

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, JULY 9, 2007

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

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

AGENDA

Monday, July 9, 2007 – 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. PRESIDENT'S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
 - A. Employee Recognition — Retirement of Police Officer Bryan Beaver
3. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
4. OMNIBUS AGENDA AND VOTE
Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.
 - A. Ordinance – Special Service Area No. 7: Minor Boundary Adjustments
 - B. Award of Contract – Janitorial Services
 - C. Purchase – Stump Grinder
 - D. Amendment - Engineering Services Agreement / Hillgrove Avenue Reconstruction Project
 - E. Consolidated Voucher 070709

- F. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, June 25, 2007

5. CURRENT BUSINESS

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

- A. Ordinance – Major Adjustment to Planned Unit Development Final Plans – Village Bluffs, 400 East Elm Ave., Bluff & Elm Real Estate Partners, LLC: *Referred to Trustee Horvath*
- B. Ordinance – La Grange Zoning Code Amendments Relating to Certain Residential Bulk, Yard, and Space Regulations: *Referred to Trustee Langan*

6. MANAGER’S REPORT

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

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

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

8. EXECUTIVE SESSION

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

- A. Closed Session — Purchase, Sale or Lease of Real Property

9. TRUSTEE COMMENTS

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

10. ADJOURNMENT

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

PRESIDENT'S REPORT

VILLAGE OF LA GRANGE
Police Department

BOARD REPORT

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

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

DATE: July 9, 2007

RE: **OFFICER BRYAN BEAVER RETIREMENT**

Squad Leader Bryan Beaver has notified us of his retirement from the La Grange Police Department, effective tomorrow, July 10, 2007. Bryan leaves the Village of La Grange to accept a position with Harris Bank in Chicago.

Bryan Beaver joined the La Grange Police Department in 1986 and he worked his first four years in the uniformed Patrol Division. In 1990 he was assigned to the Investigative Division, with an emphasis upon implementing the D.A.R.E.® program in the La Grange Schools. As part of the D.A.R.E.® program, Officer Beaver organized a fundraising basketball game that brought together members of the Chicago Bears and the La Grange Police Department. As a result of that event, more than \$10,000 was raised for the D.A.R.E.® program. After completing his time as a D.A.R.E.® Officer, Bryan Beaver returned to Patrol as a Squad Leader and Field Training Officer (FTO) and during this assignment he trained twelve Police Officers within the department.

Bryan Beaver has also held various titles and leadership positions while serving as a member of the La Grange Police Department. In 1994, he was elected President of the West Suburban Juvenile Officers Association. He was also elected as President of Local 1382 of the AFSCME Lodge, the labor organization that represents the police officers.

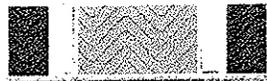
Professionally, Bryan continued taking in-service police classes, and he returned to college, earning a Bachelor's Degree in Criminal Justice from Governor's State University in 2005.

During his career Squad Leader Bryan Beaver has been the recipient of several departmental awards. He received two Chief's Award of Merit, one for the fundraising efforts associated with the D.A.R.E.® program, and a second for pulling a citizen from a burning vehicle. He has also received more than fifteen Letters of Commendation during his twenty-one year career.

Chief Holub has nominated squad Leader Bryan Beaver for a Meritorious Service Award, in recognition of an exemplary career bringing professional acclaim to the department and the police profession, as a result of showing initiative, devotion to duty or service to the public. We recommend that the Village Board recognize Squad Leader Bryan Beaver for a career of dedication and exemplary service, at the next Village Board meeting on July 9, 2007.

2-A

La Grange Police Department



MERITORIOUS SERVICE MEDAL

Is hereby awarded to

Squad Leader Bryan Beaver

Star # 219

in recognition of your highly commendable police career, from 1986 to 2007. Your personal initiative, devotion to duty, personal appearance, and exemplary service to the public over a career spanning more than 20 years brings praise to the La Grange Police Department and to you personally.

July 9, 2007

Michael A. Holub
Michael A. Holub, Chief of Police

2-A.1

OMNIBUS VOTE

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

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

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

DATE: July 9, 2007

RE: **ORDINANCE – SPECIAL SERVICE AREA NO. 7: MINOR
BOUNDARY ADJUSTMENTS**

In March 2004, the Village Board adopted Ordinance O-04-09 establishing Special Service Area (SSA) No. 7 to help defray the cost of maintaining the Central Business District (CBD). The boundaries of SSA No. 7 are substantially the same as the boundaries of the TIF District with the following exceptions: 1) free standing single-family and multi-family residential properties within the TIF District were excluded from the SSA and 2) several commercial properties outside the TIF District on Hillgrove and Burlington Avenues, east of Kensington, were included in the SSA because they also benefit from CBD streetscape amenities which must be maintained. In the adopting ordinance, properties to be included in SSA No. 7 were identified by their legal descriptions.

As discussed at the budget workshop held on March 10, 2007, we need to make some minor housekeeping boundary adjustments to the original Special Service Area established in 2004. Based on information made available by Cook County, the Village was able to determine that certain residential properties within the CBD had been included in the SSA and certain commercial properties within the CBD had been omitted from the SSA. Over the past several months, the Village Attorney and staff have been working with the County to correctly identify properties to be included in the SSA. The County has requested that the Village adopt an amending ordinance listing specific property tax identification numbers of those properties to be included in SSA No. 7.

We will undertake the necessary work to issue a refund to those residents who were taxed inadvertently.

Attached for your review is an ordinance drafted by the Village Attorney to accurately identify all property identification numbers within SSA No. 7.

We recommend that the ordinance be approved

4-A

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING LA GRANGE ORDINANCE NO. O-04-09
ESTABLISHING SPECIAL SERVICE AREA NUMBER 7
TO ATTACH A NEW EXHIBIT E LISTING PROPERTY IDENTIFICATION NUMBERS
INCLUDED WITHIN SPECIAL SERVICE AREA NUMBER 7

WHEREAS, on March 22, 2004, the Board of Trustees of the Village of La Grange adopted La Grange Ordinance No. O-04-09 establishing La Grange Special Service Area Number 7 ("SSA No. 7") to provide funding for the various ongoing maintenance activities within the Village's central business district; and

WHEREAS, the Village has determined that it is appropriate to revise Ordinance No. O-04-09 to include a new Exhibit E to accurately identify all Property Identification Numbers ("PINs") located within SSA. No. 7;

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 herein as findings of the President and Board of Trustees.

Section 2. Amendment of Ordinance No. O-04-09. La Grange Ordinance No. O-04-09 shall be, and it is hereby, amended by adding thereto a new Exhibit E in the form of the Exhibit E attached to and by this reference incorporated into this Ordinance.

Section 3. Continued Effect. Except for the new Exhibit E as provided by this Ordinance, La Grange Ordinance No. O-04-09 is and shall remain in full force and effect.

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 July 2007.

AYES:

NAYS:

ABSENT:

APPROVED by me this ____ day of July 2007.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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EXHIBIT E

PINS INCLUDED IN SSA NO. 7

18-04-110-011
18-04-110-031
18-04-110-032

18-04-111-030
18-04-111-040
18-04-111-041
18-04-111-042
18-04-111-044
18-04-111-045
18-04-111-055
18-04-111-056

18-04-122-004
18-04-122-014
18-04-122-015
18-04-122-017
18-04-122-018
18-04-122-019
18-04-122-025
18-04-122-026
18-04-122-028

18-04-123-002
18-04-123-004
18-04-123-005
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18-04-123-021
18-04-123-022

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18-04-123-023
18-04-123-025
18-04-123-026
18-04-123-027
18-04-123-029
18-04-123-030
18-04-123-031
18-04-123-032
18-04-123-035
18-04-123-036
18-04-123-037
18-04-123-038
18-04-123-039
18-04-123-040

18-04-125-001
18-04-125-004
18-04-125-005
18-04-125-011
18-04-125-012
18-04-125-015
18-04-125-025
18-04-125-027
18-04-125-028
18-04-125-033
18-04-125-037
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18-04-125-054-1001
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18-04-125-054-1003
18-04-125-054-1004
18-04-125-054-1005

18-04-127-013

18-04-128-003
18-04-128-004
18-04-128-005
18-04-128-006

18-04-129-001
18-04-129-002
18-04-129-003
18-04-129-004
18-04-129-011
18-04-129-012
18-04-129-013
18-04-129-014
18-04-129-015
18-04-129-017
18-04-129-020
18-04-129-027
18-04-129-028
18-04-129-029
18-04-129-031
18-04-129-032

18-04-208-036

18-04-214-001
18-04-214-002
18-04-214-003
18-04-214-011
18-04-214-014
18-04-214-015
18-04-214-016
18-04-214-022
18-04-214-023
18-04-214-025
18-04-214-026
18-04-214-027
18-04-214-028
18-04-214-029
18-04-214-030
18-04-214-031
18-04-214-035
18-04-214-036

18-04-214-038-1001
18-04-214-038-1002
18-04-214-038-1003
18-04-214-038-1004
18-04-214-038-1005
18-04-214-038-1006

18-04-215-001
18-04-215-011
18-04-215-012

18-04-216-001
18-04-216-013

18-04-230-001
18-04-230-010
18-04-230-013
18-04-230-017
18-04-230-019
18-04-230-020
18-04-230-021
18-04-230-023

18-04-116-007
18-04-116-008
18-04-116-009
18-04-116-015

18-04-117-006
18-04-117-007
18-04-117-008
18-04-117-011

18-04-122-001
18-04-122-002
18-04-122-003

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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

DATE: July 9, 2007

RE: **AWARD OF CONTRACT – JANITORIAL SERVICES**

Janitorial services for the Village Hall and the Police Department are currently provided for under a multi-year contract with Ally Incorporated. This contract, which was approved in 2001, provided for the opportunity to renew the contract annually for a 3-year period at the 2001 rate with only an annual CPI increase. In 2004, and every year since then, Ally has not requested an increase in their contract. Consequently, we exercised our option and renewed the contract with no additional cost to the Village.

Per the attached letter, Mr. Larry Jenkins of Ally Incorporated proposes to extend the present contract with a 2.2 percent increase. As with past renewals, this increase is based upon the April CPI (Consumer Price Index).

The following table reflects the monthly increase in contact costs:

	Present Monthly Fee	Proposed Monthly Fee	Increase
Village Hall	\$1,609.29	\$1,644.69	2.2%
Police Department	\$1,443.50	\$1,475.26	2.2%

We have been very satisfied by the service provided by Ally Inc. and its employees over the years and agree with Mr. Jenkins that it would be mutually beneficial to extend the contract for janitorial services for both the Village Hall and the Police Department. Mr. Jenkins also proposes an optional contract extension clause for a period of 3 years. We will consider subsequent renewals based on the CPI at the time and the amount of any increase proposed by Ally. There are sufficient funds in the Building and Grounds Fund budget to cover this expense.

We recommend accepting the proposal of Ally Inc. for janitorial services for the Police Department at a monthly fee of \$1,644.69 and the Village Hall for a monthly fee of \$1,475.26 with the option to renew annually at the current rate plus the April CPI.

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4-B

ALLY, INC.
Custodial Contractors
P.O. Box 897
La Grange, IL 60525

June 20, 2007

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

Re: Custodial Services at Village Hall and Police Department

As we have completed the custodial service agreement and have been mutually satisfied with the work and cooperation on both sides of the contract, Ally, Inc. would like to propose to the Village of La Grange to extend the original contracts another year (May 1, 2007 – April 30, 2008) with a 2.2 % C.P.I. (Consumer Price Index) increase beginning July 1, 2007. Ally, Inc. will waive any increase for May and June of 2007. The last time Ally, Inc. Custodial Services received a price adjustment was in May 2004 and this will help offset wage, material, insurance, and tax increases.

We offer an optional contract extension of 3 years (2009, 2010, 2011) with an annual C.P.I. increase (effective May 1st of each year) that would be beneficial to both parties. Ally, Inc. may choose not to activate these annual increases and will advise the Village annually in writing by May 1st of each year. We understand that all specifications that were in the original contract will remain the same and in effect for succeeding years.

Ally, Inc. believes that working harmoniously with the Village adds significantly to the value of the job. Trusting this meets with your approval we look forward to servicing you in the future.

Village of La Grange

Dated _____

Ally, Inc. Subsidiary Rushmore, Inc.

Larry A. Jenkins

President

Dated *June 20, 2007*

4-B.1

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

DATE: July 5, 2007

RE: **PURCHASE – STUMP GRINDER**

The FY 2007-08 Budget provides funds for the replacement of our 1978 model stump grinder used by the Public Works Department. The equipment is used to grind tree stumps after the removal of trees (both in-house and contracted).

Bids were solicited from four local vendors known to be capable of supplying the equipment as specified but only two responded. The following table reflects the bids received:

VENDOR/LOCATION	BID
Martin Implement/Orland Park, IL	\$29,696
Alexander Equipment/Lisle, IL	\$33,495
FY 2007-08 Budget Equipment Replacement Fund (\$15,000) Public Works Fund - New Equipment (\$23,000)	\$38,000

Although Martin Implement submitted the low bid, the proposed machine, a Bandit 3200, had a list of eleven items which deviated from our specifications. Although the majority of the items are considered small, we did have concerns regarding the after-manufacture wheel substitution. We specified a type of wheel which is not standard equipment on the Martin Implement machine and would have to be substituted later. Another concern is that the Bandit 3200 has only been manufactured for a few years and as yet does not have a proven track record for performance and maintenance.

Alexander Equipment submitted a bid based on the Carlton 7500 model. This piece of equipment met all Village specifications and has been manufactured for over 25 years. It also comes with certain safety features, such protections which result in less chip spray. The warranty on the Carlton 7500 is one-year for the unit/three-years for the engine as opposed to the Bandit 3200 which has a 6-month for the unit/one year for the engine.

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We recommend that the Village Board waive the competitive bidding process and accept the quote submitted by Alexander Equipment in the amount of \$33,495 for the purchase of a Carlton 7500 stump grinder.

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4-C.1

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 and
Andrianna Peterson, Assistant Village Manager

DATE: July 9, 2007

RE: **AMENDMENT – ENGINEERING SERVICES AGREEMENT/
HILLGROVE AVENUE RECONSTRUCTION PROJECT**

In February of 2004, the Village entered into an agreement with Heuer and Associates for construction engineering services necessary to oversee the Hillgrove Avenue project. The upper limit of the agreement was \$218,179. The construction project was funded through Federal Surface Transportation Funds and a Congestion Mitigation and Air Quality grant. The Village opted to fulfill most of its matching fund obligations by using Motor Fuel Tax reserves.

Although the project was bid in late July, 2004 the majority of the construction was not completed until November, 2005. Coordination and communication with IDOT and the contractor regarding completion of punch list items took an additional year of effort and was not completed until October, 2006. Therefore, the originally anticipated project construction timetable of one year resulted in a two year project.

In addition, Heuer and Associates continues to work with IDOT to close outstanding payment and documentation matters, most notably related to payment for the pedestrian-oriented streetlights. As explained in previous staff reports, this matter developed after IDOT determined that the standard light poles used in the Village that IDOT had previously approved and authorized as a part of the funded project scope were ineligible for federal participation. An extensive and time consuming process for seeking a waiver of the requirement was administered. Despite IDOT's initial indication of support, the request was ultimately denied.

In November, 2005, the \$218,179 upper limit defined for the engineering contract was reached. The extended activities involved in administering the project and addressing the light pole matter has resulted in an increase in construction engineering related expenses. Mr. Heuer has prepared documentation detailing accrued expenses since November, 2005. We have reviewed the expenses and found them to be accurate and reasonable. Consequently, Mr. Heuer has requested an amendment to his Engineering Services Agreement in the amount of \$59,322.08.

4-D

Since Phase III engineering expenses are eligible for reimbursement through our agreement with the State, we have sent a letter to the State requesting that additional funds be allocated to the project and that the Village be reimbursed for seventy percent of the expenses for additional professional services incurred during the project. Because of the time that it could take for IDOT to respond to our request, we propose to pay Heuer and Associates in full for incurred expenses and retain any remittance from IDOT.

In the event that additional funds are not allocated by the State, there are sufficient reserves in the Capital Projects Fund to cover these additional professional services. There are also adequate funds in Motor Fuel Tax reserves that can be transferred to Capital Projects to cover the expense. Because this item is not budgeted, a budget amendment reflecting the additional expenses to the original contract and transfer of funds from Motor Fuel Tax to Capital Projects will be prepared at the end of the current fiscal year. An additional Motor Fuel Tax resolution will not be necessary as our original MFT resolution for the Hillgrove Avenue project has sufficient funds remaining.

It is our recommendation that the Village Board approve the attached amendment to the current Engineering Services Agreement for Phase III Engineering Services related to the Hillgrove Avenue Reconstruction Project in the amount of \$59,322.08, for a revised contract amount not to exceed \$277,501.

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4-D.1

HEUER AND ASSOCIATES
Consulting Engineers

2315 Enterprise Drive - Suite 102
Westchester, Illinois 60154-5811

PH: 708-492-1000
FAX: 708-492-0700

June 26, 2007

Ms. Andriana Peterson
Assistant Village Manager
Village of La Grange
53 South La Grange Road
La Grange, Illinois 60525

Re: Amendment to the Phase III Construction Engineering Agreement
Hillgrove Avenue Improvement Project, LaGrange, Illinois
Project: STPM-7003(604); Section 96-00075-00-RS

Dear Ms. Peterson:

Following the completion and submittal of construction plans in December 2003, the Agreement for Phase III Construction Engineering Services was prepared and submitted to IDOT on January 6, 2004 pursuant to their direction. The agreement was subsequently approved by the Village Board on February 23, 2004, and finally approved by IDOT on June 23, 2004. The \$218,178.93 cost reflected the hourly billing rates for the firm as of the 2004 calendar year. In keeping with IDOT guidelines, the cost was programed for the 122 working days associated with the contract schedule. The project was let on July 30 2004, and the contract award made by IDOT on August 27, 2004. Following IDOT's authorization to proceed on September 13, 2004, construction was finally able to begin on Monday, October 4, 2004, with a projected completion date of November 1, 2005.

The construction was suspended on November 1, 2004 for the winter season, resuming on March 28, 2005 as the spring season began. While much of the project was completed by the formal November 1, 2005 completion date, a number of work elements remained, particularly as it concerned lighting and landscaping. Work on the remaining items progressed through the winter months into 2006 as weather conditions permitted. The work continued intermittently through the spring and summer of 2006 and was considered essentially complete by August 1, 2006, with punch list items finally completed on October 19, 2006. The project has required two calendar years to reach this point rather than the one year that was originally expected.

Despite the completion of the construction, the project's contract remains open as outstanding payment and documentation matters persist. Principal among these matters has been the payment for the cast ductile iron light poles.

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The protracted time schedule associated with the construction project greatly exceeded the time anticipated and allowed under the construction engineering agreement. Further, given the controversial light pole matter, a considerable amount of labor hours not anticipated as part of the project scope have been, and continue to be required to address the funding and construction payment approvals. As shown in the following table the agreement budget value was met in November 2005. However costs continued to accrue as the project work was not complete and documentation matters continued. The project is still not finalized with IDOT and we are obligated to continue to allocate time to project administration tasks. As shown in the table our current accounting of accrued cost, as reflected in the attached Project Billing Statement 07-162, exceeds the budget by about 24.9%. We expect that an additional \$5000 will probably be expended before the project is finalized by IDOT.

INVOICE SUMMARY AND BUDGET ANALYSIS						
Project Description:		Hillgrove Avenue - PH3- Construction Engineering				
Date of Authorization:		6/23/04	Agreement Budget Value:		\$218,178.93	
Invoice Number	Invoice Date	Invoice Period	Invoice Amount	Previous Total	Current Total	Percent of Limit
04-189	12/6/04	7/28/04 - 12/3/04	\$31,211.88	\$0.00	\$31,211.88	14.3%
05-013	2/18/05	12/6/04 - 2/8/05	\$6,587.41	\$31,211.88	\$37,799.29	17.3%
05-053	4/6/05	2/18/05 - 3/31/05	\$26,864.05	\$37,799.29	\$64,663.34	29.6%
05-071	5/25/05	4/18/05 - 5/20/05	\$19,551.88	\$64,663.34	\$84,215.22	38.6%
05-099	7/8/05	5/23/05 - 7/1/05	\$22,955.20	\$84,215.22	\$107,170.42	49.1%
05-115	8/18/05	7/5/05 - 8/12/05	\$33,224.22	\$107,170.42	\$140,394.64	64.3%
05-142	10/25/05	8/15/05 - 10/21/05	\$63,054.39	\$140,394.64	\$203,449.03	93.2%
05-172	12/5/05	10/24/05 - 11/11/05	\$14,711.65	\$203,449.03	\$218,160.68	100.0%
07-046	03/09/07	11/14/05 - 2/11/07	\$48,319.31	\$218,160.68	\$266,479.99	122.1%
07-162	6/27/07	3/5/07 - 6/26/07	\$6,021.02	\$266,479.99	\$272,501.01	124.9%

In light of the fact that the incurred cost is the result of matters outside of our control, we respectfully request that the Agreement for Construction Engineering Services be amended to increase the upper limit of engineering cost to encompass the current accrued cost and anticipated final cost. In this we note that the current accrued cost exceeds the agreement upper limit by \$54,322.08 ($\$272,501.01 - \$218,178.93 = \$54,322.08$). Allowing for the

4-D.3

Amendment to the Phase III Construction Engineering Agreement
Hillgrove Avenue Improvement Project, LaGrange, Illinois
Project: STPM-7003(604); Section 96-00075-00-RS
June 26, 2007
Page 3

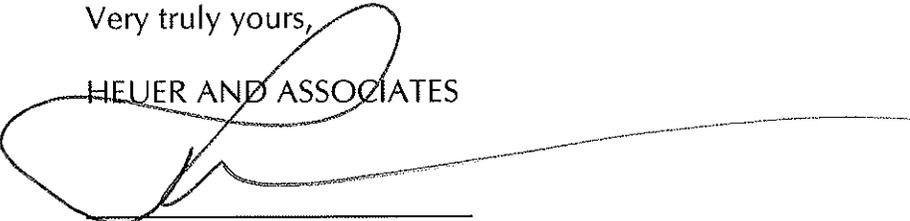
anticipated additional time that will be spent addressing IDOT's final contract close-out processing requirements, we project that an additional \$5000 should be included in the budget amendment. As a result we request that the upper limit be increased to \$59,322.08 ($\$54,322.08 + \$5,000.00 = \$59,322.08$) to account for the actual as well as the anticipated final engineering costs. This will increase the project budget from the current \$218,178.93 to \$277,501.01 ($\$218,178.93 + \$59,322.08 = \$277,501.01$).

We have prepared and attached three (3) copies of the Amendment to the Construction Engineering Services Agreement for your use in processing this request and formalizing the basis for payment. As such this request reflects only a local agency process. Amending the engineering agreement for additional federal participation will require a separate submittal process to IDOT for their review and approval. It should be noted that additional Federal participation is not likely under the current grant arrangements, where a maximum participation level of \$1,862,000 has been stipulated for design and construction. Given that all of the Federal funds will likely be expended in the design and construction of the improvement, additional funds would have to be secured to expand the federal allotment for participation in the increased cost for construction engineering.

We hope that this presentation meets with your approval. If you should have any questions, please feel free to call.

Very truly yours,

HEUER AND ASSOCIATES



Thomas A. Heuer, P.E.
Principal Engineer

cc: - Mr. Ken Watkins, Director of Public Works

4-0.4

Project Name:	Hillgrove Avenue Project	AMENDMENT TO THE CONSTRUCTION ENGINEERING SERVICES AGREEMENT
Local Agency:	Village of LaGrange	
Section:	96-00075-00-RS	
Project No.	M-CMM-7003(604)	
Job / Contract No.	C-91-163-98 / #83684	
Engineer:	Heuer & Associates, P.C.	

This AMENDMENT to the AGREEMENT dated February 23, 2004, and authorized on June 23, 2004 by the Illinois Department of Transportation (IDOT), is made and entered into this _____ Day of _____, 2007 between the Village of LaGrange (LOCAL AGENCY) and Heuer & Associates (ENGINEER) to provide for additional engineering services as outlined below:

WHEREAS the construction time has exceeded that originally encompassed by the project schedule by over one year, substantially increasing the time anticipated and encompassed by the original AGREEMENT; and

WHEREAS the preparation and processing of special documentation and authorizations for Contract Item XX005870 - Light Pole, Cast Iron, 3.352M MH, substantially increases the scope of activities anticipated and encompassed by the original AGREEMENT; and

WHEREAS the changes in time and scope are due to circumstance beyond the ENGINEER'S control; and

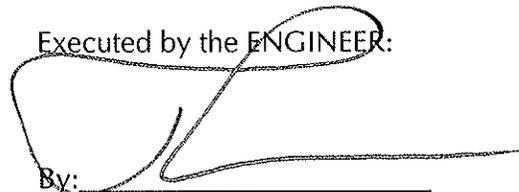
WHEREAS the ENGINEER has demonstrated that the extra cost for engineering services required for the extra construction coordination, construction engineering, and construction documentation currently totals \$54,322.08, and is expected to total \$59,322.08 before the project is finalized, and has requested that the upper limit of the AGREEMENT be increased to include the projected final sum;

IT IS HEREBY MUTUALLY AGREED to amend the AGREEMENT, increasing the upper limit by \$59,322.08, from \$218,178.93 to \$277,501.01.

Executed by the CLIENT:

By: _____
Elizabeth M. Asperger
President, Village of LaGrange

Executed by the ENGINEER:

By: 
Thomas A. Heuer, P.E.
President, Heuer & Associates, P.C.

Attest:

By: _____
Robert N. Milne
Clerk, Village of LaGrange

4-P.5

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

July 9, 2007

Consolidated Voucher 070709

<u>Fund No.</u>	<u>Fund Name</u>	<u>07/09/07 Voucher</u>	<u>06/29/07 Payroll</u>	<u>Total</u>
01	General	60,200.77	234,449.31	294,650.08
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF	6,359.40		6,359.40
24	ETSB	2,277.74		2,277.74
40	Capital Projects	273,304.85		273,304.85
50	Water	6,930.65	35,816.81	42,747.46
51	Parking	1,624.02	20,080.22	21,704.24
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	1,089.00	8,218.22	9,307.22
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269	840.33		840.33
94	SAA 270			0.00
		<u>352,626.76</u>	<u>298,564.56</u>	<u>651,191.32</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-E

MINUTES

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

Monday, June 25, 2007 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:35 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were present:

PRESENT: Trustees Horvath, Kuchler, Langan, Livingston, Palermo and Wolf with President Asperger presiding.

ABSENT: None

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Community Development Director Patrick Benjamin
Assistant Community Development Director Angela Mesaros
Finance Director Lou Cipparrone
Public Works Director Ken Watkins
Assistant Public Works Director Mike Bojovic
Police Sergeant Marge Kielczynski
Fire Chief David Fleege
Doings Reporter Ken Knutson
Suburban Life Reporter Joe Sinopoli

2. PRESIDENT'S REPORT

President Asperger began the meeting by recognizing Village Manager Robert Pilipiszyn for his fifteen years of service to the Village. President Asperger thanked Manager Pilipiszyn for his dedication and outstanding service to the community. She further noted his commitment in making the Village of La Grange the best place to live.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Eve Pellettiere, 701 S. Spring is glad that something is finally being done to amend the Zoning Code as it relates to discouraging front loading garages. Ms. Pellettiere noted her concerns were expressed to the previous Board several years ago.

Tim Trompeter, 318 S. Ashland is supportive of the newly proposed Zoning Code amendments for lot and building coverage with allowances.

Bob Reichl, 641 S. Waiola stated the need to reduce the size of homes is evident and expressed his support for changes in the Zoning Code. Mr. Reichl noted a need for enforcement of construction site management and conduct of contractors. Mr. Reichl elaborated on his experiences with construction and encroachment issues he has personally faced.

President Asperger explained that although this evening's action does not address issues relating to construction maintenance and enforcement, the Board has directed staff to look very closely at this matter.

Mrs. Reichl, 641 S. Waiola expressed on-going concerns related to safety on construction sites and hopes something will be done.

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-07-17)– Design Review Permit (DRP) #73, 512 West Burlington, Jerry Burjan
- B. Purchase – Police Department / Replacement of Evidence and Property Management Database System – Porter Lee Corporation, Schaumburg, Illinois - \$14,000.
- C. Purchase – Police Department / Parking Division Replacement Parking Meters – Duncan Parking Technologies, Harrison, Arkansas - \$25,000.
- D. Ordinance (#O-07-18) – Disposal of Surplus Property
- E. Purchase – Fork Lift – United Lift Truck, Bellwood, Illinois - \$12,000.
- F. Consolidated Voucher 070625 - \$565,987.29
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, June 11, 2007

4-F.1

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

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

5. CURRENT BUSINESS

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

Trustee Livingston noted that the Village has received a request from the La Grange Business Association to hold the annual art and craft fair on Saturday and Sunday, July 14 and 15, 2007. The location utilized for the last two years was found to be favorable and is being requested again this year, however it will again be necessary for the Board to approve various road closures.

It was moved by Trustee Livingston to approve the closure of Harris Avenue west of La Grange Road to Ashland Avenue and Madison Avenue from Harris south to just north of the entrance to the parking lot located at Harris and Madison Avenues and the closure of Village Parking Lots 3 and 4 on July 14 and 15, 2007 for the 2007 La Grange Art and Craft Fair, seconded by Trustee Horvath. Approved by a roll call vote.

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

B. Proposed Zoning Code Amendments: Referred to Trustee Langan

President Asperger explained procedures the Board would follow this evening in order for staff to prepare a single ordinance enacting only those Zoning Code amendments which are supported by a majority of the Board.

Trustee Langan stated concerns with zoning became apparent almost five years ago with the Comprehensive Plan. For the past two years, the Village has conducted public hearings, workshops, meetings and discussions to review the Zoning Code and proposed amendments. Each Trustee has been given extensive documentation in order to evaluate and determine accurate and fair solutions to concerns expressed by residents throughout the entire community. Trustee Langan believes the issues became predominant when trends in building reached maximum lot coverage. The outcome has been less green space, drainage issues, and unhappy neighbors. Trustee Langan noted the efforts and frustrations

4-F.2

incurred by numerous individuals involved in the process of attempting to coordinate the research and analysis to bring forth possible solutions.

Trustee Langan stated the responsibility to the tax payer is to bring forth an ordinance that makes sense; is easily enforced; and represents the entire Village.

Group 1. Amendments reducing mean height and maximum height.

Trustee Langan moved to approve the proposed amendments reducing the mean and maximum heights in the residential districts in the form presented June 25, including the opportunities for increases up to three feet in mean and maximum heights, and to direct staff to prepare the appropriate ordinance to enact the amendments, seconded by Trustee Livingston.

Trustee Livingston indicated his appreciation for all of the information supplied and is in favor of some of the proposed Zoning Code amendments, however he would not support this item.

Trustee Kuchler agrees with Trustee Langan that it is important for the zoning amendments to make sense; be enforceable; and protect the entire community, however he would not support this item and does not believe it is going to solve the problems at hand.

Trustee Horvath believes that because of the diversity of housing in the community, height needs to be considered by neighborhood and he would not support this item.

Trustee Wolf concurs with Trustee Horvath and is not in favor of this item.

Trustee Palermo indicated he would vote nay on this particular amendment as he is very sensitive to neighborhoods, he supports preserving the historic district and feels it is important that the Village have an overlay district.

Trustee Langan noted his support of the item.

Motion failed by a 5 to 1 roll call vote.

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

Group 2. Because the base regulation failed, no action was taken on the proposed allowances.

4-F.3

Group 3. Amendments allowing extensions of nonconforming roof lines.

Trustee Langan moved to approve the proposed amendments allowing limited horizontal and vertical extensions of roof lines of houses that are nonconforming in height in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendments, seconded by Trustee Wolf.

Trustee Horvath believes this is a good idea and verbalized the need to look at an overlay district as soon as possible.

Motion passed by a 6 to 0 roll call vote.

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

Group 5. Amendment increasing interior side yards. (Trustees discussed out of sequence.)

Trustee Langan moved to approve the proposed amendment increasing the required minimum interior side yards in the R-3, R-4, and R-5 Districts in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Livingston.

Trustee Livingston believes this seems like a protection of property value and will support.

Trustee Palermo concurs.

Trustee Horvath feels this is a step in the right direction.

Motion passed by a 6 to 0 roll call vote.

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

Group 4. Amendments creating limitations on window wells.

Trustee Langan moved to approve the proposed amendments establishing a minimum three-foot setback for window wells from any lot line and a 12-inch limit on height of above-grade appurtenances in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendments, seconded by Trustee Wolf.

4-F.4

Attorney Burkland noted the attempt to clarify and expand the term appurtenance such as fences, stones or similar features.

Trustee Wolf expressed on-going concerns with not providing for an exception for emergency exit windows.

Trustee Langan supports the way it is written.

Trustee Kuchler strongly favors this amendment.

Motion passed by a 5 to 1 roll call vote.

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

Group 6. Amendment reducing maximum building coverage.

Trustee Langan moved to approve the proposed amendment reducing the maximum allowable building coverage on an interior lot to 25 percent in the R-3 and R-4 Districts in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Horvath.

Trustee Horvath stated that when taking into account the allowances, the amendment will increase bulk. It is a step in the right direction, but maybe better if considered on the basis of neighborhood.

Motion failed by a 4 to 3 roll call vote.

Ayes: Trustees Kuchler (with allowances), Langan, Livingston (with allowances)
Nays: Trustees Horvath, Palermo, Wolf and President Asperger
Absent: None

President Asperger indicated her nay vote was due to her concern that the amendment may actually create bulk under some circumstances, and that the proposed amendment may not be the best way to reduce bulk.

Group 7 and 8. Because the base regulation failed, no action was taken on the proposed allowances.

Group 9. Amendment revising exception for eaves in the definition of building coverage.

4-F.5

Trustee Langan moved to approve the proposed amendment revising the exception for eaves within the calculation of building coverage in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Livingston.

Motion passed by a 6 to 0 roll call vote.

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

Group 10. Amendments revising definition of lot coverage and creating definition of impervious surface.

Trustee Langan moved to approve the proposed amendment to the definition of "Lot Coverage" and the new definition of "Impervious Surface" in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendments, seconded by Trustee Horvath.

Trustee Horvath believes this is a step in the right direction, however questioned if 45% was the appropriate number. Trustee Langan explained that this motion just revised the definition.

Motion passed by a 6 to 0 roll call vote.

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

Group 11. Amendment creating maximum lot coverage in all single family residential districts.

Trustee Langan moved to approve the proposed amendment creating a maximum lot coverage in the residential districts in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Wolf.

Trustee Wolf noted her concern that the percentage is not adequate and should be increased.

Trustee Palermo concurs with Trustee Wolf and feels a need to address drainage issues and further analysis is needed.

4-F.6

Trustee Langan believes lot coverage is an important item to address and based on the analysis feels that the percentage is reasonable.

Trustee Horvath believes the percentage with allowances seems like it would work, however does not think there is clarity on this issue.

Trustee Kuchler feels the percentage could be increased with no allowances. President Asperger noted the proposed motion is with allowances.

Trustee Livingston does not believe this is an urgent item and should be tabled until the first meeting in July.

Motion failed by a 4 to 2 roll call vote.

Ayes: Trustees Kuchler (with allowances) and Langan
Nays: Trustees Horvath, Livingston, Palermo, and Wolf
Absent: None

Group 12 and 13. Because the base regulation failed, no action was taken on the proposed allowances.

Group 14. Amendment limiting protrusion of attached garage in front of house.

Trustee Langan moved to approve the proposed amendment creating a setback requirement in all single family residential districts for attached garages in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Wolf.

Trustee Kuchler noted his support of this item.

Motion passed by a 6 to 0 roll call vote.

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

Group 15. Amendment reducing the maximum size of a curb cut for a driveway for single family houses.

Trustee Langan moved to approve the proposed amendment reducing the maximum size of a curb cut for a single family house in the form presented June 25, and to direct staff to prepare the appropriate ordinance to enact the amendment, seconded by Trustee Wolf.

Trustee Palermo feels this is an enhancement and noted his support.

4-F.7

Motion passed by a 6 to 0 roll call vote.

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

President Asperger inquired if the Board would be willing to revisit maximum lot coverage, having heard some consensus on the concept.

Trustee Livingston agrees further evaluation is needed.

Trustee Horvath feels lot coverage and building coverage go hand in hand and seeks simplicity.

Trustee Wolf is in agreement with Trustee Palermo that drainage issues are a concern with new construction.

President Asperger noted the Board has directed staff to review various components related to drainage and construction site management.

Trustee Wolf moved to amend the amendment to create maximum lot coverage to 55%, second by Trustee Livingston.

Village Attorney Mark Burkland noted the need for allowances was the fundamental reason to initiate the lower percentage.

Trustee Horvath noted his support of the higher percentage.

Trustee Kuchler believes this would be a big mistake and cautioned the Board on the amended motion, noting the Board's prior decision not to approve a lower percentage with allowances, yet the apparent willingness to increase the percentage with no allowances. Trustee Kuchler believes the higher percentage of lot coverage with no allowances will encourage attached garages.

Trustee Wolf noted other alternative percentages and suggested revisiting this in the future.

Trustee Horvath believes the larger lot coverage percentage is what residents want.

Trustee Kuchler does not feel the higher percentage is advisable.

Trustee Livingston is inclined to table lot coverage until staff has additional time to further analyze.

4-F.8

Trustee Palermo concurs.

Trustee Livingston moved to table the motion to amend the original motion to increase maximum lot coverage to 55% until July 9, seconded by Trustee Wolf. Approved by unanimous voice vote.

Trustee Langan moved to direct staff to include a provision in the ordinance noting a 30 day implementation period and any additional administrative items. The Board concurred.

President Asperger elaborated on the process and expressed thanks to residents and staff who have worked extremely hard on attempting to balance the various proposals.

6. MANAGER'S REPORT

Village Manager Robert Pilipiszyn expressed his appreciation for the thoughtful recognition of his years of public service to the Village, noting the high level of quality service to residents is reflective of the professionalism of the entire staff.

Manager Pilipiszyn reminded residents of lawn sprinkling regulations in place for residents whose street address ends in an even number to water their lawns on Wednesdays, Fridays, and Sundays; residents whose street address ends in an odd number to water their lawns on Tuesdays, Thursdays, and Saturdays; and no lawn sprinkling allowed on Monday. These restrictions do not apply to watering flowers, gardens, plants or trees.

Manager Pilipiszyn added that it appears that we are trending towards a very warm Summer with intermittent precipitation, similar to the drought conditions experienced in 2005. To assist the Village in being able to provide water for essential usage and provide adequate reserves for fire flow, it is hoped that residents will voluntarily refrain from watering lawns between 10:00 a.m. and 6:00 p.m. which is consistent with recommendations of lawn care professionals as it relates to the proper watering of lawns. The Village also encourages residents to exercise good water conservation practices. Questions or concerns should be directed to the Department of Public Works at 708-579-2328.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Eve Pellettiere, 701 S. Spring does not feel the Board is addressing the Zoning Code revisions for the entire Village but rather focusing on an overlay district which would apply only to a certain area. Ms. Pellettiere does not feel the Board is addressing the height issues south of 47th Street.

4-F.9

David Bier, 340 S. Seventh Avenue requested the Board consider depths of lots when referring to building coverage.

Mrs. Reichl, 641 S. Waiola inquired which Trustees resided south of 47th Street and only Trustee Langan responded.

Rose Naseef, 911 S. Stone indicated there seems to be an effort to try to give everyone what they want, however, will the Board be pleased with the overall end result and is there a balance with building coverage and green space.

Joan Smothers, 201 S. Stone Avenue is appalled that builders are not being held responsible for their actions. President Asperger explained that the Village is reviewing the process to make certain property owners are protected.

Joe Byczek, 445 S. Spring agrees that property owners need protection as do builders.

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Horvath thanked the audience for their attendance. Trustee Horvath clarified his position that an overlay district would not just encompass the historic district.

Trustee Kuchler expressed grave concerns of an overlay district and his uncertainty if it is needed.

10. ADJOURNMENT

At 9:40 p.m. it was moved by Trustee Langan and seconded by Trustee Horvath that the Village Board adjourn. Motion carried by unanimous voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

4-F.10

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

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

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

DATE: July 9, 2007

RE: **ORDINANCE - MAJOR ADJUSTMENT TO PLANNED UNIT
DEVELOPMENT FINAL PLANS - Village Bluffs, 400 East Elm Ave.,
Bluff & Elm Real Estate Partners, LLC.**

On November 28, 2005, the Village Board approved, by La Grange Ordinance No. O-05-38, a special use permit and planned development final plan for a project called "Village Bluffs" on property commonly known as 400 East Elm Avenue. The project proposed was to redevelop the property with two multiple family residential buildings with 48 units in each building (96 total units). The validity of those approvals was limited to one year by Subsection 14-401I and Paragraph 14-504C8, respectively, of the Zoning Code, unless construction had begun within that one-year period.

Bluff & Elm Partners, the Village Bluffs applicant, sent a letter to the Village Manager dated October 23, 2006, seeking an extension of time for the approvals granted in November 2005. The Zoning Code, in Subsection 13-101L, authorizes the Village Manager to grant, for good cause shown, an extension of the time limit imposed on an approval.

After conducting a fact finding meeting with the applicant, seeking opinions from members of the Village Board and staff, and thoroughly considering the facts and circumstances related to the approvals, the Village Manager determined that the applicant failed to provide good cause for an extension of time. The Village Manager therefore denied the applicant's request for an extension of time.

Since that time, the staff has continued to encourage the property owner to get the project, or an improved version of it, on track. For several months now, the property owner has been working with a new developer - Gallagher & Henry who has stated its commitment to building the project almost in the form approved by the Village Board, but with an enhanced exterior appearance. Gallagher & Henry has represented that it has the financial resources to move forward with this project without delay.

5-A

Pursuant to the Zoning Code, the revised plans for the building submitted by Gallagher & Henry are considered a “major adjustment” to the approved planned development. As such, these revised plans may be considered directly by the Village Board. The revised plans must be in “substantial conformity” with the original plans for Board approval.

“Substantial conformity” is defined in the Zoning Code as a newly submitted plan that does *not* change any of the following:

- Number of dwelling units;
- Orientation of any building;
- Amount and location of open space;
- Location of rights-of-way;
- Percentage and location of any land uses;
- Does not delay schedule more than 12 months
- Does not violate any law or ordinance; and
- Does not depart from the previously approved plan any other manner deemed to be a material deviation.

The newly submitted plans from Gallagher & Henry include the following slight revisions/improvements to the plan:

- Overall height at the maximum elevation of parapet or roof structure decreased from 62 ft. to 60 ft.
- Height of landscaping berm has decreased from 5 ft. to 4 ft.
- Parking spaces have been redistributed so that parking is close to the resident entry of the buildings
- Entrances to garages have shifted to provide more green space.
- Appearance of the building façade has been redesigned to be more aesthetically appealing by Otis Koglin Wilson Architects, (the architectural firm that designed the Triangle redevelopment).
- Patio and pond between the buildings have been reconfigured.

After review of the plans, staff finds that the revised plans fall within the definition of “substantial conformity.”

Staff and the Village Attorney have prepared the attached ordinance for your consideration, granting:

- (1) Major Adjustment of the Planned Development;
- (2) Approval of the revised plans; and
- (3) Extension of the one-year time limitation that commenced on November 2005 to encompass the time period between November 2006 and the Board’s approval of the revised plans. A new one-year time limitation would apply to the newly approved plans.

5-A.1

If the Board approves the ordinance, Gallagher & Henry expect to apply for demolition permits upon possession of the property and plan to begin construction by Spring 2008.

Representatives of Gallagher & Henry will present the revised plans and answer any questions you may have regarding the applications at the meeting.

We are very pleased with the improvements to the final plan as well as the demonstrated ability of Gallagher and Henry to complete a project of this type. We therefore recommend Board approval of the attached ordinance amending the existing Planned Development.

5-A.2

VILLAGE OF LA GRANGE

ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING ORDINANCE NO. O-05-38
AND APPROVING A MAJOR ADJUSTMENT
TO APPROVED PLANNED DEVELOPMENT FINAL PLANS
FOR THE PROJECT KNOWN AS VILLAGE BLUFFS
AT 400 EAST ELM AVENUE

WHEREAS, in November 2005, the Board of Trustees of the Village of La Grange approved, by La Grange Ordinance No. O-05-38 (the "*Approval Ordinance*"), a special use permit, a planned development, and related relief for a multiple family residential development known as "Village Bluffs" on the property commonly known as 400 East Elm Street and legally described in Exhibit A attached to and by this reference incorporated into this Ordinance; and

WHEREAS, the approved project included 96 condominium dwelling units in two buildings (the "*Project*"); and

WHEREAS, the validity of the approvals granted in the Approval Ordinance was limited to one year by Subsection 14-401I and Paragraph 14-504C8 of the La Grange Zoning Code and the provisions of the Approval Ordinance; and

WHEREAS, the property owner and original developer of the Project did not receive a building permit or commence construction of the Project within the one-year limitation period; and

WHEREAS, the property owner and a new developer (the "*Applicants*") have redesigned the façades of the proposed buildings and otherwise have adjusted the approved planned development final plan for the Project, and the Applicants have filed an application with the Village for (a) an amendment to the Approval Ordinance to extend the one-year time limitation for commencement of the Project and (b) approval of the revised final plan for the Project (the "*Application*"); and

WHEREAS, the Zoning Code provides, in Section 14-508, authority for the Board of Trustees to modify the time limitation for commencement of the Project; and

WHEREAS, the Zoning Code also provides, in Section 14-511, authority for the Board of Trustees to approve minor or major adjustments to an approved final plan; and

WHEREAS, the changes made by the Applicants to the approved final plan for the Project do not qualify as a minor adjustment to the approved final plan; and

WHEREAS, those changes, therefore, are considered to be a major adjustment to the approved final plan, which major adjustment may be approved by the Board of Trustees if the revised final plan is determined to be in substantial conformity with the

5-A-3

approved final plan, as the term "substantial conformity" is defined in Subsection 16-102S of the Zoning Code; and

WHEREAS, the revised final plan proposes no changes to the approved number of dwelling units, the orientation of any building, the amount and location of open space, the location of rights-of-way, the percentage and location of land uses, or any other material element to the Project except as noted in the next recital; and

WHEREAS, the revised final plan proposes a two-foot reduction in the maximum height of buildings within the Project, an decrease in the height of a landscaped berm, an adjustment to the distribution of certain parking spaces, an adjustment to the location of garage entrances, adjustments to the building façades as noted above, and reconfiguration of certain patio and pond spaces; and

WHEREAS, the Village staff has thoroughly analyzed the revised final plan and has recommended that the Board of Trustees find that the revised final plan is in substantial conformity with the approved final plan; and

WHEREAS, the President and Board of Trustees have reviewed the revised final plan and all of the facts and circumstances related to the Project and have determined (a) that the revised final plan is in substantial conformity with the approved final plan and (b) that the Application satisfies the application standards for a modification of the time limitation applicable to the Project and approval of a major adjustment to the approved final plan;

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. Amendment of La Grange Ordinance No. O-05-38. La Grange Ordinance No. O-05-38 shall be, and it is hereby, amended by adding thereto a new Section 5.5, which new Section 5.5 shall hereafter be and read as follows:

Section 5.5. Modification of Time Limitations on Approvals. 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 modify the provisions of the Zoning Code that establish a time limitation on the approvals granted by this Ordinance so that those time limitations are extended to, and shall expire on, July 31, 2008. Except for the extension of time to July 31, 2008, the provisions of the Zoning Code being modified by this Ordinance remain in full force and effect.

Except only to the extent provided in this Section 2 and in Section 3 of this Ordinance, the provisions of La Grange Ordinance No. O-05-38 are and shall remain in full force and effect.

5-A-4

Section 3. Approval of Major Adjustment to Approved Final Plan. The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and by Section 14-511 of the Zoning Code, hereby approves a major adjustment to the approved final plan for the Project and hereby approves the revised final plan, including without limitation revised exterior appearance plans and a revised site plan, prepared by Gallagher and Henry and dated June 7, 2007, in the form attached to and by this reference incorporated into this Ordinance as Exhibit B (the "*Approved Revised Final Plan*"), subject to the conditions stated in Section 4 of this Ordinance.

Section 4. Conditions on Approvals. The approvals of a extension of time in Section 2 of this Ordinance and the major adjustment and Approved Revised Final Plan in Section 3 of this Ordinance are granted expressly subject to the following conditions:

- A. Compliance with Conditions of Approval Ordinance. The Applicant shall fulfill and abide by all terms and conditions set forth in the Approval Ordinance, including but not limited to all conditions set forth in Section 6 of the Approval Ordinance.
- B. Compliance with Approved Revised Final Plan. The Applicant shall undertake development of the Project in strict compliance with the Approved Revised Final Plan.

Section 5. Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the rescission by the Board of Trustees of the approvals made in this Ordinance.

Section 6. 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 _____ 2007.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2007.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

4647722_v1

5-7-07

EXHIBIT A

LEGAL DESCRIPTION OF VILLAGE BLUFFS PROPERTY

[to be inserted by staff]

5-A.6

EXHIBIT B

APPROVED REVISED FINAL PLAN

[to be inserted by staff]

5-19-7

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Board of Trustees
and Village Clerk

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

DATE: July 9, 2007

RE: **ORDINANCE – LA GRANGE ZONING CODE AMENDMENTS
RELATING TO CERTAIN RESIDENTIAL BULK, YARD, AND SPACE
REGULATIONS**

At its June 25 meeting, the Village Board voted on the proposed amendments to the Zoning Code affecting the single family residential districts. In all, the Board voted to approve eight amendments. All of the Board's votes to approve were unanimous, except that one amendment (related to window wells) was approved on a 5-1 vote. The Board directed staff to prepare the appropriate ordinance to enact the approved amendments.

The Board approved the following amendments: (1) to add a minimum total interior side yard requirement of 12 feet, (2) to keep window wells a minimum of three feet from lot lines, (3) to require that an attached garage be set back from the front lot line to a point not more than 10 feet in front of the rest of the house, (4) to reduce residential curb cuts across public property to 16 feet, (5) to allow certain horizontal and vertical extensions of roof lines of nonconforming houses, (6) to exclude eaves of houses from the calculation of building coverage unless the eaves are within three feet of a lot line, (7) to slightly amend the definition of "lot coverage," and (8) to add a new definition of "impervious surface."

The Board determined not to move forward at this time with amendments related to the following matters: reduction of height and related height modification authority and reduction of maximum permitted building coverage and related building coverage allowances for garages and front porches. The Board tabled action on the creation of a maximum lot coverage standard, pending further analysis. There appears to be a consensus by the Village Board on the concept; what remains to be determined is a suitable percentage of maximum lot coverage, which may or may not include allowances. It is anticipated that this matter will be back before the Village Board as soon as next month.

5-B

The attached ordinance includes the eight approved amendments. The ordinance also provides, in Section 10, that the amended regulations will be applied starting on Monday, August 13, but will not be applied to a completed application that is filed before close of business on Friday, August 10. The August 13 date is more than 30 days after enactment of the amendments, if the Board votes at Monday's meeting as expected. Staff chose a date certain for applicability to avoid any ambiguity about that matter.

Notably, while the ordinance includes slight language adjustments of a "housekeeping" type, the ordinance does not include any separate "housekeeping" amendments. The Board's determination not to move forward with several of the more "involved" amendments sharply reduced the need for such "housekeeping" amendments.

Because the proposed amendments have been discussed and debated exhaustively, because the approved amendments all achieved strong majority support, and because the Village Board had the opportunity to vote separately on each amendment at its last meeting, it would now be appropriate for the Board to give its full and undivided endorsement to the ordinance as a show of support both for the process and for upcoming application and enforcement of the amendments.

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LA GRANGE ZONING CODE
RELATING TO CERTAIN RESIDENTIAL BULK,
YARD, AND SPACE REGULATIONS

WHEREAS, the Village of La Grange has been engaged in a thorough study of the bulk, yard, and space regulations applicable in the Village's single family residential neighborhoods to determine whether certain regulations should be adjusted to promote the Village's goal of preserving and protecting the character of those neighborhoods; and

WHEREAS, the study process has included dozens of meetings that have involved a special task force, the Plan Commission, members of the Village staff, consultants, the Board of Trustees, and many residents; and

WHEREAS, the Village prepared an application in June, 2006, proposing various amendments to the bulk, yard, and space regulations (the "Application"); and

WHEREAS, the La Grange Plan Commission conducted public hearing sessions on June 27, 2006, August 8, 2006, September 12, 2006, October 10, 2006, November 14, 2006, December 12, 2006 and January 16, 2007, pursuant to notices thereof duly published in the Suburban Life Newspaper, to consider the Application and, after the conclusion of the public hearing, the Plan Commission recommended approval of certain of the amendments proposed in the Application, all as set forth in the Plan Commission's Findings and Recommendations for Case No. 183 dated June 27, 2006; and

WHEREAS, the President and Board of Trustees conducted meetings and a workshop to review and study (i) the Findings and Recommendations of the Plan Commission, (ii) the testimony and evidence received during the public hearing, (iii) the facts and circumstances related to the proposed amendments, and (iv) further comments and suggestions of residents; and

WHEREAS, the President and Board of Trustees have determined that certain of the amendments are appropriate for implementation at this time in furtherance of the Village's goal, in the form set forth in this Ordinance; and

WHEREAS, the amendments set forth in this Ordinance satisfy the standards set forth in Section 14-605 of the Zoning Code applicable to amendments to the text of the Zoning Code;

5-B.1

Section 4. Amendment of Zoning Code Subsection 3-110G Regarding Minimum Setback for Attached Garages. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends Subsection 3-110G, titled "Exceptions and Explanatory Notes," of the Zoning Code by adding thereto a new Paragraph 3-110G12, which new Paragraph 3-110G12 shall hereafter be and read as follows:

[Note: Add new footnote number ⁽¹²⁾ to Paragraph 3-110C1]

G. Exceptions and Explanatory Notes.

* * *

12. Minimum Setback for Garages. Notwithstanding any other provision of this Code to the contrary, an attached garage in any single family residential district shall be set back from the front lot line to a point not more than 10 feet in front of the average front building line of the remainder of the principal structure to which it is attached.

Section 5. Amendment of Zoning Code Subsection 10-101C Regarding Maximum Curb Cut for Residential Driveways. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends Subparagraph 10-101C3(a), titled "Access to Street," of the Zoning Code to reduce the maximum width for a curb cut across public property for residential use, so that said Subparagraph 10-101C3(a) shall hereafter be and read as follows:

3. Design.

* * *

[Note: additions in **bold**; deletions in ~~strike-through~~]

- (a) Access to Street. All parking lots . . . No curb cut across public property shall exceed **2416 feet in width at any point** for residential and 34 feet in **width at any point** for commercial without the written approval of the Village Manager. . . .

Section 6. Amendment of Zoning Code Section 12-104 Regarding Roofs on Certain Nonconforming Structures. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends Section 12-104, titled "Nonconforming Structures," of the Zoning Code by adding thereto a new Subsection E, which new Subsection 12-104E shall hereafter be and read as follows:

5-B.3

12-104 NONCONFORMING STRUCTURES

* * *

E. Limited Horizontal and Vertical Extensions of Single Family Detached Dwellings.

1. Limited Horizontal Extensions. Any portion of a single family detached dwelling that is nonconforming with respect to permitted height or maximum height may be extended horizontally at a height in excess of the permitted height or maximum height; provided, however, that the top of the roof of such extension shall not exceed the top of the roof of the existing structure.
2. Limited Vertical Extensions. Any portion of a single family detached dwelling that is nonconforming with respect to permitted height and that is a nonconforming structure solely due to the nonconforming height may be extended (a) horizontally at a height in excess of the permitted height but not in excess of the roof line of the existing structure or (b) horizontally and vertically at a height in excess of the permitted height, but not in excess of the permitted maximum height. In either case, such extension shall not extend more than 12 inches beyond the exterior face of the exterior walls of the existing dwelling.

Section 7. Amendment of Zoning Code Section 16-102 Regarding Definition of Building Coverage. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends the definition of "Building Coverage" in Subsection B of Section 16-102, titled "Definitions," of the Zoning Code so that said definition of "Building Coverage" shall hereafter be and read as follows:

16-102 DEFINITIONS

* * *

BUILDING COVERAGE. The percentage of a lot's area covered, whether at grade or above grade, by any portion of a building or structure, including without limitation porches; provided, however, that the only portion of any eaves on a single family detached dwelling that shall be included in the calculation of building coverage are those portions of eaves that extend within three feet of any lot line. See also Subsection 16-102L, "Lot Coverage," of this Section.

Section 8. Amendment of Zoning Code Section 16-102 Regarding Definition of Lot Coverage. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends the definition of "Lot Coverage" in Subsection L of Section 16-102, titled "Definitions," of the Zoning Code so that said definition of "Lot Coverage" shall hereafter be and read as follows:

5-B.4

16-102 DEFINITIONS

* * *

LOT COVERAGE. The percentage of a lot's area that is covered by any building, structure, or impervious surface, other than public sidewalks. See Subsection 16-102I of this Section for the definition of "Impervious Surface." See also Subsection 16-102B of this Section for the definition of "Building Coverage."

Section 9. Amendment of Zoning Code Section 16-102 Regarding Definition of Impervious Surface. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and by Article XIV, Part VI of the Zoning Code, hereby amends Section 16-102, titled "Definitions," of the Zoning Code by adding to Subsection I of Section 16-102 a new definition of "Impervious Surface," which new definition of "Impervious Surface" shall hereafter be and read as follows:

16-102 DEFINITIONS

* * *

IMPERVIOUS SURFACE. Material covering the ground that is incapable of being penetrated by water. "Impervious surface" includes houses, garages, sheds, and other buildings; decks and patios; sidewalks, driveways, and other paved areas; compacted gravel; and similar areas that are constructed or otherwise created in a manner that causes water runoff rather than allowing water to run into the ground. "Impervious surface" may include an area where the ground has been made impervious due to compaction or other manmade condition, regardless of the material placed on that ground. "Impervious surface" does not include (1) the surface area of the water of a swimming pool or other water bodies, or (2) wooden planked decks with spacing between the planks and permeable ground beneath the deck, or (3) patios or other areas constructed of permeable materials with permeable ground beneath the area. The determination whether a particular material or area is impervious or permeable shall be made by the Village Engineer or Director of Community Development. See Subsection 16-102L of this Section for the definition of "Lot Coverage."

Section 10. Applicability of Amended Regulations. The regulations adopted in this Ordinance shall be applied and enforced on and after August 13, 2007, to all applications and properties throughout the Village; provided, however, that the existing regulations shall apply to any application for a building or zoning permit or approval that was properly filed with the Village prior to the end of regular Village business hours on August 10, 2007, which application must have included, without limitation, all information, signatures, plans, drawings, specifications, fees, and deposits required by applicable Village codes, ordinances, and regulations.

5-13-5

Section 11. 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 _____ 2007.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2007.

Village President

ATTEST:

Village Clerk

5-B.6

EXECUTIVE SESSION

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village Clerk, Board of Trustees and
Village Attorney

FROM: Elizabeth M. Asperger, Village President

DATE: July 9, 2007

RE: **CLOSED SESSION — PURCHASE, SALE OR LEASE OF
REAL PROPERTY**

It is requested that the Village Board meet in Closed Session, in accordance with Section 5 ILCS 120/2 of the Illinois Compiled Statutes, for the purpose of discussing the purchase, sale or lease of real property.

ClosedSession.doc

8-A