, due to a building spacing issue, the Village asked the hospital to redesign the cantilever for its new inpatient care center and we are requiring that the hospital demolish an existing Professional Office Building. We believe that we should uphold this standard.

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(5) Lot Area Per Unit

The total lot area per unit required for multiple family uses in the C-3 district is 2,000 square feet or 154 units (309,468/2,000 =154). By Code, the Village is authorized to grant a waiver to reduce the minimum lot area requirements by no more than 50% or 1,000 sq. ft. per unit, which would allow 309 units on this property (309,358/1,000 = 309). The proposed mixed-use development would have a total of 335 units equal to 910 square feet per unit. This request would be consistent with lot area requirements of the R-8 Multiple Family Residential District.

As background, a similar level of density was granted to Rycon Development in 1993 at the development known as La Grange Plaza Condominiums to make 14 S. Ashland Avenue a viable development in the downtown area. In comparison, that public/private development had a lot area per unit of 936 square feet. Development of that moderate density can be partially credited with the increased interest in other redevelopment projects within the community. This density can result in a consistent population base immediately within the downtown corridor that has a greater propensity to patronize the businesses in the Central Business District and do so as pedestrians without generating vehicular trips.

The petitioner has provided evidence in the market study by Tracy Cross that multiple family rental housing is suitable at the subject property. The Comprehensive Plan recommends consideration of "*adjustments to minimum lot size requirements in the BNSF Corridor to better utilize properties to provide varied housing opportunities*. In addition, the Plan states that the Village should "*encourage higher housing densities within one quarter mile, or a five minute walk, of [Metra] station areas.*" The Market Assessments (February 2004) prepared by marketing consultant, Goodman Williams Group, in conjunction with the Comprehensive Plan states that, "*The Village has supported growth in downtown housing in the past. Demand will continue to grow for new homes in the central business district.*"

The proposed minimum lot area for this project would allow for additional transit-supportive development and increased housing options near downtown La Grange and within walking distance of the Metra station, and it is a reasonable assumption that downtown residents would support the adjacent retail, service and restaurant uses.

As noted later in the text amendment section of this report, the Zoning Code will need to be revised to authorize this waiver.

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VI. TEXT AMENDMENT

Atlantic Realty has filed an application with the Community Development Department for the following text amendments for those waivers that are not permitted by the authority of the Zoning Code:

1. Creation of a new defined term called "C-3 Mixed-Use Development." This definition, in effect, would apply only to the proposed project and would broadly encompass all of the zoning relief sought by the applicant.
2. An amendment to the planned development regulations to allow building spacing and setback standards for a "C-3 Mixed-Use Development" to be governed by the planned development final plan.
3. Create authority to reduce the minimum lot area standards for each dwelling unit in a planned development in the C-3 District to 910 square feet.

RECOMMENDATION

Staff has analyzed the applicant's proposed amendments and has the following comments:

1. It is the opinion of the Staff and the Village Attorney that the proposed definition of "C-3 Mixed-Use Development" is not necessary because most of the zoning relief requested by the applicant already is available under the authority applicable to planned developments. As for the relief sought by the applicant that is not currently authorized by the Zoning Code, more narrowly tailored amendments addressing that relief specifically would be more appropriate. For example, Section 5-110 of the Zoning Code, which governs bulk, yard, and space standards in the Commercial Districts, can be amended as appropriate (and only if necessary) to authorize the appropriate density of development, yards and setbacks, and building spacing as part of a planned development. In any event, if the Village decides to create a definition of "C-3 Mixed-Use Development," the language proposed by the applicant would have to be revised substantially; it is too broad as proposed.
2. The Zoning Code authorizes the Board of Trustees to modify most zoning regulations within a planned development, if certain basic standards are satisfied. In some instances, however, the Zoning Code prohibits modifications or the limits the extent to which a particular standard can be modified. The applicant's proposal to allow the planned development final plan to govern all elements of building spacing and setbacks is, again, too broad in our opinion. The Staff and Village Attorney believe it is a better approach to address these issues by making

6-A.53

adjustments as, and if, necessary to the bulk, yard, and space standards in Section 5-110.

3. The applicant's proposal to allow the planned development final plan to govern all elements of building spacing and setbacks is, again, too broad in our opinion. The Staff and Village Attorney believe it is a better approach to amend Paragraph 14-505B7 or Paragraph 14-508C2 of the Zoning Code, both of which regulate building spacing in planned developments, as necessary to authorize the project in whatever form it may be approved by the Board of Trustees.
4. It will be necessary to create authority in the Zoning Code to increase the density of residential development within a C-3 District planned development. Similar to the previous paragraph, though, the Staff and Village Attorney recommend that this authority be created in Section 5-110 rather than in the planned development chapter of the Zoning Code.
5. The amendments that actually will be necessary for the proposed redevelopment of the YMCA parcel depend, of course, on what development plan may be recommended by the Plan Commission and considered for approval by the Board of Trustees. Amendments such as those listed above likely will be necessary, but it is not a certainty yet. Other amendments also may be necessary (for example, an amendment addressing off-street parking standards). The Staff and Village Attorney will be advising the Plan Commission about necessary and appropriate amendments during the course of the public hearing and the Plan Commission's deliberations.

VII. DESIGN REVIEW

In any case where a Design Review Permit is required in conjunction with the issuance of a Planned Development, the application for design review 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.

STANDARDS AND CONSIDERATIONS FOR DESIGN REVIEW PERMIT.

In acting upon applications for Design Review Permits, the Plan Commission and the Board of Trustees shall consider and evaluate the propriety of issuing the Design Review Permit in terms of its effect on the purposes for which the Design Review District is designated. In addition, the Commission and the Board of Trustees shall be guided by the following standards and considerations:

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1. Visual Compatibility.

- (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.*
- (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.*
- (h) Roof Shapes. *The roof shape of a building shall be visually compatible with the buildings 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.*

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(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.

2. Quality and Design Site Development

(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 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.

The dome, metal roof and asphalt shingles may not be consistent with architecture and materials of commercial buildings in downtown La Grange. We believe that this should be given further consideration by the Plan Commission.

RECOMMENDATION

Given the magnitude of these applications, we would like to begin the public hearing process and begin to receive testimony from the applicant, as well as the public, while we continue our analysis -- most specifically the vehicular access to this site. As mentioned previously, we have a draft traffic study from KLOA that we are currently reviewing with all Village departments. We would like to present those findings with a separate staff report at your next meeting, as well as invite Eric Russell from KLOA to communicate to you his findings regarding the best ways to access this site. The Village's Consulting Engineer will provide a report at your meeting. Staff has not had an opportunity to view the findings of that report. Therefore, as the public hearing progresses staff and the Village Attorney will offer further guidance as to the appropriate conditions should you choose to recommend approval of this project.

6-A.56

VILLAGE OF LA GRANGE
Community Development Department

MEMORANDUM

TO: Plan Commissioners

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

DATE: January 22, 2008

RE: CONTINUATION OF PLAN COMMISSION CASE #186 - Planned Development Concept/Final Site Plan Approval to authorize a Mixed Retail, Multiple Family and Town home Development, Northeast Corner La Grange Rd and Ogden Ave, 31 E. Ogden Avenue, Atlantic Realty Partners, Inc.

As requested at your last meeting on January 8, 2008, the Applicant, Atlantic Realty Partners has made the following revisions to the plans:

- **Townhomes:** Changes to the plan include a further reduction from 32 to 26, which is a reduction of six fewer residences from the last meeting (19% reduction) and 11 fewer than the original proposal of 37 townhomes (30% reduction). The townhomes will be constructed on the eastern two thirds of the northern Park District parcel and will be configured so that an open space park can be built on the western third of the Park District parcel. This open space park will be adjacent to the LaGrange Tower condominium building. There will be approximately 160 feet of open space from the closest townhome to the back of the parking garage of LaGrange Tower (see attached site plan).
- **Density Reduction:** Atlantic has slightly reduced the number of apartments by 2 to 283 units. Combined with the reduction of the townhomes, the total number of residential units for this project is now 309 (a reduction of 26 units or 8% from the original submission). This quantity represents 1,000 square feet of land area per residential unit, which is now within our specific limitations for Planned Development reduction allowances.
- **Multiple family elevations:** Atlantic has added glazing and other details to the garage wall face on the east elevation of the multiple family buildings to bring a sense of "occupancy" at the grade level.
- **Height:** Atlantic has revised the top floors of the multiple family buildings into portions with 11 ft. high ceilings with taller windows and taller parapets and portions with 9' ft. ceilings with standard windows and standard parapets in order to vary the number of floors and provide undulations to the building height. Atlantic believes the resulting aesthetic achieves the desired architectural effects desired by the Commission.

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The Applicant will present the revised documents at your meeting. In order to construct the proposed mixed use project, Atlantic has submitted the following applications:

- Map Amendment to rezone a portion of the property from OS Open Space to the C-3 General Commercial District.
- Amendment to the Comprehensive Plan (Long Range Land Use Plan).
- Special Use permit.
- Planned Development (development concept plan and final plan) with relief from the zoning regulations.
- Site Plan.
- Design Review.

Please note that with the proposed revisions to the site plan, the Applicant no longer requires an amendment to the text of the Zoning Code. Staff outlined the standards for review of the applications in our last memorandum dated January 8, 2008. (If you have misplaced your copy of the memorandum, copies are available at the Community Development Department, 579-2320).

As proposed, Atlantic Realty would require the following zoning variations:

<i>Standard</i>	<i>Required</i>	<i>Originally Proposed</i>	<i>Revised Application</i>
Height	3 stories, maximum 45 ft. With PUD, may be increased up to 5 stories or 70 ft.	5 stories Height: 71 ft.	5 stories Height: 70 ft.
Setbacks from Street Right-of-Way	Building C: minimum: 42.34 ft. Building D: minimum: 46.42 ft. Building E: minimum 32.50 ft.	Building C: 30 ft. Building D: 49 ft Building E: No change	Building C: 35ft. from Ogden Building D: 46.42 ft from Ogden Building E: 17 ft from LaGrange 22 ft. from Ogden
Parking Spaces	<i>Multiple Family Dwellings:</i> 1.5 spaces per unit Minimum: 428 spaces With PUD, may reduce to 25%: minimum 1.125 spaces per dwelling unit (321 spaces)	<i>Multiple Family:</i> 1.4 spaces per unit Minimum: 401 spaces	No Change
Parking Circulation Aisles	90° parking: One-way aisle: mini 14 ft. width; Two-way: 24 ft. min. width	No circulation aisles for two rows within the underground parking proposed for multiple family component	No Change

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<i>Standard</i>	<i>Required</i>	<i>Originally Proposed</i>	<i>Revised Application</i>
<i>Lot Area per Unit</i>	Minimum: 2,000 sq. ft./unit Permitted: 154 units With PUD, units may be clustered with sufficient common open space (50% is max. reduction) Minimum: 1,000 sq. ft./unit Maximum: 309 units	910 sq. ft./unit 335 units	1,000 sq. ft./unit 309 units

Should the Plan Commission find that the standards have been adequately addressed for the relief being sought by the Applicant; staff recommends that each of the action items be voted upon as separate motions by the Plan Commission. Staff also believes that conditions of approval are warranted in this case; we have prepared several for your consideration as part of the Development Concept/Final Site Plan approval. Additional conditions may also be desired by the Commission. The Plan Commission should vote on the elements of the application in the following order:

- 1) (a) **Zoning Map amendment to rezone portions of the subject property, including 2.82 acres, which is currently part of Gordon Park, and four parcels previously utilized by the YMCA, from its current classification of OS Open Space District to the C-3 General Service Commercial District; and**
 (b) **Amendment to Figure 2, Long Range Land Use Plan of the Official Comprehensive Plan to identify the subject property as medium density residential and high density residential.**
- 2) **Design Review Permit as submitted with Plan Commission Case #186.**
- 3) **Site Plans and elevations, as submitted for Plan Commission meeting, dated January 22, 2008**
- 4) **Special Use Permit/Planned Development including Development Concept Plan and Final Plan with conditions.**

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Village of La Grange



**PUBLIC HEARING
AND
VILLAGE BOARD MEETING**

MONDAY, APRIL 14, 2008

7:30 p.m.

Book 3 of 3

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
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
Angela M. Mesaros, Assistant Community Development Director

DATE: April 14, 2008

RE: **ORDINANCE - PLANNED DEVELOPMENT CONCEPT/FINAL SITE PLAN
APPROVAL TO AUTHORIZE A TOWN HOME DEVELOPMENT, 47 South
Sixth Avenue, 6th Avenue Development Group, LLC.**

Sixth Avenue Development Group is the contract purchaser of the property at 47 South Sixth Avenue and proposes to redevelop the property with eighteen (18) town homes. The subject property is zoned R-8 multiple family residential and is currently occupied by a 60 year old office building and parking lot. The building has been mostly vacant since the offices of the West Suburban Chamber of Commerce relocated in February 2007. Under this zoning classification, the property is permitted up to twenty-five (25) dwelling units at this location.

While recognizing the predominately single-family character of the Village, the *Comprehensive Plan* (adopted in May, 2005) identifies several areas of our community appropriate for multiple family developments in order to meet the first goal of the land use section of the Plan: to provide “*diverse housing options for Village residents.*” According to the *Comprehensive Plan*, the subject property is recommended as *Medium Density Residential*, defined as “*low-rise condominium or town home format, which generally require 2,000 sq. ft. of lot area per dwelling unit.*” This proposal for town homes would be consistent with the recommendations of the Plan.

As proposed, the development requires zoning relief from several provisions of the Code, including height, required yards, building coverage and lot coverage. Subject to the standards and limitations established in the Zoning Code, the Village Board has the authority, in connection with the granting of any Planned Development approval to alter, vary or waive provisions of this Code as they apply to an approved Planned Development.

The Planned Development is a distinct category of Special Use “*intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments... in recognition of the fact that traditional use, bulk, space and yard regulations... may impose inappropriate pre-regulations and rigidities upon the development or redevelopment* (Section 14-502, Zoning Code).”

6-B

The development concept has undergone a series of revisions over the past year. As provided in our Zoning Code, 6th Avenue Development Group participated in several pre-application meetings from April through August 2007 for Heritage Square, with Village management, Department Head staff, Plan Commissioners, Village Planner and Village Engineer. These meetings resulted in revisions to the elevations and site plans.

In September 2007, Sixth Avenue Development Group submitted applications for Special Use/Planned Development (development concept and final plan) and Site Plan Approval.

A Plan Commission public hearing was held on the applications beginning on December 11, 2007 and continued for one additional evening on January 22, 2008. At the public hearing, the applicant, working collaboratively with the Commissioners, provided the following revisions to the plans:

- Re-oriented buildings to decrease the bulk and mass along the eastern side;
- Shifted buildings away from the eastern property line from five feet to 11.5 feet setback, which more than doubled the space, but still requires zoning relief from the requirement of 16.4 feet;
- Revised elevations along Harris and Sixth Avenue;
- Shifted the proposed garage entrance from Harris to two garage entrances on Sixth Avenue.
- Slightly reduced building and lot coverage; and
- Increased setback on the south side from 10 ft. to 11.75 ft. (which still requires zoning relief).

With the revisions, relief is necessary from the following zoning requirements; the requested waivers fall within the authorized limits of the Zoning Code for a Planned Development:

	Required	Proposed
Height - Number of stories	Maximum 3 stories	3.5 stories
Required Yards	Minimum:	
<i>Front (Harris Avenue)</i>	25 ft	14.83 ft.
<i>Corner Side (Sixth Avenue)</i>	17 ft	14.91 ft.
<i>Interior Side (East)</i>	17 ft	11.42 ft.
<i>Rear (South)</i>	42 ft.	11.75 ft.
Building Coverage	Maximum 40% (13,050 square feet)	49% (16,054 square ft.)
Lot Coverage	Maximum 60% (19,575 square ft.)	70% (22,590 square ft.)

6-B.1

Key features of the Final Site Plan and information discussed by the Plan Commission at the public hearings are as follows:

- Façade Revisions – Initially, one of the areas of greatest concern to staff and Commissioners was the “fortress-like” appearance of the elevations along Sixth and Harris Avenue. Staff and Commissioners struggled with the design of the building façades and the challenge of integrating this project into the surrounding neighborhood. As a result, the developer has made improvements to provide entrances to several of the housing units from street-level, redesigned the staircases leading up to the courtyard, added landscaping, and simplified the architectural style. Although the developer has made significant improvements to the façade design, staff is still concerned with the orientation of the building and integration into the community.
- East Side Yard – Another concern of staff, Commissioners and citizens at the public hearings was that the originally proposed four-story, 41.5 ft. high, approximately 188 ft. long wall of the building was located only five (5) feet from the property line of the single family houses to the east. This wall could dominate the rear yards of the residences. In response, the developer revised the plans by increasing the yard by more than twice as much open space from 5 ft. to 11.42 ft and repositioning the buildings to break up the eastern wall of the buildings into three separate buildings with open space in between to allow the passage of air and light to the neighbors to the east. Several Commissioners felt that the revisions to the site plan did not provide an adequate open space buffer for the adjacent properties to the east.
- Density – Sixth Avenue Development Group proposes to construct 18 units with 1,800 square feet of lot area per unit. The proposal is seven (7) units fewer than they are permitted by Code (maximum 25 units) and less dense than projects in the past. For comparison, some densities of recent multiple family developments in the R-8 district are as follows:
 - Village Bluffs, 400 E. Elm (PUD Approval, 2006): 1,370 square feet lot area per unit;
 - Beacon Place, 1 N. Beacon (2003): 1,050 square feet /unit;
 - Spring Avenue Station, 410 W. Burlington (2001): 1,072 square feet /unit;
 - Kensington Station, 15 N. Spring Avenue (1996): 2,200 square ft./unit; and
 - La Grange Plaza, 14 S. Ashland (1993): 940 square feet /unit.

It is worth noting that, if developed “as of right” in the R-8 district with no relief from the Zoning Code, this property could be improved with a three (3) story, twenty-five unit apartment or condominium building with larger setbacks from all property lines. An example of this type of development is the multiple family building to the south at 75 South Sixth Avenue.

6-B.2

At the Plan Commission hearing on January 22, 2008, a motion to recommend *Denial* of the Planned Development *Failed*. A second motion was made by Commissioner Weyrauch and seconded by Commissioner Reich that the Plan Commission recommend to the Village Board approval of the application for Planned Development and Development Concept/Final Site Plan Approval.

As a condition of approval, Commissioner Reich recommended that the site plan be revised to move the buildings five (5) feet further to the west in order to provide a larger open space buffer to the single family houses to the east. This condition would create a non-conforming setback from Sixth Avenue, which would require a text amendment to the Zoning Code to authorize the reduction of setbacks from street rights-of-way for Planned Developments.

A synopsis of additional conditions recommended is as follows:

- As part of the public contribution requirement to obtain relief under a Planned Development, the Applicant contribute to future open space and any other appropriate area public improvements to be determined by the Village Manager. Staff suggested an amount up to \$50,000. The Applicant has agreed to pay this amount.
- Submit all lighting plans, photometrics, and choice of fixtures; material samples including manufacturer and product name or number for all materials; final screening and landscaping details; final grading and site engineering; and construction staging plan for the project prior to the issuance of a building permit.
- Utility burial plan shall be approved by the Village prior to issuance of any building permits and the Applicant shall bury all on site utility lines underground.

The motion for *Approval* of the Planned Development *Carried*, with the following vote:

AYE: Reich, Holder, Weyrauch and Chairman Randolph.
NAY: Kardatzke and Williams.
ABSTAIN: Tyrrell.
ABSENT: None.

Commissioner Williams stated that he would not support the recommendation to move the town homes closer to Sixth Avenue, because he felt that the building would not blend in properly with the neighborhood. Commissioner Kardatzke, also recommending denial, stated that he is still not comfortable with the bulk so close to the single family properties to the east. He felt that this proposal appeared to be too much building on too small of a footprint. Commissioner Tyrrell stated that he had not attended enough of the meetings and therefore would abstain from the vote.

6-B.3

Staff recommends that the project be considered as proposed by the developer. Based on our examination of the surrounding properties, we believe that the recommendation to move the property five (5) feet to the west would not be consistent with the neighborhood. Properties directly to the south are setback at least 25 feet from Sixth Avenue (see attached land use map.) We feel that moving the building would provide only minimal benefit to the properties to the east. While an amendment to the Planned Development standards of the Zoning Code for one development could potentially have negative impacts on future projects.

Village Attorney, Mark Burkland has prepared the attached ordinance for your consideration, granting: (1) Special Use Permit, (2) Planned Development (development concept plan and final plan) with relief from certain zoning regulations and (3) Site Plan Approval for the development as proposed by the developer at the January 22nd Plan Commission meeting.

Representatives of 6th Avenue Development Group will be in attendance at the meeting to answer any questions you may have regarding their applications.

6-B.4

VILLAGE OF LA GRANGE

ORDINANCE NO. O-08-_____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT, SITE PLANS,
AND PLANNED DEVELOPMENT CONCEPT AND FINAL PLANS
FOR A TOWNHOUSE PROJECT AT 47 SOUTH SIXTH AVENUE

WHEREAS, the 6th Avenue Development Group, LLC (the "Applicant") owns the property commonly known as 47 South Sixth Avenue in the Village of La Grange (the "Subject Property"), which is depicted and legally described on Exhibit A attached to and made a part of this Ordinance by this reference; and

WHEREAS, the Subject Property is classified in the R-8 Multiple Family Residential District of the La Grange Zoning Code; and

WHEREAS, the Applicant proposes to raze the existing building on the Subject Property and build 18 townhouses in three (3) buildings, with related parking and other facilities (the "Project"); and

WHEREAS, the Applicant filed applications (the "Applications") with the Village seeking a (i) approval of a special use permit authorizing a planned development, (ii) approval of a site plan, and (iii) approval of planned development concept and final plans, including modifications of certain regulations in the Zoning Code to accommodate the development of the Project on the Subject Property; and

WHEREAS, the La Grange Plan Commission conducted a public hearing to consider the Applications on December 11, 2007, and January 22, 2008, pursuant to notice thereof properly published in the Suburban Life; and

WHEREAS, during the course of the public hearing, the Applicant revised its plans for the Project in response to suggestions from members of the Plan Commission and the public; and

WHEREAS, the Plan Commission, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the relief requested by the Applicant for the Project subject to certain conditions, all as set forth in the Plan Commission's Findings for PC Case #187 dated January 22, 2008; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that the plans for the Project satisfy the standards established in Sections 14-401, 14-402, and 14-501 through 14-508 of the Zoning Code governing

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special use permits, site plans, and planned developments, subject to the conditions set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, County of Cook 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 And Planned Development. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Sections 14-401 and 14-501 through 14-508 of the Zoning Code, hereby approves a special use permit authorizing a planned development in the R-8 District and approves planned development concept plans and final plans prepared by Michael Buss Architects, LTD. and having a last revision date of January 15, 2008, in the form attached to and by this reference incorporated into this Ordinance as part of Exhibit B (the "Approved Development Plans"). The approvals granted in this Section 2 are subject to the conditions stated in Section 5 of this Ordinance.

Section 3. Approval Of Site Plans. 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 Project in the form attached to this Ordinance as part of Exhibit B (the "Approved Site Plan"), subject to the conditions stated in Section 5 of this Ordinance.

Section 4. Modifications Of Certain Regulations. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 14-508 of the Zoning Code, hereby approves the following modifications to the regulations of the Zoning Code, subject to the conditions set forth in Section 5 of this Ordinance:

- A. Maximum Height. The maximum height for the approved buildings is 3.5 stories and 41.5 feet.
- B. Minimum Yards. The required minimum yards are as follows:
 - (i) Front Yard: Not less than 14.8 feet from the Harris Avenue right of way.
 - (ii) Corner Side Yard: Not less than 14.9 feet from the Sixth Avenue right of way.
 - (iii) Interior Side Yard: Not less than 11.4 feet from the east property line of the Subject Property.

(iv) Rear Yard: Not less than 11.75 feet from the south property line of the Subject Property.

- C. Maximum Building Coverage. The maximum building coverage for the entire Subject Property is 49 percent (which, based on a calculation of 33,625 square feet as the area of the Subject Property, allows a maximum building coverage of 16,054 square feet). This standard is subject to minor technical adjustment, with the prior express written approval of the Village Manager, based on final field calculations, but not such adjustment may increase the building coverage to an area greater than 16,154 square feet.
- D. Maximum Total Lot Coverage. The maximum total lot coverage for the entire Subject Property is 70 percent (which, based on a calculation of 32,625 square feet as the area of the Subject Property, allows a maximum total lot coverage of 22,591 square feet). This standard is subject to minor technical adjustment, with the prior express written approval of the Village Manager, based on final field calculations, but not such adjustment may increase the total lot coverage to an area greater than 22,791 square feet.

Section 5. Conditions On Approvals. The approvals of the special use permit, the Approved Development Plans, the Approved Site Plan, and the modifications granted in Sections 2, 3, and 4 of this Ordinance are granted expressly subject to all the following conditions:

- A. Lighting Plans, Elements. Prior to issuance of the first building permit for the Project, the Applicant must prepare and file with the Village, for review and approval by the Village's Director of Community Development, comprehensive light plans and elements including among other things photometric calculations, choices of all lighting fixtures and standards throughout the Project, and for the parking lot entry along Sixth Avenue. All plans and elements must comply with applicable standards in the Village's Code of Ordinances.
- B. Construction Staging Plan. Prior to issuance of the first building permit for the Project, the Applicant must prepare and file with the Village, for review and approval by the Director of Community Development, a construction staging plan for the Project, including among other things delivery routes, construction parking, and street cleaning. The Director of Community Development will have the authority to establish elements of the construction staging plan as reasonably necessary to protect the public safety and welfare.
- C. Grading, Engineering Plans. Prior to issuance of the first building permit for the Project, the Applicant must prepare and file with the

Village, for review and approval by the Village Engineer, final grading and engineering plans for the Project. The engineering plans must include, among all other things, a plan for burial of all on-site utilities. All electrical, cable, telecommunications, and other utilities for the Project must be located underground.

- D. Landscaping And Screening Plans. Prior to issuance of the first building permit for the Project, the Applicant must prepare and file with the Village, for review and approval by the Director of Community Development, detailed landscaping and screening plans, including among other things a tree survey and plans for protection and preservation of significant trees within the Subject Property.
- E. Limitation On Hours For Construction Activities. Construction activities that generate outdoor noise of any kind are restricted to the following hours only: Monday through Friday 7:00 a.m. to 7:00 p.m.; Saturday 8:00 a.m. to 6:00 p.m.; and Sunday 12:00 p.m. to 5:00 p.m.
- F. Contribution To Open Space And Other Amenities. Prior to issuance of the first building permit for the Project, the Applicant must contribute \$50,000 to the Village, which money will be allocated for open space acquisition or other public improvements in the area of the Subject Property, as determined by the Village Manager.
- G. 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.
- H. 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.

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

6-B.9

Section 7. 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.

ADOPTED this ____ day of _____ 2008.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2008.

Elizabeth Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

6-B.10

EXHIBIT A

DEPICTION AND LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lots 26, 27, 28, and 29 in Block 4 in Leiter's Addition to La Grange in the Northeast $\frac{1}{4}$ of Section 4, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 47 South Sixth Avenue, La Grange, Illinois.

6-B.11

EXHIBIT B

APPROVED DEVELOPMENT PLANS

6-B.12

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6TH AVENUE ELEVATION



HARRIS AVENUE ELEVATION

THESE ELEVATIONS ARE AN ARTIST'S RENDERING. FINAL ELEVATIONS MAY VARY PENDING FINAL ARCHITECTURAL & LANDSCAPE PLANS.

PLANT MATERIAL DEPICTED ON THESE ELEVATIONS REPRESENT APPROXIMATE SIZE 8-10 YEARS FOLLOWING INSTALLATION GROWING CONDITIONS, MAINTENANCE, ANNUAL WEATHER VARIANCES, ETC. CAN ALL PLAY A PART IN PLANT GROWTH.

REVISIONS

1	Per LaGrange Review	12-06-07
2	Per Site Plan Revisions	4-09-08

HERITAGE SQUARE

LAGRANGE, ILLINOIS

PREPARED FOR:
BURZAK INVESTMENT GROUP, INC.
 3750 GRAND BOULEVARD
 BROOKFIELD, IL 60513

Ives/Ryan Group, Inc.

Land Planning
 Landscape Architecture
 Golf Course Architecture

1801-A North Mill Street
 Naperville, IL 60563
 Phone: (630) 717-0726
 Fax: (630) 717-0875
www.ivesryangroup.com

PRELIMINARY ELEVATIONS

PROJECT NO.: JOB NO.:
 L6807 7816A

DATE: 8-17-07
 SCALE: NTS
 PLANTER: RP
 DRAWN BY: RP
 CHECKED: _____

SHEET
 EL-1

6-B.13

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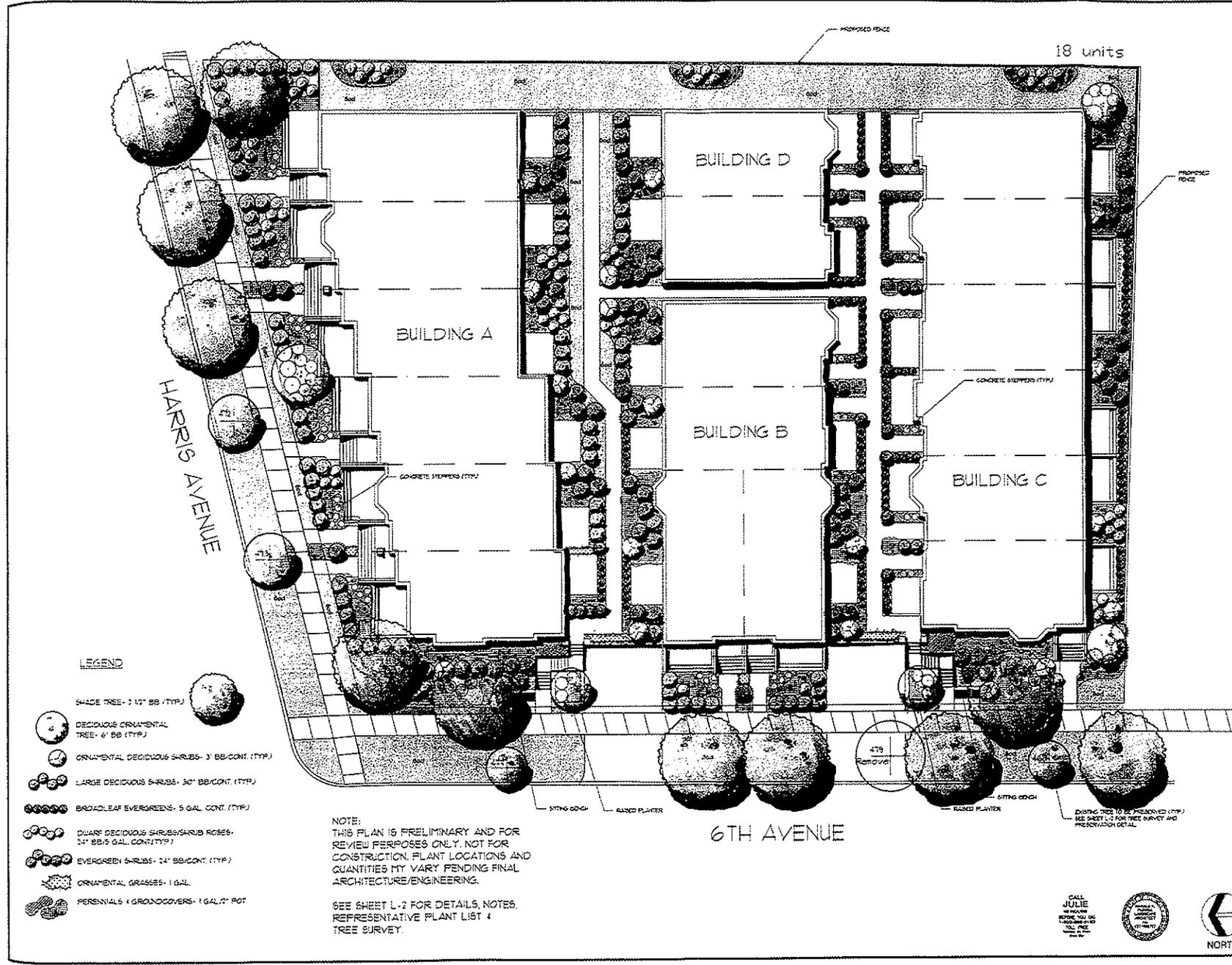
REVISIONS	
1. Per LaGrange Review	10-05-07
2. Per Site Plan Revisions	4-09-08

HERITAGE SQUARE
 LaGRANGE, ILLINOIS

PREPARED FOR:
BURZAK INVESTMENT GROUP, INC.
 3750 GRAND BOULEVARD
 BROOKFIELD, IL 60513

Ives/Ryan Group, Inc.
 Land Planning
 Landscape Architecture
 Golf Course Architecture
 1801-A North Mill Street
 Naperville, IL 60563
 Phone: (630) 717-0726
 Fax: (630) 717-0075
 E-Mail: ivesryan@aol.com

PRELIMINARY LANDSCAPE PLAN	
PROJECT NO.:	JOB NO.:
L6907	7816A
DATE: 8-10-07	SHEET
SCALE: 1"=10'	L-1
PLANNER: RP	of 2
DRAWN BY: EP	
CHECKED:	



LEGEND

- SHADE TREE - 2 1/2" DB (TYP)
- DECIDUOUS ORNAMENTAL TREE - 6" DB (TYP)
- ORNAMENTAL DECIDUOUS SHRUBS - 3" DB/CONT. (TYP)
- LARGE DECIDUOUS SHRUBS - 30" DB/CONT. (TYP)
- BROADLEAF EVERGREENS - 5 GAL. CONT. (TYP)
- DWARF DECIDUOUS SHRUBS/SHRUB ROSES - 24" DB/5 GAL. CONT. (TYP)
- EVERGREEN SHRUBS - 24" DB/CONT. (TYP)
- ORNAMENTAL GRASSES - 1 GAL.
- PERENNIALS & GROUNDCOVERS - 1 GAL./2" POT

NOTE:
 THIS PLAN IS PRELIMINARY AND FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION. PLANT LOCATIONS AND QUANTITIES MAY VARY PENDING FINAL ARCHITECTURE/ENGINEERING.

SEE SHEET L-2 FOR DETAILS, NOTES, REPRESENTATIVE PLANT LIST & TREE SURVEY.

6-B.14

FINDINGS OF FACT

PLAN COMMISSION OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

January 22, 2008

**RE: PLAN COMMISSION CASE #187 – PLANNED DEVELOPMENT CONCEPT/FINAL
SITE PLAN APPROVAL TO AUTHORIZE A TOWN HOME DEVELOPMENT, 47
South Sixth Avenue, 6th Avenue Development Group, LLC.**

The Plan Commission transmits for your consideration its recommendations for the proposed planned development, site plan approval at the corner of 6th and Harris.

I. THE APPLICATION:

Burzak Development Group seeks special use permit, planned development concept and final plan, and site plan approval in order to construct a town home development within the R-8 Multiple Family Residential District at the property at 47 S. 6th Avenue.

II. THE PUBLIC HEARING:

After due notice, in accordance with law, the Plan Commission held a public hearing on December 11, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Kardatzke, Reich, Holder, Weyrauch and Williams, with Chairman Randolph presiding. Also present were Community Development Director, Patrick D. Benjamin; and Assistant Community Development Director, Angela M. Mesaros.

Chairman Randolph swore in David Hrizak, President, Burzak Investment and 6th Avenue Development Group; Michael Busse, Architect; John Hoefflerle, Civil Engineer; Marko Tiecha, Vice-President of Burzak Investment and Carol and Eric Peck, current owners of the property at 47 South 6th Avenue, who presented the application:

- The presentation included introduction of the development team, description of proposed exterior materials, zoning requirements, preliminary engineering and parking lot drainage and comprehensive plan standards.
- The proposed development includes eighteen town homes that will replace a sixty year old office building immediately adjacent to the Burlington Northern Santa Fe (BNSF) Corridor defined in the Comprehensive Plan. The project would be 28% below the allowable density (up to 25 units). The surrounding area includes a public parking structure and public parking lot, single family and multiple family residences.

6-13-15

- The town homes would create a buffer between nearby homes and the Central Commercial District. The architecture is a historical reference to the community.
- The project will consist of eighteen (18) attached single family residences with individual garages. The average size will be 2,750 square feet with three bedrooms and options for two bedrooms, if market demands. Each unit has its own elevator and its own patio in the courtyard. The proposal includes a green roof above the garage, a pedestrian entry at grade level on 6th Avenue. In addition, they have designed stairs that lead up to the houses for the context of the historic raised porches. The height is similar to the four story building located across the corner on Harris, northwest of the site.
- Zoning relief would include interior side yard, rear yard and the building coverage and lot coverage.

Chairman Randolph solicited questions from the Commissioners:

- Commissioner Holder asked about the height of the building to the south. Answer: Three and a half stories, similar in height to the proposed development.
- Commissioner Reich stated that the building appears to cast a shadow on the neighbors' houses to the east. Mr. Hrizak commented that the shadows would not reach the houses. Commissioner Reich stated that they would reach the back yards. Commissioner Kardatzke also expressed concern about the shadow cast on the single family properties. Mr. Hrizak stated that it is not possible to move the buildings any closer together due to the need for circulation in the garage.
- Commissioner Weyrauch asked the distance to the rear property line to the east. Answer: Approximately ten feet.
- Commissioner Reich asked if they had considered moving the parking further underground. Mr. Hrizak stated that they are limited by the distance and required slope.
- Commissioner Holder asked about the sunken patios to the east and how tall the fence would be. Answer: The fence height is approximately six feet and the patios would be directly in line with the fence.
- Commissioner Weyrauch stated that she likes the elevations. She attended the pre-application meetings and feels that the applicant has made progress. Commissioner Holder agreed with Commissioner Weyrauch's comment and stated that the architecture is complimentary to La Grange. However, he did not feel the east elevations would be in character with the neighborhood.

6-B-16

- Commissioner Holder asked about the classification in the Comprehensive Plan. Answer: Medium density multiple family residential.
- Chairman Randolph asked about the height of the building. Mr. Hrizak stated that the fourth floor is built into the roof so technically, by definition; the height would be three and a half stories and not four stories.
- Commissioner Reich stated that he has some concerns: the east elevation imposes on the single family properties directly to the east. Mr. Hrizak stated that the proposed height is under the 45-foot maximum established in the Code.
- Commissioner Weyrauch asked about the absolute maximum allowable height for single family homes. Answer: Thirty-eight feet.
- Chairman Randolph asked how often cash has been offered in lieu of amenities for Planned Developments in the past ten years. Answer: La Grange Pointe had a similar situation in which there was no space to provide on-site open space. Therefore, the developer made a monetary contribution to create the plaza south of the Village Hall. In the future, the Village may have opportunities to carve out park land with development of the public parking lot directly to the north of the project (Lot 2).

Chairman Randolph solicited questions and comments from the audience:

- Lisa Galka, 69 S. 7th, asked to see the elevations of the back of the building. She stated that she is concerned with the proposed five foot setback. The project may have an opposing feeling on the east side closest to the single family residential.

Chairman Randolph solicited comments from the Commissioners:

- Commissioner Kardatzke stated that he feels the project is too tall, too big and too close to the single family residences to the east. Commissioner Williams stated his agreement and asked if they could take one unit off the back of each building. Answer: Initially, the project had twenty-one or twenty-two units. The applicant does not feel that losing another unit would be possible.
- Commissioner Holder stated that he has a concern with the tightness from corner to corner and the bulk of the building.
- Chairman Randolph stated that he feels it is nicely developed, upscale development, however, he feels it is too large and that lot coverage has been contentious in La Grange

6-13-17

for a number of years. Chairman Randolph asked if they could reduce the lot coverage, which would in turn help the setback and the shadow lines to the east.

- Commissioner Weyrauch agreed that the east elevation may be problematic and asked if they could take three units in the back and shift them in order to break up the wall.

After a five minute recess, the applicant requested that the hearing be continued. There being no further questions or comments from the audience or the Commissioners, Chairman Randolph suggested that the hearing recess for further discussion. A motion to recess until Tuesday, January 22, 2008, at 7:30 p.m. was made by Commissioner Reich and seconded by Commissioner Kardatzke. The Plan Commission recessed at 8:55 p.m.

On January 22, 2008 at 7:30 p.m. the Plan Commission reconvened the hearing in the La Grange Village Hall. Present were Commissioners Tyrrell, Kardatzke, Reich, Holder, Weyrauch and Williams with Chairman Randolph presiding. Also present was Village Trustee James Palermo, Community Development Director Patrick Benjamin, Assistant Community Development Director Angela Mesaros, and Andrew Fiske, Village Attorney.

Chairman Randolph called the meeting to order. Mr. Hrizak presented the revisions to the site plan:

- Revised the plan to decrease bulk and mass along the eastern side
- Shifted buildings away from the eastern property line from five feet to 11.5 feet setback, which more than doubles the space, but still requires zoning relief from the requirement of 16.4 feet.
- Redesigned elevations along Harris and Sixth Avenue: Removed garage from Harris and added two garage entrances on Sixth Avenue.
- Reduced building coverage from 50% to 49%, and
- Increased setback on the south side to 11.75 ft.

Chairman Randolph solicited questions from the Commissioners:

- Commissioner Holder asked about the connection between the two buildings in the middle. Answer: They are connected by a breezeway, so that people can walk from one building to another.
- Commissioner Kardatzke asked about the distance between the buildings. Answer: Minimum allowed is 24ft; proposed is 40ft.
- Commissioner Holder asked about the height of the Village's parking garage. Answer: 27.5 ft. Mr. Hrizak stated that the apartment building on the corner to the northwest is 41 feet to the top. The building directly to the south is 33.5 ft. tall.

6-B.18

- Chairman Randolph asked if the patios in the front would have a retaining wall. Answer: Yes. Mr. Hrizak stated that the patios would be setback eight feet from the sidewalk.

Chairman Randolph solicited questions and comments from the audience:

- Alan Foreman, 56 S. 7th Avenue, neighbor to the east, stated that he is concerned with the proximity to the east property line and the height.

III. FINDINGS AND RECOMMENDATIONS

- Commissioner Kardatzke stated that he would not support this project, because of the bulk near the five single family yards to the east. This is too much building on too small of a footprint.
- Commissioner Reich stated that he would like to see the project moved five feet to the west. Mr. Hrizak stated that this would require a text amendment to the Zoning Code.
- Commissioner Weyrauch stated that she likes the reorientation better; passage of light and air to the neighbors is much better.
- Chairman Randolph stated that his primary concern is bulk; he had hoped to see a reduction of the net foot print more substantial than one percent.
- Commissioner Tyrrell stated that he'd like to see the project moved closer to Sixth Avenue, but it's still too much bulk.
- Commissioner Williams stated that he is not in favor of moving the town homes closer to Sixth Avenue; it would not blend in properly with the neighborhood. However, he would be in favor of moving it further from the east and south.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Kardatzke and seconded by Commissioner Williams that the Plan Commission recommend to the Village Board of Trustees denial of the application for a Planned Development with PC #187.

Motion Failed by a roll call vote:

AYE: Kardatzke and Williams.
NAY: Reich, Holder, Weyrauch and Chairman Randolph.
ABSTAIN: Tyrrell.
ABSENT: None.

6-B-19

There being no further questions or comments from the audience or the Commissioners, a second motion was made by Commissioner Weyrauch and seconded by Commissioner Reich that the Plan Commission recommend to the Village Board of Trustees approval of the application for Planned Development and Development Concept/Final Site Plan Approval, with PC Case #187 with the following conditions:

1. All lighting plans and elements, including photometrics, choice of fixtures and standards for the building and parking lot entry along Harris Avenue be submitted by the Applicant for compliance with the Code, prior to issuance of a building permit.
2. As part of the public contribution requirement to obtain relief under a Planned Development, the Applicant provide the following:
 - Monetary contribution (amount to be negotiated with Village staff prior to submission to the Village Board for approval with maximum limit of \$50,000) to contribute to future open space and any other appropriate area public improvements to be determined by the Village Manager.
3. Prior to issuance of a building permit, the Applicant shall prepare and file with the Village, for review and approval, a construction staging plan including delivery routes, construction parking, and street clean-up. Construction activities generating outdoor noise of any kind shall be permitted within the Village only during the following hours: Monday through Friday: 7:00 a.m. to 7:00 p.m.; Saturday: 8:00 a.m. to 6:00 p.m.; and Sunday: 12:00 p.m. to 5:00 p.m.
4. Final Grading and Site Engineering shall be approved by the Village prior to the issuance of any building permits.
5. Utility burial plan shall be approved by the Village prior to issuance of any building permits and the Applicant shall bury all on site utility lines underground.
6. Final landscaping details, including tree preservation, shall be submitted with the application for building permit approval.
7. Final building material samples shall be identified prior to Village Board approval.
8. The site plan be revised to move the buildings five feet to the west. If the Village Board agrees to this condition, a text amendment to the Zoning Code to authorize the reduction of the setback from street rights-of-way would be required.

6-B-20

Motion carried by a roll call vote:

AYE: Reich, Holder, Weyrauch and Chairman Randolph.
NAY: Kardatzke and Williams.
ABSTAIN: Tyrrell.
ABSENT: None.

BE IT THEREFORE RESOLVED that the Plan Commission recommend to the Village Board of Trustees granting a Special Use/Planned Development and Development Concept/Final Site Plan Approval for the property legally described in Plan Commission Case #187 and commonly referred to as 47 S. Sixth Avenue.

Respectfully Submitted

PLAN COMMISSION OF THE
VILLAGE OF LA GRANGE



Stephen Randolph, Chairman

6-13-21

VILLAGE OF LA GRANGE
Community Development Department

MEMORANDUM

TO: Plan Commissioners

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

DATE: January 22, 2008

RE: CONTINUATION OF PLAN COMMISSION CASE #187 - PLANNED DEVELOPMENT CONCEPT/FINAL SITE PLAN APPROVAL TO AUTHORIZE A TOWN HOME DEVELOPMENT, 47 South Sixth Avenue, Burzak Investment Group, Inc.

Since your last meeting, Burzak Development has met with staff in order to respond to the comments raised by the Commissioners at your last meeting on December 11, 2007. Attached are revised site plans and elevations, which include the following revisions:

- **Reduction of mass of the eastern elevation of the development:** Burzak Investment has changed the positioning of the buildings on the property. Therefore, the eastern side of the development is no longer a mass of nine units closest to the single family district. There are now three units that abut the eastern edge of the property with no patios on the eastern side.
- **East side yard:** Previously, the development proposed a five foot setback from the single family district. This has been changed to 11.42 feet. The required side yard is 16 feet. This yard will still require relief from zoning regulations as allowed with a Planned Development, however, the amount of relief has been reduced by 6.42 feet.
- **Facade Revisions:** The Applicant has removed the garage door entrance from Harris Avenue. In its place two curb cuts and vehicle entrances are located along 6th Avenue. This revision was necessary to rearrange the buildings as requested by the Commissioners in order to reduce the massing on the east side of the development.
- **Building coverage:** In the re-positioning of the buildings, the Applicant has reduced the overall building coverage from 50% to 49%.
- **Rear yard:** As originally proposed, the required yard along the south property line was ten feet. The requirement for this property is forty-two feet. With the new building configuration, the rear yard has been slightly increased to 11.75 feet.

The Applicant will present the documents and the public will have an opportunity to comment on the application at your meeting.

6-B.22

The project as currently designed will require relief by Planned Development from the following areas:

1. Building Height (Number of stories)
2. Required Yards (Front, Corner Side, Interior Side and Rear Yards)
3. Building Coverage
4. Lot Coverage

The specific amount of relief is noted in the following table:

<i>Standard</i>	<i>Required</i>	<i>Originally Proposed</i>	<i>Revised Application</i>
Height	3 stories, maximum 45 ft. With PUD, may be increased up to 5 stories or 70 ft.	4 stories Height: 41.5 ft.	No change
Front Yard	Minimum 60% of building height or 25 ft. (whichever is greater) Required: Minimum 25 ft. (41.5 ft. x 0.60 = 24.90)	Harris Avenue: 14.83 ft.	No change
Corner Side Yard	Minimum 17 ft.	Sixth Avenue: 14.91 ft.	No change
Interior Side Yard	Min. 10% of lot width or 5 feet (whichever is greater) Shall be increased by one ft. for each 2 ft. of building height over 35 feet. Required: Minimum 17 ft. [(134.34 ft. avg. width x 0.10 = 13.43 + 3.25) = 16.59 = 17ft.]	East property line: 5 ft.	Increased to 11.42 ft.
Rear Yard	Min. 20% of lot depth or 20 ft. (whichever is greater) Required: Minimum 42 ft. (210.25 x 0.20 = 42 ft.)	South property line: 10ft	South property line increased to 11.75 ft.
Maximum Building Coverage	Maximum 40% Permitted: 13,049.86 ft.²	16,520.33 ft. ² (50%)	16,053.69 ft. ² (49%)
Maximum Total Lot Coverage	Maximum 60% Permitted: 19,574.79 ft.² With PUD, may be increased to 70% Permitted: 22,837.26	22,590.60 square feet (70%)	No change

6-8-23

Should the Plan Commission find that the standards have been adequately addressed for the relief being sought by the Applicant; staff recommends that the following action items be voted upon as separate motions by the Plan Commission. We also believe that conditions of approval are warranted in this case. We have prepared several for your consideration as part of the development concept final site plan approval. Additional conditions may also be desired by the Commission.

1. **Revised Site Plans, dated January 15, 2008; and**
2. **Special Use Permit/ Planned Development (including development concept plan and final plan) as submitted in Plan Commission Case #187, with the following conditions:**
 1. **All lighting plans and elements, including photometrics, choice of fixtures and standards for the building and parking lot entry along Harris Avenue be submitted by the Applicant for compliance with the Code, prior to issuance of a building permit.**
 2. **As part of the public contribution requirement to obtain relief under a Planned Development, the Applicant provide the following:**
 - **Monetary contribution (amount to be negotiated with Village staff prior to submission to the Village Board for approval with maximum limit of \$50,000) to contribute to future open space and any other appropriate area public improvements to be determined by the Village Manager.**
 3. **Prior to issuance of a building permit, the Applicant shall prepare and file with the Village, for review and approval, a construction staging plan including delivery routes, construction parking, and street clean-up.**
 4. **Final Grading and Site Engineering shall be approved by the Village prior to the issuance of any building permits.**
 5. **Utility burial plan shall be approved by the Village prior to issuance of any building permits and the Applicant shall bury all on site utility lines underground.**
 6. **Final landscaping details, including tree preservation, shall be submitted with the application for building permit approval.**
 7. **Final building material samples shall be identified prior to Village Board approval.**

6-13.24



BURZAK INVESTMENT GROUP, INC.

Custom Home Builders * Developers * Reconstruction * Property Acquisitions

January 15, 2008

Ms. Angela Mesaros
Village Planner
Village of LaGrange
53 S. LaGrange Road
LaGrange, IL 60525

Dear Ms. Mesaros,

Attached please find a revised set of drawings of the proposed development at 47 S. 6th Ave., LaGrange, IL. The changes included in the drawings were a direct result of the Plan Commission meeting we had in December 2007.

The most noticeable change in the development is the reduction in the mass or bulk of the eastern elevation of the development. We changed the way the buildings are positioned on the property thereby opening the eastern side of the development to additional sunlight. There is no longer a massing of nine units on the east side, now there are only three units that abut the eastern edge of the property with no patios on the eastern side either.

Additionally, the development now has an average side yard setback of 11.42'. Previously we had proposed only a 5' setback with the required setback being 16' based upon a calculation. This still requires relief via the Planned Development. However, by doubling the proposed setback and reducing the massing we feel that this relief should be granted.

Next, we removed the garage door entrance from Harris Ave. and placed two garage doors on 6th Ave. This was necessary to rearrange the buildings and reduce the massing on the eastern side of the development. In doing this, we feel that the new Harris Ave. elevation has improved via a cohesiveness of the units on that street. Also, with moving the garage doors to the 6th Ave. elevation we did not change the original look, which so many people liked. The garages were sensitively designed to be compatible with the neighborhood.

Lastly, in rearranging the positioning of the buildings we were able to reduce the overall building coverage and increase the rear yard setback. This new building coverage is now at 49% and the rear yard setback is 11.75'.

In summary, there are still three areas that require relief via a Planned Development; Interior yard setback, Rear yard setback and building coverage. However, because of the changes made, the relief is not as great. An enormous amount of thought and effort has gone into this revision and we feel the development fits into the comprehensive plan and objective of the village. We hope that the Plan Commission and Village Board feel the same and grants the relief requested to approve this Planned Development.

6-B-25

HERITAGE · SQUARE

	PROPOSED	ALLOWED	VARIANCE REQUIRED	CODE REFERENCE
BUILDING HEIGHT (R-8)	3.5 STORIES / 41'-6"	3 STORIES / 45'-0"	YES	4-110 A1
BUILDING HEIGHT (PUD)	3.5 STORIES / 41'-6"	5 STORIES / 70' MAX	NO	4-110 H2
LOT AREA (R-8)	32624.65	5000	NO	4-110 B1b
LOT AREA (PUD)	32624.65	15000	NO	4-110 B2g
LOT AREA PER UNIT	1812.48	1300 MIN	NO	4-110 B2b
LOT WIDTH	134.34'	50'	NO	4-110 B3
FRONT YARD (R-8)	14.83'	25'	YES	14-110 C1a
FRONT YARD (PUD)	33'	33'	NO	14-505 7A
CORNER SIDE YARD (R-8)	14.91'	17'	YES	4-110 H16
CORNER SIDE YARD (PUD)	33'	33'	NO	14-505 7A
INTERIOR SIDE YARD (R-8)	11.42' (AVERAGE)	16.4'	YES	4-110 H16
REAR YARD (R-8)	11.75' (AVERAGE)	42'	YES	4-110 C4a
MIN. DWELL. UNIT SIZE (R-8)	2393 AVERAGE	1000 MIN	NO	4-110 D3
MIN. DWELL. UNIT SIZE (PUD)	2393 AVERAGE	910 MIN	NO	4-110 H7a
DENSITY (32624.65/1300)	18 UNITS	25 UNITS	NO	4-110 B2b
BUILDING COVERAGE (40%)	16053.69 (49.2%)	13049.86	YES	4-110 E2
LOT COVERAGE (60%) R-8	22590.46	19574.79	YES	4-110 F
LOT COVERAGE (70%) PUD	22590.46	22837.26	NO	14-508 D5
BUILDING SPACING (R-8)	24'-5"	10'	NO	4-110 G
BUILDING SPACING (PUD)	24'-5"	20'	NO	14-505 7B

6th Ave.
Development Group, LLC.
 3750 Grand Boulevard • Brookfield, Illinois 60513
 Office 708.905.0700 • Fax 708.485.8166

MB MICHAEL BUSS ARCHITECTS, LTD.
 • 8444 South 84th Avenue •
 Hickory Hills, Illinois 60457
 • Office 708.458.4631 Fax 708.458.4649
 • www.mbusshome.com

6-B-26

STAFF REPORT

PC Case #187

TO: Plan Commission

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

DATE: December 11, 2007

RE: **PLANNED DEVELOPMENT CONCEPT/FINAL SITE PLAN APPROVAL
TO AUTHORIZE A TOWN HOME DEVELOPMENT, 47 South Sixth Avenue,
6th Avenue Development Group, LLC.**

I. BACKGROUND:

The Petitioner, 6th Avenue Development Group, LLC. has purchased the property at 47 South 6th Avenue. The subject property is improved with an approximately 60 year old office building and parking lot. The building has been mostly vacant since the offices of the West Suburban Chamber of Commerce relocated in February 2007. The subject property is zoned R-8 Multiple Family Residential District. Under this zoning classification, the property is permitted up to twenty-five (25) dwelling units at this location. Sixth Avenue Development Group proposes to redevelop the property with eighteen (18) townhouses.

As provided for in our Zoning Code, the development group participated in two pre-application meetings held on July 18 and August 22, 2007 with Department Head staff, Plan Commissioner Laura Weyrauch, Village Planner and Village Engineer. These meetings resulted in extensive revisions to the façade of the building in order to provide a pedestrian friendly development, uniform architectural style and entryways oriented towards the street.

After staff evaluation of the plans, we determined that it would be necessary for the development to be constructed as a Planned Development, because it requires relief from height (number of stories), required yards, maximum building coverage and maximum lot coverage provisions of the Code.

II. APPLICATIONS:

Sixth Avenue Development Group, LLC. has submitted the following applications:

1. Special Use Permit/Planned Unit Development, and
2. Development Concept/Final Site Plan Approval.

6-B-27

1. PLANNED DEVELOPMENT

Sixth Avenue Development Group, LLC. has filed an application for Planned Development Concept/Final Plan Approval with the Community Development Department. The petitioner has applied for relief from the following zoning requirements:

- (1) Building Height (Number of stories)
- (2) Required Yards (Front, Corner Side, Interior Side and Rear Yards)
- (3) Building Coverage
- (4) Lot Coverage

A Planned Development is a distinct category of Special Use and has the same general purposes of all special uses. Section 14-502 of the Zoning Code states, *“In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments.”* Among those objectives that the Village seeks to achieve through the flexibility of the planned development technique are the following:

- *Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.*
- *Efficient use of land resulting in smaller networks of utilities and streets while lowering development and housing costs.*
- *Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.*
- *Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.*
- *Provision for the preservation and beneficial use of open space.*
- *An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.*
- *Encouragement of land uses that promote the public health, safety and general welfare.*

A Planned Development consists of two phases: (1) Development Concept Plan to provide a basic scope of the character and nature of the development; and (2) Final Plan, which serves to implement, particularize and define the Development Concept Plan. As allowed by Code, Sixth Avenue Development Group has chosen to submit the two phases concurrently.

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SPECIAL USE STANDARDS:

No special use permit for a Planned Development shall be recommended or granted unless the petitioner establishes that the proposed development will meet each of the standards made applicable to special uses pursuant to Subsection 14-401E of the Zoning Code:

- (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.*

According to the Zoning Code, the R-8 Multiple Family Residential District is intended to provide areas for development at the highest residential density appropriate in the Village's suburban setting. The proposed project is consistent with the use and density requirements established for the R-8 district.

Maintaining diverse housing stock was identified as a priority in community workshops during the comprehensive planning process. While recognizing the predominately single-family character of the Village, the Comprehensive Plan (May 2005) identifies areas appropriate for multiple family developments in order to meet the first goal of the land use section of the Plan, which is to provide "diverse housing options for Village residents." The Plan states that new multiple family housing should include "distinctive landscaping and open space system as an integral part of the overall site design." Heritage Square includes significant landscaping as part of the site plan, but not an open space system.

In the Comprehensive Plan, the subject property is designated as *Medium Density Residential*, defined as "low-rise condominium or town home format, which generally require 2,000 sq. ft. of lot area per dwelling unit." The proposed development is slightly higher in density with approximately 1,800 sq. ft. per dwelling unit.

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- (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.*

According to the petitioner, the proposed development would replace a 60 year old office building --an existing non-conforming use in a residential district and develop medium density housing that is consistent with the surrounding uses.

- (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.*

Heritage Square could serve as a buffer between the single-family residential district to the east and the Central Business District to the west. However, the proposed development would be located only five feet from the back yards of the five single family residential properties directly to the east. The effect would be a four-story wall (approximately 194 ft. in length) that could appear to dominate these properties.

- (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 petitioner will provide adequately for such services.*

At our pre-application meetings, Fire Chief Dave Fleege was concerned that the height of the units along the east property line would be taller than the Fire Department's highest ladders and difficult to access from the street due to the challenge of getting the equipment to the courtyard. Therefore, he requested and the applicant has agreed to have fire sprinklers in each of the eight units at the east end. In addition, they will include masonry firewall separation between units all the way up to the bottom of the roof.

Also, we have asked Tom Heuer, Village Engineer, to review the plans for utility location and drainage. He will be in attendance at the meeting to answer any questions.

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

The property would have only one curb cut and ingress/egress to internal parking and circulation. With fewer units than the Code currently permits, staff anticipates very

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little traffic impact on the surrounding area. In addition, this property is located within walking distance of the Central Business District, Metra station, restaurants, stores and other services, which should result in more pedestrian movement downtown without generating vehicular trips.

- (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 existing office building is largely vacant and in need of repair. The proposed use and development would not result in the loss of any historic feature of significant importance to this building. However, the site does contain several mature trees. Staff has requested plans for maintenance, replacement and preservation of the existing mature trees both on the subject property and in the public parkway.

- (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 proposed development complies with the standards of the Zoning Code for building height, lot area per unit, setbacks from rights-of-way and building spacing. However, the plan does not comply with the Code for building height (number of stories), required yards (front, corner side, interior side and rear yards), building coverage and lot coverage. The petitioner has expressed a willingness to comply with any additional standards imposed by the Village.

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 or 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.*

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- (b) Alternative Locations: *Whether or to what extent, such public goals can be met by the location of the proposed site or in some other area that may be more appropriate than the proposed site.*
- (c) Mitigation of Adverse Impacts: *Whether or to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, landscaping, and screening.*

Staff has engaged Goodman Williams Group, the marketing consultant who prepared the Market Assessments in conjunction with our Comprehensive Plan (adopted in 2005), to review the application and provide an analysis of the proposed unit prices, sizes and adsorption rate.

ADDITIONAL STANDARDS FOR ALL PLANNED DEVELOPMENTS

A Planned Development must meet each of the following standards in addition to the special use standards.

1. Unified Ownership Required. The petitioner is under contract to purchase the property and has submitted the application with intent to develop the entire parcel. A Townhome Association with common ownership will be formed as the units are conveyed. The Association documents are in Section 19 of the submittals.
2. Minimum Area. The proposed development meets the minimum area requirements established in Section 4-110 of the Zoning Code. Minimum area required for a Planned Development in the R-8 district is 15,000 sq. ft. while the subject property measures 32,624.65 sq. ft.
3. Covenants and Restrictions to be Enforceable by the Village. The petitioner has provided the “Declaration of Party Wall Rights, Covenants, Conditions Easements and Restrictions for Heritage Square Townhome Association” to be recorded in connection with the Planned Development. All covenants and similar restrictions may not be modified, removed, or released without express consent of the Village Board. The Village Attorney’s office is currently reviewing the covenants, restrictions and easements submitted with this application.
4. Public Open Space and Contributions. The petitioner has proposed, in lieu of dedicating land to the Village, to provide a monetary contribution of \$25,000. However, based on previous conversations with the developer and estimates of the cost of land for park space, staff recommends \$50,000 contribution for future open

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space. (This amount will be negotiated with Village staff prior to submission to the Village Board for approval.)

5. Common Open Space.

- (a) *Amount, Location and Use.* Common open space, for use only by residents and their guests is proposed above the parking area as a garden and courtyard area. Additional small, private sunken patios will be located in the front and rear of individual units. The total amount of common open space is 9,152.57 square feet (28% of total site area).
- (b) *Preservation.* Safeguards for preservation will be included in the recorded covenants allowing enforcement by the Village and requiring consent of the Village Board for any modifications to the covenant.
- (c) *Ownership & Maintenance.* Maintenance will be the responsibility of the Property Owners' Association and will be recorded as part of the Final Plan.
- (d) *Property Owners' Association.* According to the petitioner, the association would comply with the standards established in the Zoning Code as a requirement of the Planned Development.

6. Landscaping and Perimeter Treatment. According to the petitioner, the entire area that is not used for structures will be landscaped. The site plan indicates that landscaping is along the perimeter of Sixth and Harris. However, the east and south property lines do not include landscaping, instead a fence is proposed.

7. Building Setbacks and Spacing. Heritage Square meets the requirements for minimum distance between all buildings and the setbacks from street rights-of-way. (See Zoning Matrix below for calculations).

8. Private Streets. Heritage Square would not have any private streets.

9. Sidewalks. The petitioner proposes to replace existing sidewalks along Harris and Sixth Avenue to meet Village specifications.

10. Utilities. The petitioner proposes to bury all utility lines underground. They have submitted a plan for placement of utilities, which is currently under review by the Village Engineer.

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BULK, YARD, AND SPACE REQUIREMENTS:

The following table is a comparison of the applicable bulk, yard, and space requirements for the R-8 Multiple Family Residential District, Planned Development standards and the proposed development.

Standard	Multiple Family Residential District	Planned Development Standards	Proposed Development
Use	Multiple Family Dwellings as a permitted use	Same	Town homes
Height*	Maximum 45 feet, 3 stories	May be increased by no more than the greater of 5 stories or 70 feet.	41.5 ft, 4 stories *Requires waiver under Planned Development
Total Lot Area	Minimum 12,000 square ft.	Minimum 15,000 square feet	32,624.65 square ft.
Lot Area Per Unit	Minimum 1,300 square feet Permitted: 25 units (32,624.65 ft ² / 1,300 = 25)	Units may be clustered with sufficient common open space within the development to meet the average minimum. lot size required of the development taken as a whole. May be reduced to 910 sq. ft. per unit (Maximum 36 units)	18 units = 1,812.48 sq. ft. per unit
Minimum Lot Width	Minimum 50 ft.	Can be reduced by no more than 25% [50 ft.-(50ft. x 0.25= 12.50) =37.50]	134.34 ft.

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Standard		Multiple Family Residential District	Planned Development Standards	Proposed Development
Setbacks*	<i>Street Right-of-Way</i>	N/A	25 feet plus one-half foot for every foot by which the building exceeds 25 feet in height Required: Minimum 33 ft. [25 ft. + ((41.5 ft. height – 25 ft) x 0.5 ft.) = 33.]	Harris Avenue: 33 ft. Sixth Avenue: 33 ft.
	<i>Front Yard*</i>	Minimum 60% of building height or 25 ft. (whichever is greater) Required: Minimum 25 ft. (41.5 ft. x 0.60 = 24.90)	No setbacks specified	Harris Avenue: 14.83 ft. *Requires waiver under Planned Development
	<i>Corner Side Yard*</i>	Minimum 17 ft.	No setbacks specified	Sixth Avenue: 14.91 ft.
	<i>Interior Side Yard*</i>	Min. 10% of lot width or 5 feet (whichever is greater) Shall be increased by one ft. for each 2 ft. of building height over 35 feet. Required: Minimum 17 ft. [(134.34 ft. avg. width x 0.10 = 13.43 + 3.25) = 16.59 = 17 ft.]	No setbacks specified	East property line: 5 ft. *Requires waiver under Planned Development
	<i>Rear Yard*</i>	Min. 20% of lot depth or 20 ft. (whichever is greater) Required: Minimum 42 ft. (210.25 x 0.20 = 42 ft.)	No setbacks specified	South property line: 10 ft. *Requires waiver under Planned Development

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Standard		Multiple Family Residential District	Planned Development Standards	Proposed Development
Building Spacing		N/A	12 ft. PLUS 1/2 ft. for each one foot, either or both buildings exceed 25 ft. Required: Minimum 20 ft. [12 ft + ((41.5 ft. – 25 ft) x 0.5) = 20.5]	24.42 ft.
Minimum Dwelling Unit Size	<i>One bedroom/ Efficiency</i>	Minimum 650 ft ²	May not be reduced.	N/A
	<i>Two bedroom</i>	Minimum 850 ft. ²	May not be reduced.	N/A
	<i>Three bedroom</i>	Minimum 1,000 ft. ²	May not be reduced.	2,393 sq. ft. (average)
	<i>Four bedroom</i>	Minimum 1,150 ft. ²	May not be reduced.	N/A
Maximum Building Coverage*		Maximum 40% Permitted: 13,049.86 ft²	N/A	16,520.33 ft. ² (50%) *Requires waiver under Planned Development
Maximum Total Lot Coverage*		Maximum 60% Permitted: 19,574.79 ft.²	Maximum with waiver: 70% Permitted: 22,837.26	22,837.26 square feet (70%) *Requires waiver under Planned Development
Parking Spaces		<i>Single Family Residential:</i> 2 spaces per dwelling unit Required: Min. 36 spaces (18 units x 2 =36 spaces)	N/A	36 indoor parking spaces
Parking Setback		Five (5) foot setback around perimeter]	No parking lot setback specified	No outdoor parking proposed
Parking Lot Screening		Landscaped open space buffer of five feet in width and screening 6 ft in height	Perimeters of property to be treated buffers, no specific depth required.	All parking is within garage under town home courtyard
Off-Street Loading		N/A	N/A	0 spaces

SITE PLAN

Site Plan review requires careful consideration of the site design elements. The application is for Final Plan approval. Some critical items that should be examined prior to granting Final Plan approval include lighting/photometrics and requests for adjustments to the Planned Development.

LIGHTING

Subparagraph 10-101C3 (e) of the Zoning Code, states, *in no case shall such lighting exceed three (3) foot candles measured at any lot line.* In addition, Paragraph 9-101C8 states, *except for streetlights, no exterior lighting adjacent to any residential district shall be so designed, arranged, or operated to produce an intensity of light exceeding one-half foot-candle at any residential lot line.*

The petitioner has not submitted a photometrics/lighting plan. Staff recommends that submittal and approval of lighting plan and photometrics be a condition of the building permit review.

AUTHORITY TO VARY REGULATIONS

Subject to the standards and limitations established in Section 14-508 of the Zoning Code, the Village Board shall have the authority, in connection with the granting of any Planned Development approval pursuant to this Section, to change, alter, vary or waive any provisions of this Code as they apply to an approved Planned Development. Adjustments to Planned Developments are dictated by strict guidelines that must prove excellence of design prior to recommendation.

In determining excellence of design for multiple family Planned Developments, the Commission is guided by Section 14-502 of the Zoning Code:

No such adjustment shall be recommended or authorized except on the basis of the development's excellence in achieving the purposes for which planned developments may be approved pursuant to Section 14-502 of this Code and in satisfying the standards applicable to such developments as set forth in Section 14-505 of this Code. In determining whether such excellence has been shown, consideration shall be given to the following factors:

- (a) *The amount of usable open space; and*
- (b) *The extent of land dedication for public building sites and open space; and*
- (c) *The quality and extent of landscaping, including special elements such as water features and public art; and*

- (d) *The quality and extent of recreational facilities such as swimming pools, tennis courts, playgrounds, and other residential recreational facilities; bicycle, hiking, and jogging trails; and community centers; and*

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- (e) *The quality of design of vehicular circulation elements and parking lots and areas; and*
- (f) *The care taken to maximize energy conservation in site design, building design, and building systems; and*
- (g) *The quality of roof design and finishes in terms of consistency with an attractive residential setting and the avoidance of flat roofs.*

In reviewing the proposed development, we find that several of the factors have not been addressed: (a), (b) & (d) Heritage Square does not propose to provide open space, land dedication for public building sites or recreational facilities. Staff recommends that the petitioner provide a monetary contribution for future open space. (f) The applicant has not indicated any measures to maximize energy conservation.

We find that the developer has adequately addressed the following factors: (c) Site landscaping and elements are provided along both streets. (e) Vehicular circulation and parking will be contained within the development. (g) Design of the project has evolved through several pre-application meetings in terms of consistency, roof design, and providing some orientation to the street.

WAIVERS REQUESTED:

The site plan, as proposed, would require variations from the following zoning regulations:

1) Height (Number of Stories)

In the R-8 Multiple Family Residential District in which the subject property is located, the maximum height is 45 ft or 3 stories, whichever is greater. Heritage Square will have a mean height of 41.5 feet, which meets the zoning requirements; however, the building will be four stories, which exceeds the allowable limitations (three stories). According to Paragraph 4-110H2 of the Zoning Code, *Height Adjustments in R-Planned Developments*, “no adjustment pursuant to the maximum allowable height requirement shall increase the maximum allowable height to more than the greater of five stories or 70 feet in any R-8 District.” This requested variation falls within the authorized limits of the Zoning Code as a Planned Development.

According to the Comprehensive Plan, structures of this format are “usually two to three stories in height.” (Section II, pg.1) The petitioner has proposed four stories in order to accommodate the design of the parking on the first level of the property. This type of parking is consistent with the Comprehensive Plan, which

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indicates that with the creation of new parking “*care should be taken to minimize visual impact on surrounding residential areas.*” (Section VI, pg. 26)

In order to provide a better perspective of the context of the area, we have requested that the petitioner provide the heights of all adjacent buildings and expand the renderings of the surrounding buildings to include buildings to the south and east with elevations shown from all directions/angles. This information will be presented by the petitioner at your meeting.

2) Required Yards

Heritage Square will require relief from all required yards. The R-8 district classification would allow a three-story condominium/apartment building with up to 25 smaller dwelling units on this lot, situated closer to the middle of the property with open space on all sides and parking behind the building. Examples in the immediate area include 11 East Harris, 75 S. Sixth Avenue, 81 S. Sixth Avenue, and 26-34 S. Sixth Avenue.

The petitioner has proposed a development with lower density, single family attached housing. The proposed units have larger footprints and more living space. Therefore, it is difficult to provide a courtyard with private open space while also maintaining required yards.

- *Front Yard* (Harris Avenue): In the R-8 Multiple Family Residential District, in which the property is located, the setback requirement for front yards is 60% of the building height or 25 ft. (whichever is greater). The requirement for this project, based on a 41.5-foot building height is 25 feet (41.50 ft. x 0.60=24.90). By definition, the front lot line and yard abuts Harris Avenue. The petitioner has proposed a 14.83-foot setback, which would not meet the zoning requirements. The requested variation falls within the authorized limits of the Zoning Code.
- *Corner Side Yard* (Sixth Avenue): In the R-8 district, the requirement for corner side yards is a minimum of 17 ft. By definition, the corner side lot line and yard abuts Sixth Avenue. The petitioner has proposed a 14.91-foot setback, which would not meet the zoning requirements. The requested variation falls within the authorized limits of the Zoning Code.
- *Interior Side Yard* (East property line): The requirement for interior side yards in the R-8 district is minimum 10% of lot width, which shall be increased by one foot for each 2 ft. the building height exceeds 35 feet. The requirement for this project, based on a 41.5-foot building height is a minimum of 16.59 feet. By definition, the interior side lot line and yard abuts the east property line. The

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petitioner has proposed a 5-foot setback, which would not meet the zoning requirements. The requested variation falls within the authorized limits of the Zoning Code.

Although technically the east side is an interior side yard, practically it serves as the rear yard for nine of the proposed housing units. The existing office building is setback approximately 33 feet from the east property line. The proposed development would result in a decrease in yard space of 28 feet --creating a small yard of 5 feet directly abutting the rear yards of five single family homes. The Plan Commission should closely consider the impact this may have on the adjacent residential properties. According to the east side elevations, the wall of the building is four stories high and may dominate the rear yards of the adjacent homes.

- *Rear Yard* (south property line): Rear yard requirement in the R-8 district is 20% of the lot depth or 20 ft. (whichever is greater). The requirement for this project, based on a 210.25-foot lot depth is 42 feet. By definition, the rear lot line and yard abuts the south property line. The petitioner has proposed a 10-foot setback, which would not meet the zoning requirements. The requested variation falls within the authorized limits of the Zoning Code.

3) Maximum Building Coverage

Maximum Building Coverage for this lot is 40% or 13,049.86 square feet, based on a lot area of 32,624.65 square feet. Heritage Square would have a building coverage of 16,520.33 square feet or 50%, an excess of 3,470.47 square feet. The requested variation falls within the authorized limits of the Zoning Code as a Planned Development.

4) Maximum Lot Coverage

Maximum Total Lot Coverage requirement, which includes buildings, structures and all impervious surface, in the R-8 district is 60% or 19,574.79 square feet. Heritage Square proposes a lot coverage of 22,837 square feet or 70%. Subsection 14-508D of the Zoning Code, allows the increase of the total lot coverage in the planned development up to 70 percent. The requested variation falls within the authorized limits of the Code as a Planned Development.

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APPROVAL, OPTIONS, AND RECOMMENDATIONS:

The Plan Commission has certain options in recommending approval or denial of the combined Development Concept/Final Site Plan as follows:

- 1) Approval as presented for substantial conformity with the provisions of the Zoning Code and all other applicable Federal, State and Village codes, regulations and ordinances.
- 2) Approval as above with modifications or conditions to be accepted by the petitioner.
- 3) Denial of the Plan as presented for failure to be in substantial conformity with the provisions of the Zoning Code and all other applicable Federal, State and Village codes, ordinances, and regulations.

As proposed, this project requires relief from height, setbacks, building coverage and lot coverage. It is worth noting that, if developed “as of right,” with no relief from the Zoning Code, this property could be improved with a three story, twenty-five unit building with larger setbacks from all property lines. An example of this type of development is the multiple family building to the south at 75 South Sixth Avenue. Another alternative for development, “as of right,” is to include additional land, such as the public parking lot across Harris Avenue (Lot 2). A year ago, we reviewed a proposal for sixteen (16) town homes that included Lot 2. This project provided better orientation to the street and integration into the neighborhood. However, after significant review by the Village Board, it was determined that we would take an overall parking inventory after the closure of the temporary parking lot at the corner of La Grange Road and Cossitt Avenue before considering the sale of Lot 2 for development. Therefore the proposal for Heritage Square is limited to the property at 47 S. 6th Avenue.

Throughout the pre-application process for Heritage Square, staff has struggled with the design of the building façades along Sixth Avenue and the challenge of integrating this project into the surrounding neighborhood. As proposed, the indoor parking on the first floor creates several issues: (1) the development is raised one story and therefore creates a sense of separation from the neighborhood; (2) the raised courtyard is not accessible to the community, creating a lack of public open space; (3) the height has been increased to four stories; and (4) setbacks along the property lines have been reduced to accommodate traffic circulation. Initially, this project appeared “fortress-like” and turned inward. Based on staff and Commissioner comments, the petitioner has made improvements to provide entrances to three of the housing units from Sixth Avenue, redesigned the staircases leading up to the courtyard, added landscaping, and simplified the architectural style. However, staff is still concerned with the orientation of the building, integration into the community, and close proximity to the rear yards of the adjacent residential properties to the east.

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Upon review of the application, should the Plan Commission determine that the standards for Planned Development have been met, with the requested waivers; staff suggests that the Plan Commission recommend to the Village Board of Trustees approval of the Development Concept/Final Site Plan as submitted in Plan Commission Case #187 with the following conditions:

1. All lighting plans and elements, including photometrics, choice of fixtures and standards for the building and parking lot entry along Harris Avenue be submitted by the petitioner for compliance with the Code, prior to issuance of a building permit.
2. As part of the public contribution requirement to obtain relief under a Planned Development, the petitioner provide the following:
 - Monetary contribution (amount to be negotiated with Village staff prior to submission to the Village Board for approval with maximum limit of \$50,000) to contribute to future open space and any other appropriate area public improvements to be determined by the Village Manager.
3. Prior to issuance of a building permit, the petitioner shall prepare and file with the Village, for review and approval, a construction staging plan including delivery routes, construction parking, and street clean-up.
4. Final Grading and Site Engineering shall be approved by the Village prior to the issuance of any building permits.
5. Utility burial plan shall be approved by the Village prior to issuance of any building permits and the petitioner shall bury all on site utility lines underground.
6. Final landscaping details, including tree preservation, shall be submitted with the application for building permit approval.
7. Final building material samples shall be identified prior to Village Board approval.

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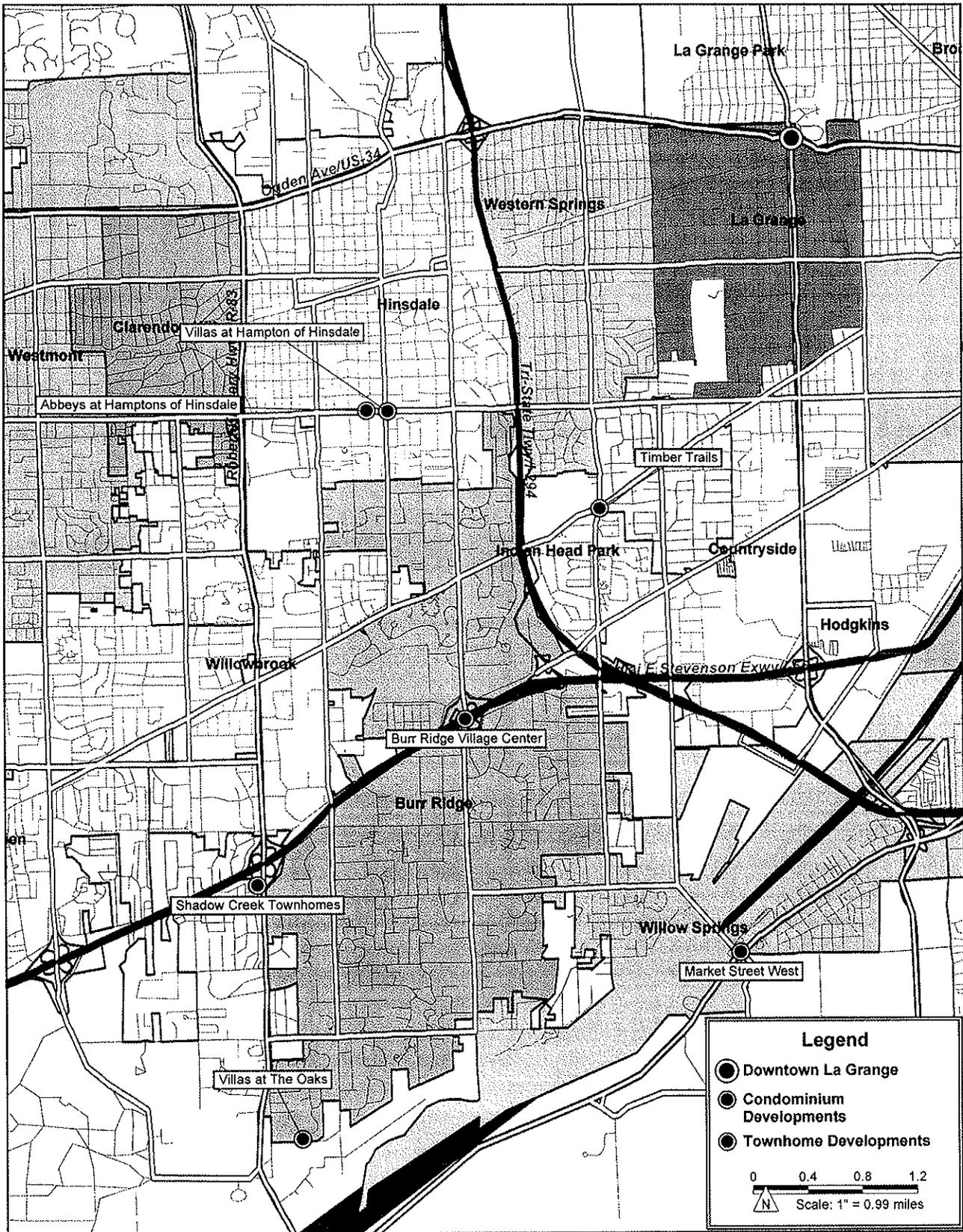
SUMMARY OF AREA DEVELOPMENTS

Development Name	Builder	Community	Date Opened	Total Units	Contracts		Remaining Contracts	Square Ft Range	Base Price Range	Average Base Price
					Total	Per Month				
Townhomes:										
Villas at The Oaks	Kenar, LLC	Burr Ridge	01/01/06	65	20	0.95	45	1,902 - 2,102	\$375,990 - \$426,990	\$398,490
Timber Trails	Dartmoor Homes	Western Springs	02/06/06	104	17	0.85	87	2,217 - 2,941	\$569,000 - \$699,000	\$642,143
Shadow Creek	Baus Real Estate	Burr Ridge	12/01/05	23	10	0.45	13	1,950 - 2,482	\$650,000 - \$670,000	\$661,333
Villas at Hamptons	GSH Development	Hinsdale	04/01/07	<u>26</u>	<u>2</u>	0.33	<u>24</u>	2,473 - 2,817	\$790,000 - \$940,000	\$876,000
Total Townhomes:				218	49		169			
Condominiums:										
Market Street West	Gammonley Group	Willow Springs	01/25/07	100	17	2.05	83	934 - 2,588	\$182,900 - \$512,900	\$299,728
Abbeys at the Hamptons	GSH Development	Hinsdale	04/01/07	93	8	1.31	85	1,262 - 2,239	\$395,000 - \$739,000	\$577,250
Burr Ridge Village Center	Edward James	Burr Ridge	09/01/06	<u>194</u>	<u>146</u>	11.16	<u>48</u>	1,000 - 2,377	\$280,900 - \$862,900	\$579,271
Total Condominiums:				387	171		216			
TOTAL UNITS:				605	220		385			
Percent:				100%	36%		64%			

Source: Strategy Planning Associates, 10/4/2007

Prepared by Goodman Williams Group

Map of Residential Developments



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Villas at The Oaks

Address: 10 S 407 Carrington Circle
Burr Ridge

Developer: Kenar, LLC

Date Opened: 01/01/2006

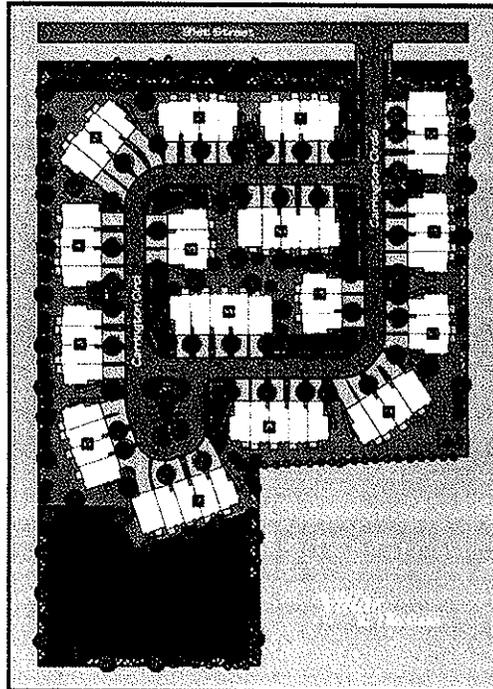
Number of Units: 65 townhomes

Units sold: 20 as of 10/04/2007
Average Absorption Rate: .95 units per month

Unit Types: 2 bedroom/2.5 baths/2 car garage
Summary of Units:

<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
1,902	\$375,990	\$198
2,016	\$378,990	\$188
2,102	\$411,990	\$196
2,001	\$426,990	\$213

Standard Features: Carpeting
Full basement
Laundry Hook-ups
Laminate counter tops in kitchen



Sources: Strategy Planning Associates and http://www.kenarllc.com/New_Homes/Burr_Ridge/Townhomes/

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Timber Trails Townhomes

Address: Plainfield and Wolf Road
Western Springs

Developer: Dartmoor Homes

Date Opened: 02/06/2006

Number of Units: 104 townhomes

Units sold: 17 as of 10/04/2007
Average Absorption Rate: .85 units per month

Unit Types: 3 bedroom/2.5 baths/2 car garage
Summary of Units:

<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
2,223	\$569,000	\$256
2,315	\$589,000	\$254
2,753	\$599,000	\$218
2,217	\$649,000	\$293
2,618	\$694,000	\$265
2,500	\$696,000	\$278
2,941	\$699,000	\$238

Standard Features: Gated Garden Area
Full basement
Fireplace



Sources: Strategy Planning Associates and <http://www.dartmoorhomes.com>

6-B.46

Shadow Creek Townhomes

Address: Rt. 83 just south of I-55
Burr Ridge

Developer: Baus Real Estate

Date Opened: 12/01/2005

Number of Units: 23 townhomes

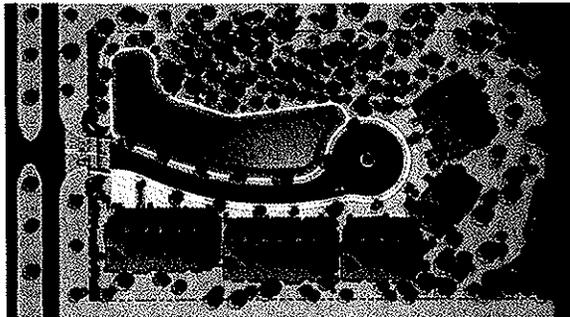
Units sold: 10 as of 10/04/2007
Average Absorption Rate: .45 units per month

Unit Types: 3 bedroom/2.5 baths/2 car garage
Summary of Units:

<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
1,950	\$650,000	\$333
2,355	\$664,000	\$282
2,482	\$670,000	\$270

Project Amenities: Gated entrance
Private walking trail

Standard Features: Full basement
Pre-wired for smart home electronics
Fireplace
Hardwood floors
Vaulted ceiling
Touch screen security, heating, lighting and music system



Sources: Strategy Planning Associates and <http://bausrealestate.com/shadowcreek.htm>

6-B-47

The Villas at Hamptons of Hinsdale

Address: South of 55th St and East of Garfield
Hinsdale

Developer: GSH Development

Date Opened: 04/01/2007

Number of Units: 26 townhomes

Units sold: 2 as of 10/04/2007

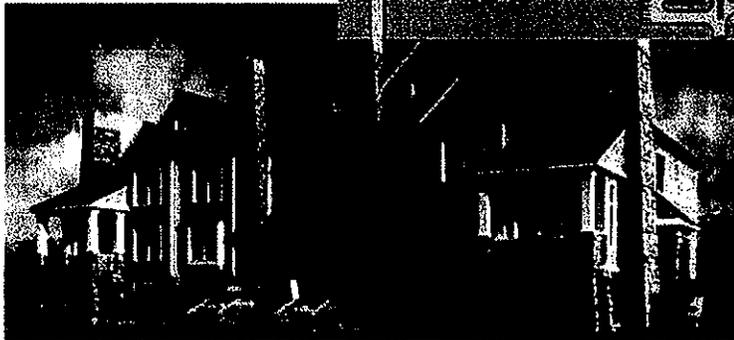
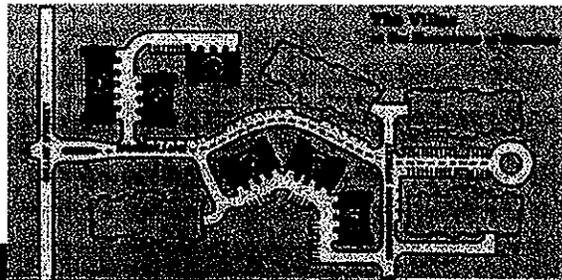
Average Absorption Rate: .33 units per month

Unit Types: 3 bedroom/2.5 baths/2 car garage

Summary of Units:

<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
2,473	\$790,000	\$319
2,647	\$850,000	\$321
2,689	\$860,000	\$320
2,817	\$940,000	\$334
2,817	\$940,000	\$334

Standard Features: Fireplace
Hardwood floors
Granite countertops
Stainless Steel KitchenAid appliances



Sources: Strategy Planning Associates and www.thehamptonsofhinsdale.com

6-B.48

Burr Ridge Village Center

Address: County Line Rd and I-55
Burr Ridge

Developer: Opus Corporation

Date Opened: 09/01/2006

Number of Units: 194 condominiums

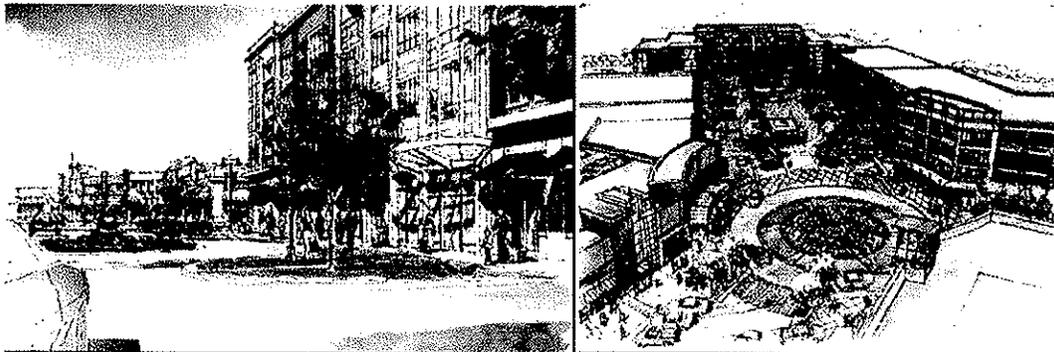
Units sold: 146 as of 10/04/2007

Average Absorption Rate: 11.16 units per month

Summary of Unit Types:

<u>#BR</u>	<u># Baths</u>	<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
1	1	1,000	\$280,900	\$281
2	2	1,284	\$375,900	\$293
2	2	1,237	\$412,900	\$334
2	2	1,491	\$489,900	\$329
2	2	1,612	\$559,900	\$347
2	2	1,870	\$654,900	\$350
2	2	2,066	\$699,000	\$338
2	2.5	1,387	\$495,900	\$358
2	2.5	1,690	\$528,990	\$313
2	2.5	1,594	\$576,900	\$362
2	2.5	1,703	\$618,900	\$363
3	2.5	2,109	\$794,900	\$377
3	2.5	2,377	\$862,900	\$363
3	3	2,232	\$757,900	\$340

Standard Features: Hardwood Floors
Stainless Steel GE Appliances
Granite Countertops
One Parking Space Included



Sources: Strategy Planning Associates and <http://burrridgevillagecenter.com/index.html>

6-B.49

The Abbeyes at the Hamptons of Hinsdale

Address: South of 55th and West of Garfield
Hinsdale

Developer: GSH Development

Date Opened: 04/01/2007

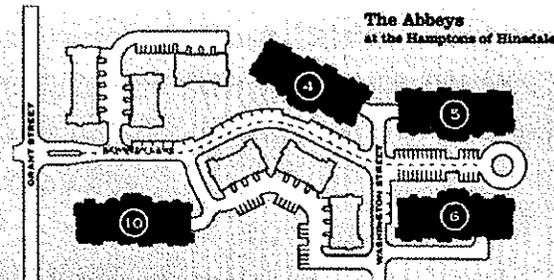
Number of Units: 93 condominiums

Units sold: 8 as of 10/04/2007
Average Absorption Rate: 1.31 units per month

Summary of Unit Types:

<u>#BR</u>	<u># Baths</u>	<u>Sq Ft</u>	<u>Base Price</u>	<u>Price/Sq Ft</u>
1	1.5	1,262	\$395,000	\$313
2	2	1,466	\$470,000	\$321
2	2	1,702	\$560,000	\$329
2	2	1,740	\$570,000	\$328
2	2.5	1,807	\$600,000	\$332
2	2.5	1,833	\$605,000	\$330
2	2.5	2,000	\$679,000	\$340
2	2.5	2,239	\$739,000	\$330

Standard Features: Private balconies
Granite countertops
Stainless Steel Kitchen Aid Appliances
Hardwood floors
One Parking Space Included



Sources: Strategy Planning Associates and www.thehamptonsofhinsdale.com

6-B-50

Market Street West Condos

Address: 8696 W Archer Ave
Willow Springs

Developer: Gammonley Group

Date Opened: 01/25/2007

Number of Units: 100 condominiums

Units sold: 17 as of 10/04/2007
Average Absorption Rate: 2.05 units per month

Range of Unit Sizes:

1 Bd/1.5 Bath:	956 to 1,061
2 Bd/2 Bath:	1,230 to 1,753
2 Bd/2.5 Bath:	1,525 to 2,024
3 Bd/2.5 Bath:	2,504 to 2,588

Range of Base Prices:

1 Bd/1.5 Bath:	\$193,900 to \$206,900
2 Bd/2 Bath:	\$239,900 to \$363,900
2 Bd/2.5 Bath:	\$304,900 to \$391,900
3 Bd/2.5 Bath:	\$508,900 to \$512,900

Project Features: Swimming pool
Clubhouse
Entertainment room

Standard Features: Carpet
8'-6" ceilings
Laminate countertops
Stainless steel GE appliances
One parking space included



Sources: Strategy Planning Associates and <http://www.marketstreetwestcondominiums.com/>

6-B.51

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

FROM: Bob Pilipiszyn, Village Manager,
Lou Cipparrone, Finance Director,
Joe Munizza, Assistant Finance Director

DATE: April 7, 2008

RE: **RESOLUTION — APPROVING THE FY 2008-09 OPERATING
AND CAPITAL IMPROVEMENTS BUDGET**

Please find attached a resolution approving the Village of La Grange's annual Operating and Capital Improvements Budget for the fiscal year beginning May 1, 2008. Several workshops have been conducted over the past six months to develop this final FY 2008-09 Five-Year Operating and Capital Improvement Budget document. In addition, a public hearing was held earlier this evening to provide residents with the opportunity to comment on the proposed budget document.

The format for this budget document includes revenue, expenditure and fund balance projections, by fund and account, for each of the Village's 14 funds for the five-year period ending April 30, 2013. The budget document also includes a report on consolidated revenues and expenditures without interfund transfers and a schedule of anticipated property tax levies.

Capital expenditures of approximately \$3.5 million are budgeted in FY 2008-09. This total consists of \$1.8 million in street and intersection improvements, \$800,000 for the renovation of Stone Avenue Station, \$370,000 for water and sewer improvements, \$295,000 for the street light replacement program debt service and over \$260,000 in sidewalk, gutter, pedestrian signals, trees, signs and other improvements. Please note, these budget estimates reflect expenditures anticipated to occur within FY 2008-09 and do not necessarily reflect the total cost of the project.

Also, in order to continue to provide quality services to Village residents, the FY 2008-09 budget includes the addition of two full-time personnel to enhance public safety, customer service and construction site management.

Village revenues also deserve comment. The following are highlights from the proposed budget document:

b-c

- the State's economic forecast anticipates flat or perhaps negative growth during the next fiscal year which negatively impacts state shared revenues and interest income,
- although the State's economic forecast is flat for the upcoming year, sales tax from local retailers and restaurants reflect continued economic growth
- beginning in FY 2007-08, new revenues are reflected in the General Fund due to the scheduled end of the Sales Tax TIF;
- sales tax revenues in the TIF have increased more than ten-fold over the last ten years, especially as a result of the Triangle Project;
- between FY 2004-05 through FY 2007-08, the Village has secured over \$9.0 million in grant funds which leveraged over \$20.0 million in capital improvements;
- due to the early anticipated end of the TIF District, after receipt of the 2008 tax levy, we estimate additional property tax revenues of \$300,000 beginning in FY 2010-11;
- redevelopment projects are occurring throughout the Village, representing significant, private investment in our community and thus providing additional property tax revenues for all taxing districts; and
- we continue to maintain a healthy General Fund balance, and build up reserves in other funds where necessary, for initiatives, unforeseen expenditures and project estimates that are not fully developed such as MARS, future street reconstruction, and the like.

By exercising discipline and observing conservative financial management practices, as well as exploring alternative revenue options, the Village will remain faithful to its fiscal policies and strategic priorities to lessen the burden of property taxes on La Grange residents and businesses.

No revenue or expenditure adjustments were made between the proposed and the final FY 2008-09 budget. Several punctuation errors were corrected and minor narrative changes were made in the Police and Fire Pension Funds.

Only the FY 2008-09 budget is required to be adopted tonight. Subsequent fiscal year budgets through FY 2012-13 are presented for informational purposes. The five year projections provide a comprehensive planning tool for forecasting revenues and expenditures for future years, in order to maintain the Village's strong financial position over the long term.

We are pleased to recommend approval of the attached resolution, adopting the FY 2008-09 Operating and Capital Improvements Budget.

6-c.1

VILLAGE OF LA GRANGE

A RESOLUTION ADOPTING THE FY 2008-09 OPERATING
AND CAPITAL IMPROVEMENTS BUDGET

RESOLUTION R-08-_____

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the FY 2008-09 Operating and Capital Improvements Budget as set forth in the budget documents as attached hereto and made a part hereof.

Adopted this 14th day of April, 2008, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this 14th day of April, 2008

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

6-C.2

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

FROM: Bob Pilipiszyn, Village Manager
Ken Watkins, Public Works Director
Lou Cipparrone, Finance Director

DATE: April 7, 2008

RE: **ORDINANCE - WATER RATE INCREASE**

It is the Village's policy to "pass through" water rate increases from the Village of McCook which supplies water to the Village. Late last year, the Village was notified that due to increases in Lake Michigan water rates from the City of Chicago, effective January 1, 2008, McCook was planning to increase water rates by 12.5 percent for each of the next three years. The Village has absorbed the last two water rates increases from McCook with adequate reserves in the Water Fund. However, due to the substantial increase, the Water Fund can no longer absorb the additional cost. In addition, the Water Fund has been active and aggressive in the replacement of water mains as part of the neighborhood street resurfacing program and where known deficiencies within the system exist.

In order to maintain adequate reserves, continue with replacement of our aging infrastructure, and to compensate for the increase in the wholesale rate from the City of Chicago, the Water Fund includes a rate increase of 10 percent each year for the next three years. These increases will be implemented to coincide with the start of each new fiscal year, beginning with May 1, 2008. It is estimated that these increases will cost homeowners approximately \$50 annually.

The water rate increase was discussed in detail at the budget workshop in March and included as part of the FY 2008-09 Operating and Capital Improvements Budget. Attached is an ordinance which increases La Grange's existing water rates by 10% from \$3.972 per one hundred cubic feet to \$4.369 per one hundred cubic feet. It is recommended that the attached ordinance be approved.

Sewer service fees are based on the cubic feet of water used by a property owner multiplied by a separate sewer rate. Therefore, an increase in the water rate does not affect sewer revenues.

6-D

ORDINANCE NO. O-08-_____

AN ORDINANCE AMENDING
CHAPTER 52/WATER SERVICE
OF THE LA GRANGE CODE OF ORDINANCES

Published in pamphlet form by the authority of the Board of Trustees of the Village of La Grange, County of Cook, Illinois and legally, this _____ day of _____, 2008.

BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, County of Cook, State of Illinois, that its Code of Ordinances be amended as follows:

SECTION 1: That Section 52-72, Water Rates, of Chapter 52, WATER SERVICE, of the La Grange Code of Ordinances, as amended, be further amended by adding thereto:

(a) (Rates based on actual consumption)

(1) Low to normal users. The rates for water supplied by the Village, except for water used in building construction work shall be as follows for water used and billed in each bi-monthly period:

- a. Minimum charge per meter (600 cubic feet) \$29.10
- b. All over 600 cubic feet, per 100 cubic feet \$4.369

(2) High water users. The rates for water supplied by the Village, except for water used in building construction work, for all accounts with an average monthly water usage in excess of three thousand, three hundred, thirty three (3,333) cubic feet, shall be as follows for water used and billed in each monthly period:

- a. Minimum charge per meter (300 cubic feet) \$14.55
- b. All over 300 cubic feet, per 100 cubic feet \$4.369

SECTION 2: That all other provisions of said Chapter 52 shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect ten (10) days after its passage, approval and publication in pamphlet form for review at the La Grange

6-D.1

Village Offices and the La Grange Public Library.

PASSED AND APPROVED this _____ day of _____, 2008.

AYES _____

NAYS _____

ABSENT _____

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

6-10.2

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager,
Mark Burkland Village Attorney
Mike Holub, Police Chief
Lou Cipparrone, Finance Director

DATE: April 7, 2008

RE: **INCREASE IN PARKING FINES AND PARKING DECALS**

The Village FY 2008-09 Operating and Capital Improvements budget includes scheduled increases in parking fines, commuter decals and residential parking decals. Parking fines consist of traffic and pedestrian violations of local ordinances (i.e. parking tickets, expired license plates, window obstructions, etc.). Fines are scheduled to increase from \$25.00 to \$30.00 per violation, except for the handicapped parking fine which is regulated by State law. This increase will help offset the cost of additional police personnel (dispatcher, part-time officers) to augment public safety and customer service. Parking fines were last increased in October 2003.

Monthly parking rates reflect increased fees of \$5.00 per month for commuter and residential decal parking permits. In addition, residential parking decals for 24-hour, covered parking within the parking structure (9A) increase to \$50.00 per month to reflect market pricing for this type of parking. These proposed increases are consistent with the parking study recommendation to increase parking decal rates in smaller, scheduled increments on consistent intervals (four to five years) rather than larger increases with less frequency. Increases in parking decals are necessary to offset rising personnel costs for enforcement and maintenance of Village lots. Residential decals rates were last increased in May 2002, commuter decal rates were last increased in January 2004 and overnight decal rates were last increased May 2004. These were the first decal parking increases in more than fifteen years.

Both parking fines and decal rates are regulated by schedules within Village ordinances. The rate schedules can be updated with the approval of the Village Board without making changes to the actual ordinance. We recommend the Village Board approve the attached schedules increasing parking fines and parking decals rates, effective May 1, 2008.

6-E

VILLAGE OF LA GRANGE
 PROPOSED PARKING FINE SCHEDULE
 MAY 2008

Description	Proposed Fine	Proposed Overdue
Prohibited Zones	30.00	50.00
After 2" Snow Fall	30.00	50.00
1 / 2 / 3 Hour Zones	30.00	50.00
1 / 2 / 3 Hour Zones 2 nd same day	30.00	50.00
No Parking Zone	30.00	50.00
Manner of Parking	30.00	50.00
Vehicle for sale on street	30.00	50.00
Curb/Loading zone	30.00	50.00
Alley Parking	30.00	50.00
Taxi Stand	30.00	50.00
Bus Stop	30.00	50.00
Overnight on street	30.00	50.00
No Decal in Lots	30.00	50.00
Private Parking	30.00	50.00
Commercial vehicle in residential zone	30.00	50.00
Handicapped Zones	250.00	350.00
24-Minute Meter	30.00	50.00
24-Minute meter same day	30.00	50.00
Meter Feeding	30.00	50.00
4 Hr. to 10 Hr. Meter	30.00	50.00
4 Hr. to 10 Hr. Meter same day	30.00	50.00

6-E.1

MUNICIPAL PARKING RATES
(Proposed May 1, 2008)

LOT	MONTHLY RATE	PARKING DURATION
I. RESIDENT DAY & NIGHT		
* 2	\$40	Day/Night (24 hrs)
* 5	\$40	Day/Night (24 hrs)
* 9A	\$50	Day/Night (24 hrs)
Second decal	\$55	Day/Night (24 hrs)
<i>* Designated areas only</i>		
II. RESIDENT OVERNIGHT ONLY		
* Lots 2, 5, 9A, 11, 12, 13 Zone S	\$30	Night Only (2 a.m. to 6 a.m.)
Second decal	\$40	Night Only (2 a.m. to 6 a.m.)
<i>* Designated areas only</i>		
III. CENTRAL BUSINESS DISTRICT (CBD) EMPLOYEES		
* Lots 2, 4, 5, or Parking Structure	\$20	Day Only
<i>* Designated areas only</i>		
IV. COMMUTERS - RESIDENTS / NON-RESIDENTS		
Lot 11	\$40 / \$50	6 am to 6 pm
Lot 12	\$35 / \$45	6 am to 6 pm
Lot 13	\$45	6 am to 6 pm
Lot 14	\$25	6 am to 6 pm

6-E.2

MUNICIPAL PARKING RATES (Proposed May 1, 2008)		
IV. COMMUTERS - RESIDENTS / NON-RESIDENTS continued		
Zone A	\$45	6 am to 6 pm
Zone B	\$40	6 am to 6 pm
Zone C	\$45	6 am to 6 pm
Zone D	\$40	6 am to 6 pm
Zone E	\$30	6 am to 6 pm
Zone G	\$25	6 am to 6 pm
Zone S	\$40	6 am to 6 pm
V. LTHS STUDENTS		
Zone H	\$20	6 am to 6 pm

F:\users\ckruk\parking rate increase 2008.doc

6-E.3

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager,
Mark Burkland Village Attorney
Mike Holub, Police Chief
Lou Cipparrone, Finance Director

DATE: April 7, 2008

RE: **INCREASE IN PARKING METER RATES**

The Village FY 2008-09 Operating and Capital Improvements budget includes a scheduled increase in daily parking meter rates from \$2 to \$3 with a 10-hour maximum. Metered parking rates have not been increased in many years and no longer reflect a market rate for this type of parking. The increased meter revenue will provide funding for future parking improvements including central pay boxes and acceptance of magnetic/chip cards, enhancing enforcement and daily collection of meter receipts.

Currently, the majority of the meters located along the railroad tracks, which are used primarily by commuters, have a 10-hour maximum. We have received numerous comments from commuters who leave early in the morning (before 6:00 a.m.) that ten hours is not sufficient time to allow for the return commute and they have received tickets for expired meters. We propose increasing the maximum allowable time to twelve (12) hours. Based upon the proposed new rate of \$3 per day, the revised parking rate is 25 cents per hour. Commuters will be able to pay for the required amount of time to allow for a full commute without worrying about receiving a ticket.

In addition, there are several 6 and 8 hours meters on Hillgrove and Burlington Avenues. The time allotment for 25 cents at these 6 and 8 hour meters are 90 and 80 minutes, respectively. In order have consistent fees for hourly parking throughout the Village, we recommend changing the rate for 6 and 8 hour meters to 25 cents per hour.

6-F

Finally, hours of operations for parking meters are currently Monday through Saturday from 6:00 a.m. to 6:00 p.m. To further support our business community, especially in the West End Business District and as an added convenience to residents who use the passenger rail service on weekends, we recommend changing the hours of operations to Monday through Friday from 6:00 a.m. to 6:00 p.m.

Meter rates and times are not regulated by local Village ordinance. Therefore, as a matter of amending current parking policies, we recommend the Village Board approve the attached schedule revising the hourly rate to 25 cents per hour for all Village parking meters, increase maximum hourly metered parking to 12 hours and change parking meter hours of operations to Monday through Friday from 6:00 a.m. to 6:00 p.m., effective May 1, 2008.

Filename:users/finance/parking meter rate increase 5-08.doc

6-F.1

La Grange Police Department
 Parking Division
 Meter Count / Rate
 May, 2008

Location	Number of Meters	Hours
East Burlington - Bluff to 6th Ave.	43	12
West Burlington - Ashland to Kensington (North side)	8	6
West Burlington - Ashland to Kensington (South side)	8	12
West Burlington - Kensington to Spring	13	12
West Burlington - Spring to Waiola	38	8
West Burlington - Waiola to Stone	20	8 & 6
West Burlington - Stone to Brainard	10	12
East Hillgrove - La Grange Rd. to Beacon	38	12
West Hillgrove - Madison to Ashland	20	6
West Hillgrove - Catherine to Kensington	29	12
West Hillgrove - Kensington to Spring (North Side)	16	12
West Hillgrove - Kensington to Spring (South Side)	7	12
West Hillgrove - Spring to Stone	16	12
West Hillgrove - Dover to 1015 W. Hillgrove	18	12
Total	284	

Type of Meter	Time Per Quarter	Numer of Quarters Needed
6 Hour	1 Hour	6 quarters
8 Hour	1 Hour	8 quarters
12 Hour	1 Hour	12 quarters

6-F.2

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Sylvia Gonzalez, Administrative Assistant

DATE: April 14, 2008

RE: **ORDINANCE -- AMENDING FEE STRUCTURE FOR BUILDING,
PLUMBING, MECHANICAL AND ELECTRICAL PERMITS**

The Community Development Department periodically reviews and recommends adjustments to ensure that fees being charged for various permits are appropriate and reasonable in relation to the cost of services provided and to similar fees charged by area communities.

Permit fees are designed to cover the cost of processing permit applications, including zoning review, site plan review, inspections, construction site management, and final approval of the work performed. Permit fee assessment shifts much of the cost involved with this process away from the individual property tax payer to the users of these services. Cost recovery is of particular interest to the Village at this time because the proposed Fiscal Year 2008-2009 Village budget provides for a restructuring of building inspection services; specifically, the reclassification of a part-time Code Enforcement Officer to a full-time Building Inspector. The addition of a second Building Inspector is in response to citizen concerns involving construction site management. An increase in certain building activity fees will properly offset these increased personnel costs.

In order to evaluate the Village's permit fees in relation to the marketplace, staff, with the assistance of the West Central Municipal Conference, conducted a survey of area building departments offering similar services. The attached table contains a summary of neighboring communities' fees with respect to the permits identified therein. Based on a comparison of La Grange's current fees to similar fees charged by neighboring communities, and cost recovery to offset increased personnel costs, increasing certain building fees would be appropriate at this time.

6-6

BUILDING PERMIT FEES

Based on the data received we recommend increasing the minimum building permit fee from \$25.00 to \$50.00 to reflect increases in basic permit management costs. Based on the simplicity of our formula and its ability to accommodate rising costs in the construction industry, staff recommends maintaining the percentage method for the time being. However, as additional program enhancements prove necessary, staff may in the future recommend an increase in the percentage-based fee system.

CERTIFICATE OF OCCUPANCY FEES

Staff recommends increasing the fee for a Certificate of Occupancy from \$25.00 to \$50.00

ELECTRICAL

Staff recommends changing the minimum fee from \$25.00 to \$50.00

MECHANICAL

Staff recommends changing the minimum fees for furnaces, water heater, fire dampers and air conditioning units to 1% of the total cost of the project, with a minimum of \$50.00.

OTHER PERMIT FEES:

Other fees were also examined, including demolition of structures, plumbing, swimming pool installation, and sign permit fees. Staff recommends the following:

DEMOLITION.

With significant staff time required for inspections, documentation and site monitoring, staff recommends increasing the fees for demolition as follows:

- Residential garage: from \$25.00 to \$50.00;
- Residential structure: from \$50.00 to \$500.00; and
- Commercial structure: from \$100.00 to \$1000.00

PLUMBING.

Staff recommends increasing the minimum fee from \$25.00 to \$50.00 (to correspond with other minimum fees) plus \$12.00 per fixture, (an increase from \$7.00 per fixture).

6-G-1

SWIMMING POOLS.

Staff recommends increasing the minimum fees as follows while maintaining the 1% fee structure:

- Underground swimming pools: from \$50.00 to \$75.00
- Above ground swimming pools: from \$25.00 to \$50.00

SIGN PERMITS

Staff recommends increasing sign permit fees as follows:

- Illuminated signs: from \$35.00 to \$75.00
- Non-illuminated signs: from \$25.00 to \$50.00

RECOMMENDATION:

Our review of fee structures utilized by other communities indicates that adjustments in our fee structure are warranted at this time. Therefore, we recommend that our permit fees be adjusted as described above.

Staff, in conjunction with the Village Attorney, has prepared the necessary ordinance amending the Code of Ordinances to reflect the new fees discussed in this report.

6-6.2

MUNICIPALITY	BUILDING PERMIT	CERT. OF OCCUPANCY	DEMOLITION	ELECTRIC	MECHANICAL	PLUMBING	POOLS	SIGNS
BERWYN	1% of cost - \$30 minimum	\$50 per sq. ft.	\$25 - Garage \$100 - Residential \$125 plus \$25 for each sq. ft. - Commercial	1% of cost - \$30 minimum	\$75 per unit – Comm. & Res.	1% of cost - \$30 minimum		25 sq. ft. - \$50 50 sq. ft. - \$75 150 sq. ft. - \$150 Illum./Non-illum.
ELMWOOD PK.	\$25 - 1 ST \$1,000 of cost; \$10.00 per \$1,000 after	No Fee	\$25 per. Cubic ft.	\$10 per fixture	Same as building permit fee	\$10 per fixture	Same as building permit fee	.50 per sq. ft.
FOREST PARK	\$20 per \$1,000	\$3 per cu. ft. – Res. \$5 per cu. Ft. – Com	\$100 - 1 st 8,000 cu. ft. – Residential \$50 – Garage - Commercial	\$25 - \$200 100 amp. to over 3,000 amp	\$5 per unit	\$30 plus \$10 per fix. – Res. \$50 plus \$20 per fix. – Com	\$50 U/G \$25 A/G	\$30 Illum. Indoor \$100 - Illum Outdoor \$35 Non – illum.
FRANKLIN PK.	1.5% of cost – min. \$50	\$40 – single family \$40 – multi-family plus \$10 for each unit over 3 Commercial: \$75 under 3,000 sq. ft.; \$150 3,001 to 10,000 sq. ft.; \$250 over 10,000 sq. ft.	\$50 Single Family \$50 + \$25 per unit in excess of 3 units – Multi-family \$100 under 3,000 sq. ft.; \$250 3,001 to 10,000 sq. ft.; \$500 over 10,000 sq. ft - Commercial	1.5% of cost of job - \$50 min.	\$50 per dwelling unit – Residential \$50 + 1.5% of cost – Commercial	\$50 plus 1.5% of cost of job	Same as building permit fee	
HILLSIDE	\$10 per cu. ft. - \$50 min.	No Fee	\$50 – Garage \$50 - Residential \$50 per cu. ft first 25,000 cu. ft; \$9 each addtl. Cu. ft.		\$25 per unit	\$75 plus \$10 per fixture	\$50	.50 per sq. ft. min - \$50 plus electric fee.

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MUNICIPALITY	BUILDING PERMIT	CERT. OF OCCUPANCY	DEMOLITION	ELECTRIC	MECHANICAL	PLUMBING	POOLS	SIGNS
HODGKINS	1% of cost of project		1% of cost of project	1% of cost of project	1% of cost of project	1% of cost of project	1% of cost of project	1% of cost of project
INDIAN HEAD PARK	1% of cost	\$100	\$1,500 – flat fee	\$100	\$50 per unit	\$100	\$10 per \$1,000	\$3 per sq. ft.
LA GRANGE PARK	1.15% of cost - \$50 min.	\$15 single family \$50 per unit dwelling unit – multi-family \$50 commercial	\$50 – Garage \$400 – Residential \$500 – Commercial or Multi-Family	\$8 per circuit - \$50 minimum	\$25 per unit	\$50 for 5 fixtures or less \$8 per fixture over 5	1% of cost - \$50 min.	\$1 per sq. ft or 1% of cost, whichever is greater – \$35 minimum
LYONS	.1.25% of cost - \$50 min. 1-2 family - .20% x sq. ft. Multi-family - .35% x sq. ft. Commercial - .55% x sq. ft.		\$125 – Garage \$200 – 1 – 2 family \$300 - 3 – 6 unit \$500 – 6 + \$600 Commercial	\$50 – 100 amp \$70 – 200-300 amp \$100 – 301-2000 amp \$200 over 2000 amps	\$50 per unit	\$50 plus \$20 per fixture	\$50 A/G \$100 U/G plus \$50 for electrical	\$50 plus .50% per sq. ft.
MELROSE PARK	\$25 plus \$5 per \$1,000 – Residential \$50 plus \$10 per \$1,000 – Commercial	\$25	\$150 – flat fee		\$25 plus \$10 per unit		\$25	.50 per sq. ft. plus 25 – Non-illuminated .60 per sq. ft. plus \$30 – Illuminated

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MUNICIPALITY	BUILDING PERMIT	CERT. OF OCCUPANCY	DEMOLITION	ELECTRIC	MECHANICAL	PLUMBING	POOLS	SIGNS
NORTH RIVERSIDE	\$13 for 1 st \$1,000; \$12 per each \$1,000 thereafter	\$40 – Residential \$90 – Commercial	\$40 – Garage \$40 – Residential \$130 – Commercial	\$50 for 1 st \$1,000, \$13 for each \$1,000 thereafter	\$40 per unit	\$40 per fixture up to 5; \$8 thereafter – Res. \$65 per fixture up to 5; \$13 thereafter – Com.	\$13 for 1 st \$1,000; \$12 for each \$1,000 thereafter	\$2.50 per sq. ft. plus \$45 – Illum. \$2.50 per sq. ft. plus \$30 – Non-illuminated
WESTCHESTER	1.25% of cost – Residential 1.5% of cost – Commercial		\$50 – Garage \$50 – Residential 1.5% of cost – Commercial			1.5% of cost		
WESTERN SPRINGS	1.5% of cost; \$50 minimum	\$25	\$50 – Garage \$1,000 – Resid. \$1,000 – Comm.	1.5% of cost; \$50 minimum	1.5% of cost - \$50 minimum	1.5% of cost; \$50 minimum	1.5% of cost; \$50 minimum	\$50 – illuminated/non
LA GRANGE (CURRENT)	\$25 minimum 1% of cost up to \$500,000; .5% for next \$500,000; .25% for next \$4,000,000; .1% all costs over \$5,000,000	\$25	\$25 - Garage \$50 - Residential \$100 - Commercial	1% of cost – Min. fee \$25	Res. \$25 per unit Comm. \$50 per unit	\$25 plus \$7 per fixture	1% of cost - \$50 min. – U/G \$25 min A/G	\$35 Illuminated \$25 Non-illuminated
LA GRANGE (PROPOSED)	\$50 minimum Percentage to remain as shown above	\$50	\$50 – Garage \$500 – Residential \$1,000 – Comm.	\$50 minimum	1% of cost - \$50 minimum permit fee	\$50 plus \$12 per fixture	1% of cost \$50 min. permit fee	\$75 Illuminated \$50 Non-illum.

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VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE XV
OF THE LA GRANGE CODE OF ORDINANCES REGARDING FEES

WHEREAS, Title XV of the La Grange Code of Ordinances provides for certain fees related to permits, applications, and other matters, and the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and in the best interests of the Village to establish a "La Grange Fee Schedule" and to revise and update the fee provisions of various chapters of the La Grange Code of Ordinances in the manner provided in this Ordinance;

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

Section 1. Recital. The foregoing recital is incorporated herein as a finding of the President and Board of Trustees.

Section 2. New Chapter 156 of Code of Ordinances. Title XV, titled "Land Usage," of the La Grange Code of Ordinances is hereby amended by inserting a new Chapter 156, titled "La Grange Fee Schedule," which new Chapter 156 will hereafter read as follows:

CHAPTER 156: LA GRANGE FEE SCHEDULE

The fees and charges due for the various licenses, permits, and services authorized by Title XV of this Code of Ordinances are set forth in the "LA GRANGE FEE SCHEDULE." Whenever a reference is made in this Code of Ordinance to the "La Grange Fee Schedule," that reference means the most current La Grange Fee Schedule adopted by the Village Board. The Village Board may amend the La Grange Fee Schedule from time to time, and all such amendments are hereby incorporated herein as if fully set forth herein.

Section 3. Amendment of Section 150.027 of Code of Ordinances. Section 150.027, titled "Permits for Electrical Work; Fees," of the La Grange Code of Ordinances is hereby amended in its entirety so that it will hereafter read as follows:

§ 150.027 PERMITS FOR ELECTRICAL WORK; FEES

- (A) The permit fee for all electrical work is set forth in the La Grange Fee Schedule.
- (B) The permit fee for re-inspection is set forth in the La Grange Fee Schedule.

Section 4. Amendment of Section 150.056 of Code of Ordinances. Section 150.056, titled "Amendments to Code," of the La Grange Code of Ordinances is hereby amended in its entirety so that it will hereafter read as follows:

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§ 150.056 AMENDMENTS TO CODE

The following sections of the BOCA International Mechanical Code, 1996, are hereby revised as follows:

Section M.101.1, insert: "Village of La Grange".

Section M.106.5.2, insert: Fee Schedule: All fees are set forth in the La Grange Fee Schedule.

Section M.106.5.3: delete section in its entirety.

Section M. 108.4, insert: guilty of a "misdemeanor, punishable by a fine not less than \$50.00 or more than \$500.00 for each offense. Each day that a violation continues after due notice has been served shall be deemed as a separate offense."

Section M.108.5, insert: not less than "\$50.00" or more than "\$500.00".

Section M.109.0 is deleted in its entirety and the following is substituted:

"All persons have the right to appeal any decision of the code official regarding the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, or repair of a mechanical system. An application for appeal may be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or that an equally good or better form of construction is used. An application for such appeal may be made with the Building Board of Appeals in accordance with the provisions of § 150.120 of the La Grange Code of Ordinances."

Section 5. Amendment of Section 150.121 of Code of Ordinances. Section 150.121, titled "Building Permit Fees," of the La Grange Code of Ordinances is hereby amended in its entirety so that it will hereafter read as follows:

§ 150.121 BUILDING PERMIT FEES.

(A) Any person desiring a building permit must, in addition to filing an application therefore, pay to the office of the Director of Community Development before such permit is issued, a fee as required in this section.

(1) (a) The fee to be charged for a permit to construct, erect, enlarge, alter or repair any building or addition or part thereof is set forth in the La Grange Fee Schedule, and may in no event be less than the minimum amount set forth in the La Grange Fee Schedule.

(b) Fees established pursuant to Subsection (A)(1)(a) above may be modified for unusual circumstances if approved by the Board of Trustees.

(c) For the purpose of determining fees set forth in the La Grange Fee Schedule, the estimated cost shall be determined by the Director of Community Development. The Director of Community Development may accept an estimate furnished to the Village by the applicant for the permit, or may require a certificate from a licensed architect or structural engineer or an affidavit from the owner or its agent of the total cost of the proposed work, or may make such estimate as Director of Community

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Development. The Director of Community Development may not require both the affidavit and the certificate mentioned herein.

(d) Plan Review fees are set forth in the La Grange Fee Schedule:

(2) The fee to be charged for other miscellaneous permits is set forth in the La Grange Fee Schedule.

(B) In the event that work for which a permit is required by this Chapter is started or proceeded with prior to obtaining the permit, the fees specified in the La Grange Fee Schedule are doubled. Payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from other penalties prescribed herein.

(C) The Director of Community Development must keep a permanent accurate account of all fees collected and received under this chapter and given the name of the person upon whose account the same were paid, and the date and amount thereof, together with the location of the building or premises to which they relate. Such funds must be turned over daily to the Village Collector.

(D) (1) The duration of building permits is as follows:

(a) Garages, additions and remodeling – Six months.

(b) One- and two-family residence – One year.

(c) Apartment building of three or more units – 18 months

(d) Commercial and industrial buildings – 18 months

(e) Institutional buildings and special conditions – 24 to 36 months

(f) As may be defined in a Planned Development ordinance approved by the Village Board.

(2) Permits issued for a duration of 12 months or longer may be once renewed for a period of six months, and the fees charged are based on the actual amount of construction remaining to be completed.

(E) If an inspection is scheduled and the inspector determines that the job has not progressed to the point where a final inspection can be made, or access is not available to perform an inspection, a \$25 re-inspection fee may be charged by the Director of Community Development. No further inspections will be made until the re-inspection fee has been paid.

(F) Various provisions of certain chapters in this Code of Ordinances which regulate particular types of construction or improvements related thereto, have referenced the fee provisions set forth in this section; and where so referenced, the provisions contained in this section shall be so used.

Section 6. Amendment of Section 153.16 of Code of Ordinances. Section 153.16, titled "Permit Fees," of the La Grange Code of Ordinances is hereby amended so that it will hereafter read as follows:

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§ 153.16 PERMIT FEES.

The permit fee for construction, alteration, or demolition of both underground and above ground swimming pools is set forth in the La Grange Fee Schedule.

Section 7. Applicability of Amended Fee Provisions. The fees imposed pursuant to this Ordinance shall be applied and enforced on and after _____, 2008, except that the existing fee provisions that have been amended by this Ordinance will apply to any permit application filed pursuant to any chapter of Title XV of the La Grange Code of Ordinances prior to the end of regular Village business hours on _____, 2008.

Section 8. 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 _____ 2008.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2008.

Village President

ATTEST:

Village Clerk

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VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager and
Patrick D. Benjamin, Community Development Director
Sylvia Gonzalez, Administrative Assistant

DATE: April 14, 2008

RE: **ORDINANCE – AMENDING REGISTRATION FEES FOR
CONTRACTORS**

The Village currently requires certain contractors working within its boundaries to obtain a license or to register with the Village, including general contractors, carpentry contractors, electricians, brick masons, cement contractors, excavators, roofers, plumbers, sewer builders and heating, ventilation, and air conditioning (HVAC) contractors. As part of our ongoing review of the Village fee structure, staff first analyzed registration fees of neighboring communities. Here is a summary of staff findings:

REGISTRATION FEES		
MUNICIPALITY	CONTRACTORS	
	General	Subcontractor
La Grange	\$ 75	\$ 50
Brookfield	75	50
Countryside	50	50
La Grange Park	75	50
Westchester	200	100
Western Springs	50	75

Based on a comparison of fees charged by other municipalities and cost recovery to offset increased personnel costs as discussed in the preceding report adjusting certain building permit fees, staff recommends increasing the registration fees of general contractors from \$75 to \$100 per year, and sub-contractors from \$50 to \$75 per year. This is consistent with the information presented during budget meetings.

Working in cooperation with the Village Attorney, staff prepared the necessary ordinance to amend the Code of Ordinances to reflect the new fee structure for contractor registration and licensing.

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VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 110.20 OF THE LA GRANGE CODE OF ORDINANCES REGARDING CERTAIN BUSINESS LICENSING AND REGISTRATION FEES

WHEREAS, Section 110.20 of the La Grange Code of Ordinances provides for a schedule of fees related to certain licenses and registrations, and the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and in the best interests of the Village to revise and update that fee schedule in the manner provided in this Ordinance;

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

Section 1. Recital. The foregoing recital is incorporated herein as a finding of the President and Board of Trustees.

Section 2 Amendment of Section 110.20 of Code of Ordinances. Section 110.020, titled "Fee Schedule," of the La Grange Code of Ordinances is hereby amended in part so that the amended portion of Section 110.20 will hereafter read as follows:

§ 100.20 FEE SCHEDULE

The license and registration fees shall be as follows:

* * *

General contractors	75-100
Carpenter contractors	50
Cement contractors	50
Electrical contractors	50
Excavating contractors	50
Mason contractors	50
Roofing contractors	50
Plumbing contractors	50
Sewer builders	50
Heating, ventilating and air conditioning contractors	50
Board-up contractors	50
Subcontractors, tradesmen, and others performing carpentry, cement, electrical, excavating, masonry, roofing, plumbing, sewers, pipelines, HVAC, board-up, and others	75

Section 3. Applicability of Amended Fee Provisions. The fees imposed pursuant to this Ordinance shall be applied and enforced on and after May 1, 2008, except that the existing fee provisions that have been amended by this Ordinance will

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apply to any permit application filed pursuant to any chapter of Title XI of the La Grange Code of Ordinances prior to the end of regular Village business hours on April 30, 2008.

Section 4. 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 _____ 2008.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2008.

Village President

ATTEST:

Village Clerk

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