

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, FEBRUARY 13, 2012

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Thomas Morsch
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

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

AGENDA

Monday, February 13, 2012 – 7:30 p.m.

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE
 - Trustee Holder*
 - Trustee Horvath*
 - Trustee Kuchler*
 - Trustee Langan*
 - Trustee Nowak*
 - Trustee Palermo*
 - President Asperger*

2. PRESIDENT'S REPORT
 - This is an opportunity for the Village President to report on matters of interest or concern to the Village.*

 - A. Resolution of Appreciation – Retirement of Auxiliary Police Sergeant Louis Berardi

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS
 - This is the opportunity for members of the audience to speak about matters that are included on this Agenda.*

4. OMNIBUS AGENDA AND VOTE
 - Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.*

 - A. Resolution – Investment Authorization For Village Treasurer And Officials

 - B. Ordinance – Disposal of Surplus Property

 - C. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, January 23, 2012

 - D. Consolidated Voucher 120213

5. CURRENT BUSINESS

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

- A. Ordinance – Amendments to the Zoning Map and the Zoning Code Related to Nonconforming Uses: *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.

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
Administrative Offices

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: February 13, 2012

RE: **RESOLUTION OF APPRECIATION –
RETIREMENT OF AUXILIARY POLICE SERGEANT LOUIS BERARDI**

On January 1, 2012, Auxiliary Police Sergeant Louis Berardi notified us of his retirement from the Auxiliary Police ranks. Lou Berardi joined the La Grange Civil Defense Police Unit in 1979. The Civil Defense Police Unit ultimately became the La Grange Auxiliary Police Unit in 1981 and Lou Berardi was appointed the Director of the Unit, a position he held until 1988.

Lou Berardi's dedication to the Police Department and to the Village of La Grange was further demonstrated in 2000 when he secured an Ameritech grant of \$1,500 to support our D.A.R.E.® program.

Lou Berardi has remained a member of the Auxiliary Police Unit for the last 33 years and has retained his interest in law enforcement. He continues to average over 200 hours per year of voluntary service to the community. In addition to his responsibilities as a Sergeant, Lou Berardi is a State certified firearms instructor and is in charge of the Auxiliary Police Unit's firearms training program. He also serves as the Unit Director in the absence of Director Jim Liotta.

For these reasons we recommend that the Village Board recognize Lou Berardi for his outstanding volunteer service to the citizens of La Grange. At this time, we invite Lou to step to the dais so that the Village Board may present him with an expression of its appreciation and a Resolution of Appreciation for his commitment to the Village of La Grange.

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VILLAGE OF LA GRANGE

**RESOLUTION OF APPRECIATION
ON THE RETIREMENT OF
AUXILIARY POLICE SERGEANT LOUIS BERARDI**

WHEREAS, Louis Berardi joined the La Grange Civil Defense Police Unit in 1979; and

WHEREAS, In 1981, the Village formed the La Grange Police Auxiliary Unit for the purpose of supplementing police services in the Village, and Louis Berardi was appointed to serve as its first Director; and

WHEREAS, Louis Berardi then served as the Director of the Auxiliary Police unit until 1988; and

WHEREAS, Louis Berardi has been instrumental in the growth and success of the program by training and mentoring new members and by pursuing grant opportunities, including a \$1,500 grant for our D.A.R.E.® Program in 2000; and

WHEREAS, Louis Berardi is also a State of Illinois certified firearms instructor, responsible for certifying all of our Auxiliary Officers annually; and

WHEREAS, The Auxiliary Police Unit has consistently delivered more than 2,000 hours of services to the residents of the Village of La Grange; and

WHEREAS, Louis Berardi has unselfishly served the Village of La Grange as a volunteer member of the Auxiliary Police Unit for 33 years, each year giving more than 200 hours of voluntary service to the residents of this Village; and

WHEREAS, Louis Berardi's professionalism, dedication to duty and commitment to all of the citizens that he has served for thirty-three years is truly remarkable.

NOW, THEREFORE, BE IT RESOLVED, that the Village President, Village Clerk and Board of Trustees of the Village of La Grange do hereby express their sincere gratitude and deepest appreciation to Auxiliary Police Sergeant Louis Berardi for his many years of exemplary service, loyalty and dedication to the Village, and convey their best wishes on his retirement.

Adopted this 13th day of February 2012.

ATTEST:

Elizabeth M. Asperger, Village President

Thomas Morsch, Village Clerk

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OMNIBUS VOTE

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: February 9, 2012

RE: **RESOLUTION — INVESTMENT AUTHORIZATION FOR
VILLAGE TREASURER AND OFFICIALS**

Financial institutions are required to develop and implement reasonable procedures to obtain, verify and maintain identifying information about customers. In order to comply with these regulations, financial institutions must obtain updated resolutions to ensure current customer information is on file.

Please find attached a Village resolution authorizing the Village Treasurer and authorized officials to conduct investment transactions on behalf of the Village of La Grange with First National Bank of La Grange.

Staff recommends adoption of the attached resolution.

VILLAGE OF LA GRANGE

RESOLUTION R-12-_____

AUTHORIZATION OF VILLAGE TREASURER TO INVEST FUNDS
ON BEHALF OF THE VILLAGE OF LA GRANGE

IT IS RESOLVED THAT, the Board of Trustees of the Village of La Grange has determined that it is in the best interest of the Village for its Village Treasurer to make use, from time to time, of various investments of the type an in the manner that comply with applicable State statutes; and

WHEREAS, the Board of Trustees has determined it is in best economic and administrative interests of the Village for the Village Treasurer to make use of, from time to time, First National Bank of La Grange in securing such investments;

NOW, THEREFORE, BE IT RESOLVED by the President and the 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 Resolution as findings of the President and Board of Trustees.

Section 2. Investments.

A. The Treasurer shall make use of investments legal under the applicable State statutes approved in the investment policy, and

B. That monies of this unit of local government may be invested at the discretion of its Treasurer or those acting on behalf of the Treasurer through the intermediary (First National Bank of La Grange), and

C. That the Treasurer may acquire guarantees for prompt return of invested and deposited monies.

Section 3. New Account. The Village may open a depository account and enter into wire transfer agreements, third party surety agreements, safekeeping agreements, collateral agreements and lockbox agreements with First National Bank of La Grange for the purpose of transaction clearing and safekeeping or the purchase of insured certificates of deposit, and treasury and agency securities. First National Bank of La Grange is authorized to act on behalf of the Village as its agent with respect to such accounts and agreements. The Village Treasurer or those acting on behalf of the Village Treasurer may execute documents, financial planning contracts, financial advisory contracts and other applicable agreements, as necessary, with First National Bank of La Grange. The following individuals, or their successors, currently holding the office or

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position are designated as "Authorized Officials" with full power and authority to effectuate the investment and withdrawal of monies, contracts and agreements on behalf of the Village as provided in this Resolution:

Robert J. Pilipiszyn, Village Manager	Signature	<u>Robert J. Pilipiszyn</u>
Lou Cipparrone, Treasurer	Signature	<u>Lou Cipparrone</u>
Joe Munizza, Assistant Finance Director	Signature	<u>Joe Munizza</u>

Section 4. Effective Date: This Resolution shall be in full force and effect from and after its passage and approval.

Adopted this 13th day of February, 2012, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this 13th day of February, 2012

Elizabeth M. Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

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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: February 13, 2012

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

The LaGrange Police Department has control and custody of a wide variety of property that is owned by the Village. Over time, these items are no longer necessary or useful to the Village. On occasion, it is necessary to dispose of these items as surplus property. As always, all property is disposed of in compliance with Illinois Statutes.

In 2010 the Village started a portable radio replacement program for Part Time and Auxiliary Officers that provided the replacement of old Kenwood and Motorola portable radios with the newer technologically advanced Motorola HT1250 portable radios. The program is nearing an end we now have three (3) Kenwood TK250; one (1) Motorola MT100; nine (9) Motorola MT1000 portable radios and one (1) Motorola "Radius" GM300 mobile radio as surplus. There is also an old HP laser jet printer (see item attachment A). Several of these surplus radios and printer are in a state of disrepair.

It is the intention of the LaGrange Police Department 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.

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

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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 _____ 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2012.

By: _____
Elizabeth M. Asperger, Village President

ATTEST: _____
Thomas Morsch, Village Clerk

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ATTACHMENT A

QTY	ITEM	MAKE	MODEL	SERIAL NUMBER
1	HP PRINTER	HP	LASER JET 1160	CNL1F34261
1	VEHICLE RADIO	MOTOROLA	RADIUS #D33LRA77A5BK	778FNN0129
1	PORTIBLE RADIO	MOTOROLA	MT1000 #H43GCJ7190BN	751APL0156
1	PORTIBLE RADIO	MOTOROLA	MT1000 #H43GCJ7190CN	751AQN2111
1	PORTIBLE RADIO	MOTOROLA	MT1000 #H43GCJ7190CN	751AQN2106
1	PORTIBLE RADIO	MOTOROLA	MT1000 #H43GCJ7190BN	751APL0157
1	PORTIBLE RADIO	KENWOOD	TK-250(G)	80900174
1	PORTIBLE RADIO	KENWOOD	TK-250(G)	80900173
1	PORTIBLE RADIO	KENWOOD	TK-250(G)	80900179
1	PORTIBLE RADIO	MOTOROLA	MT1000 #H43GCJ7190BN	751APL0155
1	RADIO MIC	MOTOROLA	UNK	NMN6228C
1	RADIO MIC	MOTOROLA	UNK	NMN6193B
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80400558
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80400616
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80400617
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80400620
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80400559
1	RAPID CHARGING STATION	KENWOOD	KSC-14	80800838
11	SINGLE CHARGING STATION	MOTOROLA	NTN4666A	UNK
6	SINGLE CHARGING STATION	MOTOROLA	NTN7212B	UNK
1	SINGLE CHARGING STATION	BULLARD	T3CHARGERBASE	UNK
1	SINGLE CHARGING STATION	MOTOROLA	AA16740	1123641031
1	SINGLE CHARGING STATION	MOTOROLA	AA16740	1123641029
1	SINGLE CHARGING STATION	MOTOROLA	AA16740	1123641030
1	SINGLE CHARGING STATION	MOTOROLA	AA16740	1123641016
1	SINGLE CHARGING STATION	MOTOROLA	AA16740	1123641018
1	POWER CORD	UNK	UNK	UNK
3	ANTENNA	MOTOROLA	UNK	UNK
1	PORTIBLE RADIO	MOTOROLA	TK-260G	20302033

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MINUTES

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

Monday, January 23, 2012 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

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

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

ABSENT: Trustee Nowak

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

2. PRESIDENT'S REPORT

President Asperger recognized members of Girl Scout Troop 258 from Spring Avenue School who are working to achieve their "Local Lore" patch which includes local government.

President Asperger announced that the La Grange Business Association is promoting a new restaurant campaign entitled "Passport to Dining". Adding that Aracely's Bakery has recently opened in La Grange, President Asperger encouraged residents to shop and dine locally.

Lastly, President Asperger invited the public to attend a Capital Projects Workshop on Monday, February 6, 2012 at 7:30 p.m. in the Village Hall Auditorium. The workshop is in preparation for the upcoming budget process and will provide an opportunity to discuss proposed infrastructure and other capital projects.

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3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

- A. Ordinances (#O-12-01) – Amendment to Design Review Permit (DRP) #83, 26 East Burlington, Ammar Moosabhoy (Impact Architectural Signs)
- B. Purchase – Public Works Department / Replacement Vacuum Leaf Collector
- C. Ordinance (#O-12-02) Creation of Three Additional One Hour Parking Spaces on Brainard Avenue (West End Business District)
- D. Map Amendment – Short Term Parking Space / Loading Zones Within The Central Business District / 0-100 Block of West Burlington Avenue
- E. (Ordinance #O-12-03) Amendment to Village Code – Regulations Governing Smoking in Certain Places
- F. Not-For-Profit Solicitation Permit – Alzheimer’s Association of Illinois
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, December 12, 2011
- H. Consolidated Voucher 111226 – (\$524,228.22)
- I. Consolidated Voucher 120109 – (\$709,235.96)
- J. Consolidated Voucher 120123 – (\$964,671.94)

It was moved by Trustee Langan to approve items A, B, C, D, E F, G, H, I, and J of the Omnibus Agenda, seconded by Trustee Holder.

Approved by roll call vote.

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

5. CURRENT BUSINESS

6. MANAGER’S REPORT

None

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7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

Trustee Palermo offered information related to alternative electricity provider rates and his belief that residents could incur a substantial savings. Trustee Palermo would like staff to research these options and suggested placing a referendum question on the upcoming November ballot for citizen input.

President Asperger noted for the Board that the Village Manager had discussed this item and although the Board had not determined it as a strategic priority, staff has been researching information related to cost effective electricity. Requesting Assistant Village Manager, Andrianna Peterson to provide her findings, President Asperger also referenced information provided to the Board related to electricity reliability and residential outage concerns.

Ms. Peterson provided detailed information regarding alternative suppliers of electricity adding that Commonwealth Edison would continue to maintain the service lines and respond to power outages as in the past. The only change would be a potential reduction in the cost of the electricity supply charge on the customers billed by Commonwealth Edison.

Ms. Peterson referenced a campaign created by the Metropolitan Mayors Caucus who launched an Energy Savings Program to provide competitive rates to residents through Integrys Energy Services.

Ms. Peterson referenced the website for the Illinois Commerce Commission and Citizen's Utility Board for comprehensive information. Ms. Peterson also noted that consumers are urged to investigate their options prior to making a decision. Ms. Peterson added that the Attorney General's Office has concerns and is monitoring these programs.

Trustee Palermo inquired about the savings and Ms. Peterson noted that according to the Citizen's Utility Board they have the most cost effective rates. Trustee Palermo inquired if Integrys Energy Service is available to La Grange residents and Ms. Peterson responded affirmatively. Trustee Palermo suggested that this information be provided to residents.

Trustee Kuchler suggested that residents should be provided with a website link to the Citizen's Utility Board.

Trustee Horvath is in favor of placing this item as a referendum question on the upcoming November ballot. President Asperger noted that the legal; administrative; and consultant costs may out weigh the potential benefits.

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Trustee Langan requested additional information and evaluation prior to determining if this item should be placed on the November ballot as a referendum.

President Asperger suggested the Board take time to review the matter and consider additional costs during the upcoming budget process.

10. ADJOURNMENT

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

Elizabeth M. Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

Approved Date:

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4-C.3

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

February 13, 2012

Consolidated Voucher 120213

<u>Fund No.</u>	<u>Fund Name</u>	<u>02/13/12 Voucher</u>	<u>02/03/12 Payroll</u>	<u>Total</u>
01	General	228,217.68	282,242.33	510,460.01
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	98.09		98.09
24	ETSB	5,976.91		5,976.91
40	Capital Projects	21,927.81		21,927.81
50	Water	165,209.98	38,694.46	203,904.44
51	Parking	7,086.86	23,948.41	31,035.27
60	Equipment Replacement	274.34		274.34
70	Police Pension	775.00		775.00
75	Firefighters' Pension			0.00
80	Sewer	2,843.24	10,053.59	12,896.83
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>432,409.91</u>	<u>354,938.79</u>	<u>787,348.70</u>

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

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-D

CURRENT BUSINESS

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, Director of Community Development
Angela M. Mesaros, Assistant Director, Community Development

DATE: February 13, 2012

RE: **ORDINANCE – AMENDMENTS TO THE ZONING MAP AND THE ZONING CODE RELATED TO NONCONFORMING USES**

As part of the Village's ongoing review of the Zoning Code, Staff undertook a comprehensive examination of the boundaries of the Village's residential districts. This process has resulted in proposed amendments to the boundaries of those districts as well as a proposed amendment to the text of the nonconforming section of the Zoning Code. The Plan Commission has completed public hearings on the proposed amendments and they are ready for action by the Village Board.

This Report presents the recommendations of the Staff and the Plan Commission regarding (A) amendments to the residential district boundaries and (B) an amendment to the "Nonconforming Uses" Section of the Zoning Code to allow restoration of non-conforming structures when there is damage or destruction to any extent beyond the control of the owner.

A. Amendments to the Zoning Map

The current evaluation of the residential districts boundaries is in part a follow-up to the review earlier this year of the single family residential regulations. Staff has identified several areas that are not consistent with the recommendations of the Village's Long Range Land Use Plan as set forth in the *Comprehensive Plan*, adopted in 2005 (see attached maps).

At a public hearing on October 10, the Plan Commission considered each of the areas separately. After substantial deliberation and public comments, the Plan Commission recommended that the Board of Trustees approve the proposed amendments (see attached Findings of Fact):

1. 16, 22, 24, 30 South 7th Avenue - reclassification into the R-6 Two Family District from the R-8 Multiple Family Residential

The subject area consists of the west side of one block on Seventh Avenue directly south of the C-1 commercial district and BNSF railroad line. Both sides of the street on this block are currently a mix of single family and two family dwellings. The current zoning designation is the least restrictive, most dense multiple family district, the R-8 District,

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which allows three -story multiple family residential buildings. The *Comprehensive Plan* defines this block as “medium density residential,” which is the equivalent of the R-7 multiple family district. Audience comments at the hearing supported down-zoning into the R-6 district, allowing at most two units per lot. Residents stated that any increase in density greater than what exists would be out of character.

Plan Commission voted unanimously, with one Commissioner absent, and Staff concurs that this block be reclassified into the R-6 Two Family district, allowing single and two-family residential development, which would be consistent with the mix of one and two unit buildings across the street and provide a buffer between the single family district to the east, the commercial district directly to the north and R-8 multiple family district to the south and west.

2. 311, 315, 320 Bell - reclassification into the R-6 Two Family Residential District from the R-5 Single Family Residential District

The Plan Commission voted to table this recommendation and asked that staff bring additional information on other properties in the area at a future public hearing. Staff reviewed the properties and recommended an amendment to the nonconforming uses section rather than a map amendment for the properties under consideration (see Part B below for more details).

3. 5, 11, 15, 17 & 19 South Catherine and 218 & 220 West Harris - reclassification into the R-6 Two Family Residential District from the R-5 Single Family Residential District

This subject area is the east side of one block on Catherine Avenue, with frontage on the north side on Harris Avenue. This block is directly south of the C-1 Central Commercial District and south and east of the R-8 District, with the R-5 District directly across the street. Both sides of the street are a mix of single family and two family dwellings. The current zoning designation is the R-5 District. The *Comprehensive Plan* defines this block as “two family attached dwellings,” which is the equivalent of the R-6 District. Audience comments supported reclassifying this block to the R-6 District. Residents of the block stated that most of the buildings on this block have been two-flats since they were constructed at least 50 years ago.

Plan Commission voted unanimously, with one Commissioner absent, and Staff concurs that this block be reclassified into the R-6 District, allowing single and two-family residential development, which would be consistent with the mix of one and two unit buildings. This would serve as a transition between the C-1 & R-8 Districts and the single family neighborhoods.

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4. 1323, 1401, & 1407 West Cossitt Avenue - reclassification into the R-7 Multiple Family Residential District from the R-6 Two Family Residential District

Staff received a letter from the owner of one of the buildings under consideration, 1323 Cossitt, who also spoke at the hearing, stating that he would like to convert his building from a two-flat into a three-unit building; however he is currently prohibited by the R-6 zoning designation. In response to this letter, Staff examined the potential reclassification of this property and the two adjacent R-6 properties.

The subject properties are directly adjacent to the Burlington Northern Santa Fe (BNSF) railroad. Directly to the west of the subject properties are six-unit buildings, zoned in the R-8 District, to the east on Cossitt is the La Grange Area Department of Special Education (LADSE) building, zoned IB Institutional Buildings, and to the south is the Lyons Township High School (LTHS) athletic fields, zoned OS Open Space district. The subject properties are not adjacent to the single family neighborhoods.

The *Comprehensive Plan* defines this block as “medium density residential,” which is the equivalent of the R-7 District.

Plan Commissioners voted unanimously, with one Commissioner absent, and Staff concurs that these three properties be reclassified into the R-7 District, allowing 3-5 units in the buildings, which would be consistent with the multiple family housing to the west as well as serve as a multiple family buffer along the railroad corridor, which is consistent with development patterns along the BNSF and IHB rail lines.

5. 17 – 19 South Brainard Avenue - reclassification into the R-6 Two Family Residential District from the R-5 Single Family Residential District

The subject property is a legal nonconforming two-flat, currently zoned in the R-5 District. This proposed amendment would reclassify the existing two-flat into the two-family district so that the property is no longer nonconforming. The area to the north is a service station, zoned C-2 West End Commercial District, to the south is a single family district, to the east is property owned by the high school, zoned IB Institutional Buildings, and the property directly to the west is a four-unit building zoned in the R-8 District.

The *Comprehensive Plan* defines this property as “medium density residential,” which is the equivalent of the R-7 District.

Staff presented the potential to reclassify this property into one of the districts that allows two-flats – the R-6, R-7 or R-8 Districts. At the hearing, residents did not feel a designation in either of the multiple family (R-7 or R-8) districts would be appropriate; however, the Audience members did speak in support of reclassifying the property into the R-6 District.

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Commissioners recommended made a motion to approve reclassification into the R-6 District, 5 ayes and one nay vote on the motion to recommend approval—with one Plan Commissioner absent. The one Commissioner who voted against the motion agreed that the Zoning map should be amended for this property, but felt that the designation should be less restrictive by rezoning the property into the R-7 District.

All of these proposed changes are depicted on the maps attached to the amending Ordinance.

In making its recommendations, the Plan Commission acknowledged the consistency of the *Comprehensive Plan*, character and trends for development, and the community need for each proposed amendments.

B. Amendments to Section 12-103 of the Zoning Code, “Nonconforming Uses in Structures Not Designed for a Permitted Use”

At a second public hearing conducted on January 10, the Plan Commission considered amendments to the zoning map to reclassify non-conforming two-flats located in the single family neighborhood west of La Grange Road, between Bell Avenue and Hillgrove, Harris to Cossitt. This item (No. 3, 311, 315 & 320 Bell, above) was tabled at the meeting in October so that staff could review additional buildings for potential reclassification.

Staff’s goal in reviewing the re-classification of these properties was to address the issue of policy changes in lending to nonconforming properties. Staff has had several requests from property owners and perspective purchasers in the past year to change the zoning in order to allow reconstruction of the two-flats to comply with the changes in lending laws and policies. Plan Commissioners considered two options.

The first option under consideration was the potential reclassification of the neighborhood from the single family to the two-family zoning designation, in which any two-flats would be permitted uses. Staff identified several challenges with this option:

- (1) The Zoning Commission that established the district boundaries with the adoption of the new Zoning Code and zoning map, felt that there was a significant reason to change the zoning from two family to single family in 1991 (see attached “Village of La Grange Use & District Map, March 23, 1983);
- (2) The R-6 District is not consistent with the *Comprehensive Plan*, which identifies these areas as “single family residential”;
- (3) The properties under consideration are located in two distinct single family districts – R-4 & R-5 Districts, of which the issue is distinguishing the appropriate district boundaries for the properties;
- (4) Commissioners asked the question of what would be the best use long-term for the neighborhood – could they envision all of the properties potentially redeveloped as two-unit buildings; or would this change the character of the area and create issues such as parking and lot coverage; and

5-A.3

- (5) Based on the community input in letters and at the hearing, residents are generally satisfied with the current mix of single family and two family housing.

Staff recommended consideration of a second option that maintains the underlying R-4 and R-5 District zoning classifications, but would amend the nonconforming uses section of the Zoning Code. The amendment allows existing nonconforming uses to be restored to their current use in the event that destruction is beyond the control of the property owner. However, new construction and conversion of single family homes to new two family buildings would not be permitted. This option addresses the issue that owners have with financing nonconforming uses, but does not change the existing character of the single family neighborhoods.

This recommended amendment would apply not only to two-flats in single family districts, but also to any nonconforming use in any zoning district when the building is not designed for a permitted use. An example of another such building is the office building located at 47 S. 6th Avenue, which is zoned in the R-8 District. This has been an office building since it was constructed in 1952. The owner of this property spoke at the hearing in support of the amendment. He has invested a considerable amount in his building, but now has the inability to refinance his property.

Plan Commissioners at the January 10, public hearing unanimously recommended that the Board of Trustees approve the text amendment as recommended by Staff.

Staff concurs with the Plan Commission and recommends approval of “An Ordinance Amending the Zoning Map and Section 12-103 Of the La Grange Zoning Code related to Nonconforming Uses in Structures Not Designed for Permitted Use,” in the form attached to this Report.

5-A-4

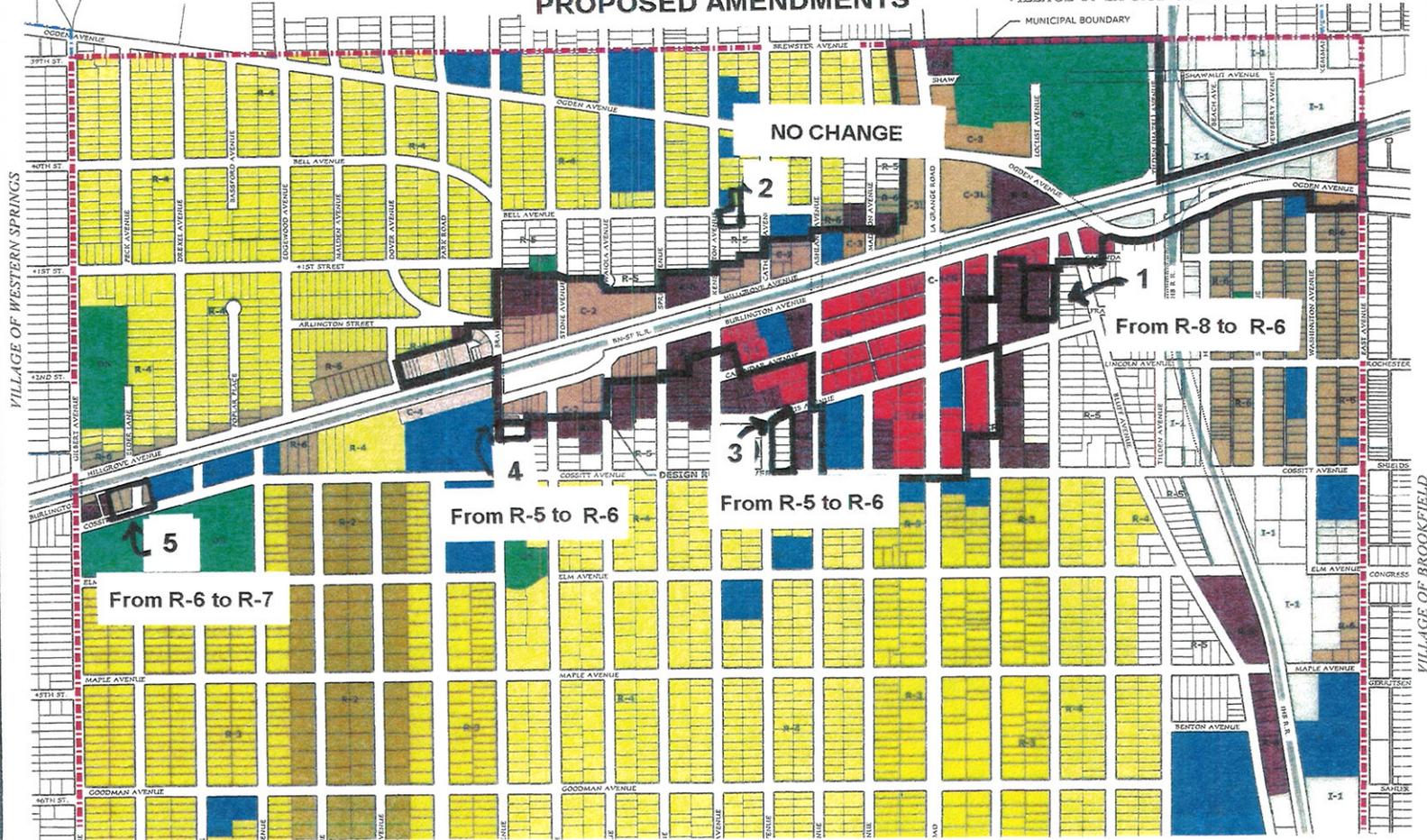
EXHIBIT A

Village OF
La Grange

ZONING MAP

PROPOSED AMENDMENTS

VILLAGE OF LA GRANGE PARK
MUNICIPAL BOUNDARY



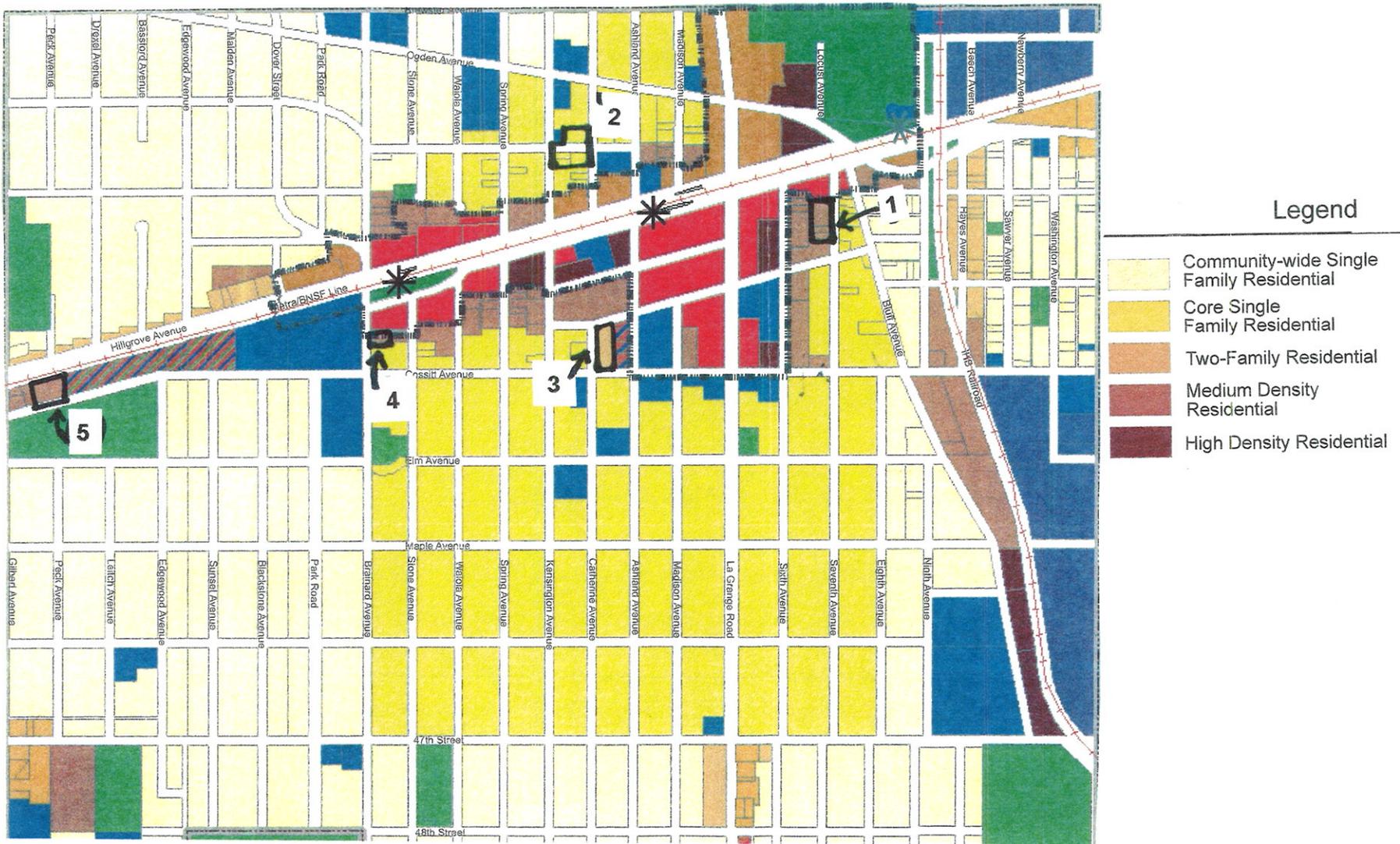
15-A-5

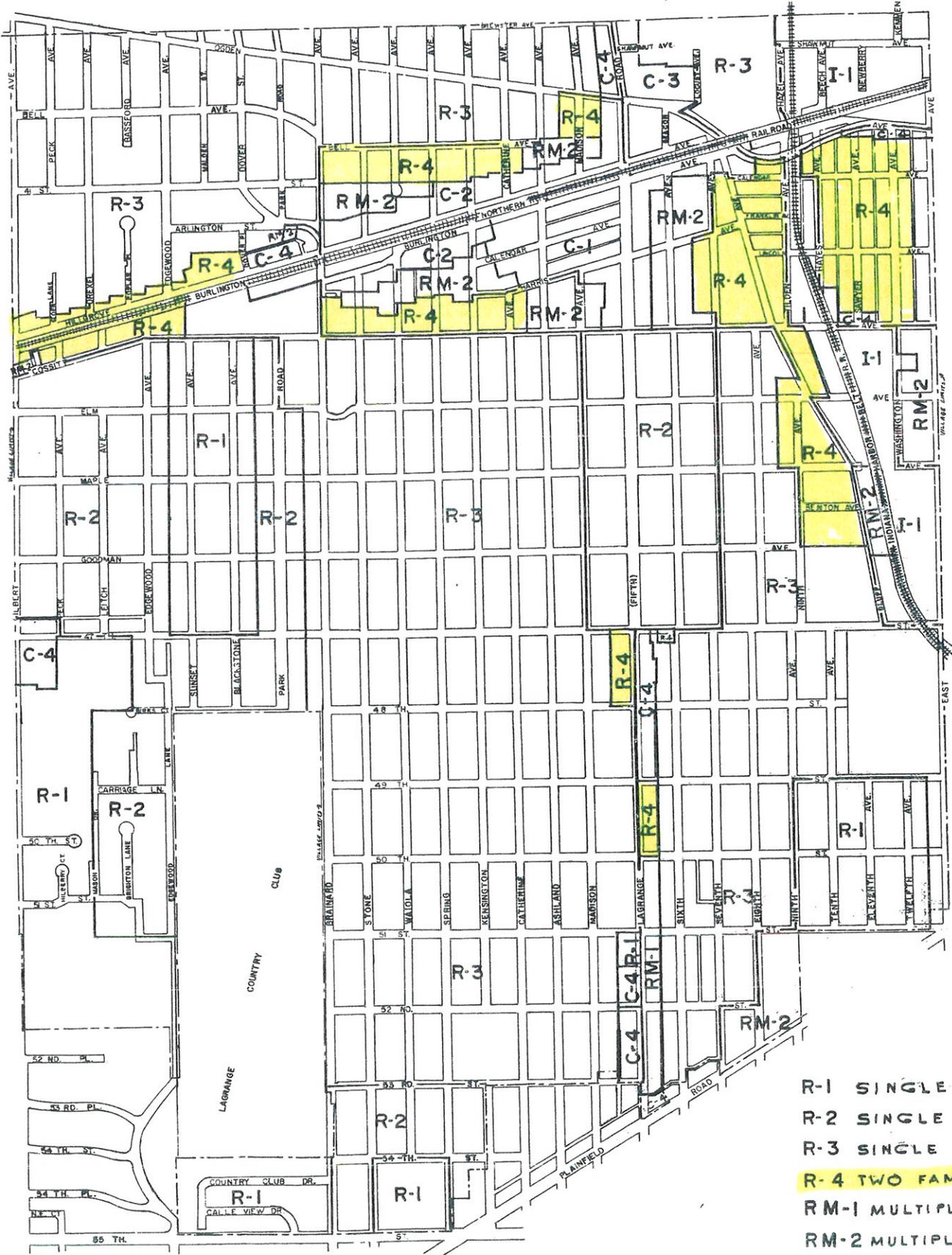
LA GRANGE ZONING MAP LEGEND

DISTRICT	DESCRIPTION	AREA (sf)	ZONE %
SINGLE FAMILY RESIDENTIAL DISTRICTS			
R-1	Single Family Residential - 16,000 sf	623,695	1.23%
R-2	Single Family Residential - 12,500 sf	3,163,036	6.23%
R-3	Single Family Residential - 7,500 sf	7,497,206	14.78%
R-4	Single Family Residential - 6,000 sf	21,022,405	41.43%
R-5	Single Family Residential - 5,000 sf	2,278,828	4.49%
Subtotal =		34,585,170	68.16%
MULTIPLE FAMILY RESIDENTIAL DISTRICTS			
R-6	Two Family Residential	1,692,782	3.34%
R-7	Multiple Family Residential	161,184	0.32%
R-8	Multiple Family Residential	1,764,789	3.48%
Subtotal =		3,618,755	7.13%

5-17-6

EXHIBIT B: LONG-RANGE LAND USE PLAN





- R-1 SINGLE FAMILY
- R-2 SINGLE FAMILY
- R-3 SINGLE FAMILY
- R-4 TWO FAMILY**
- RM-1 MULTIPLE FAMILY
- RM-2 MULTIPLE FAMILY
- C-1 CENTRAL COMMERCIAL
- C-2 BURLINGTON HILLGROVE COMM
- C-3 SERVICE COMM OFFICE
- C-4 CONVENIENCE COMM.
- I-1 LIGHT INDUSTRIAL

I, ROBERT NEWMAN, DULY ELECTED AND QUALIFIED CLERK OF THE VILLAGE OF LAGRANGE, A MUNICIPAL CORPORATION, AND AS SUCH CUSTODIAN OF ALL VILLAGE RECORDS, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE USE AND DISTRICT MAP OF THE VILLAGE OF LAGRANGE, ILLINOIS

Robert Newman
DEPUTY VILLAGE CLERK

USE & DISTRICT MAP VILLAGE OF LAGRANGE ILLINOIS



MARCH 22, 1983

The SUN, March 23, 1983—3105

REV. 3-22-83 W. J. ABRAHAM
REV. 3-29-81 W. J. ABRAHAM
REV. 7-7-80 U. P. CROSTON

SEAL

5.A.1

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LA GRANGE ZONING MAP
AND SECTION 12-103 OF THE LA GRANGE ZONING CODE
RELATED TO NONCONFORMING USES
IN STRUCTURES NOT DESIGNED FOR PERMITTED USE

WHEREAS, the Village of La Grange has been in a process of reviewing the La Grange Zoning Code, which was last comprehensively amended in 1991; and

WHEREAS, the Village staff recently completed a comprehensive analysis of the provisions of the Zoning Code related to authorized encroachments into required yards in the residential zoning districts and related provisions, and the Village staff made recommendations regarding minor realignments of certain boundaries shown on the La Grange Zoning Map for certain of those residential zoning districts; and

WHEREAS, the Village staff further considered amendments to the text of the Zoning Code that governs nonconforming uses in structures not designed for a permitted use, as those regulations affect the reconstruction of such a structure when it is damaged to the extent of 50 percent or more of its value; and

WHEREAS, the La Grange Plan Commission conducted two hearings to consider that Zoning Map and text amendment—the first hearing on October 11, 2011, and the second hearing on January 10, 2012; and

WHEREAS, at the public hearings the Plan Commission considered the proposed Zoning Map and text amendments and all of the facts and circumstances related to the proposed amendments; and

WHEREAS, after the conclusion of the first public hearing, the Plan Commission determined that the proposed amendments to the Zoning Map meet the applicable standards for amendments set forth in the Zoning Code, and the Plan Commission recommended that the Board of Trustees approve the Zoning Map amendments; and

WHEREAS, after the conclusion of the second public hearing, the Plan Commission determined that the proposed text amendments meet the applicable standards for amendments set forth in the Zoning Code, and the Plan Commission recommended that the Board of Trustees approve the text amendments; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have considered the findings and recommendations of the Plan

5-A.8

Commission regarding the proposed amendments and all of the facts and circumstances affecting the proposed amendments, and the President and Board of Trustees have determined that the proposed amendments in the form included in this Ordinance satisfy the standards applicable to them in Section 14-605 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it is (a) consistent with the purposes of the Zoning Code as provided in Section 1-102 of the Zoning Code, (b) for the benefit and protection of the public health, safety, and welfare, and (c) appropriate and in the best interests of the Village and its residents to realign certain of the boundaries of the residential districts and to amend certain text of Section 12-103 of the Zoning Code, as provided in this Ordinance;

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

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

Section 2. Amendment of Zoning Map. The President and Board of Trustees, pursuant to the authority vested in it by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby amends the La Grange Zoning Map to adjust the boundaries of the R-5 Single Family Residential District, the R-6 Two Family Residential District, the R-7 Multiple Family District, and the R-8 Multiple Family Residential District as follows: (i) reclassifying the following property into the R-6 District from the R-8 District: 16, 22, 24, 30, and 34 South Seventh Avenue; (ii) reclassifying the following property into the R-6 District from the R-5 District: 5, 11, 15, 17, and 19 South Catherine Avenue; (iii) reclassifying the following property into the R-7 District from the R-6 District: 1323, 1401, and 1407 West Cossitt Avenue; and (iv) reclassifying the following property into the R-6 District from the R-5 District: 17-19 South Brainard Avenue, all as depicted in Exhibit A attached to this Ordinance and by this reference incorporated into this Ordinance.

Section 3. Amendment of Zoning Code Section 12-103 Relating to Certain Nonconforming Uses. The President and Board of Trustees, pursuant to the authority vested in it by State law and Article XIV, Part VI of the La Grange Zoning Code, hereby amends Subsections H and I of Section 12-103 "Nonconforming Uses in Structures Not Designed for a Permitted Use" related to damage or destruction and termination by discontinuance or abandonment provisions of Article XII of the Zoning Code as set forth in Exhibit B attached to this Ordinance and by this reference incorporated into this Ordinance.

5-A.9

Section 4. 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 _____ 2012.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2012.

Elizabeth Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

5-A-10

EXHIBIT A

TO ORDINANCE NO. _____

AMENDMENTS TO ZONING MAP

5-A-11

EXHIBIT A

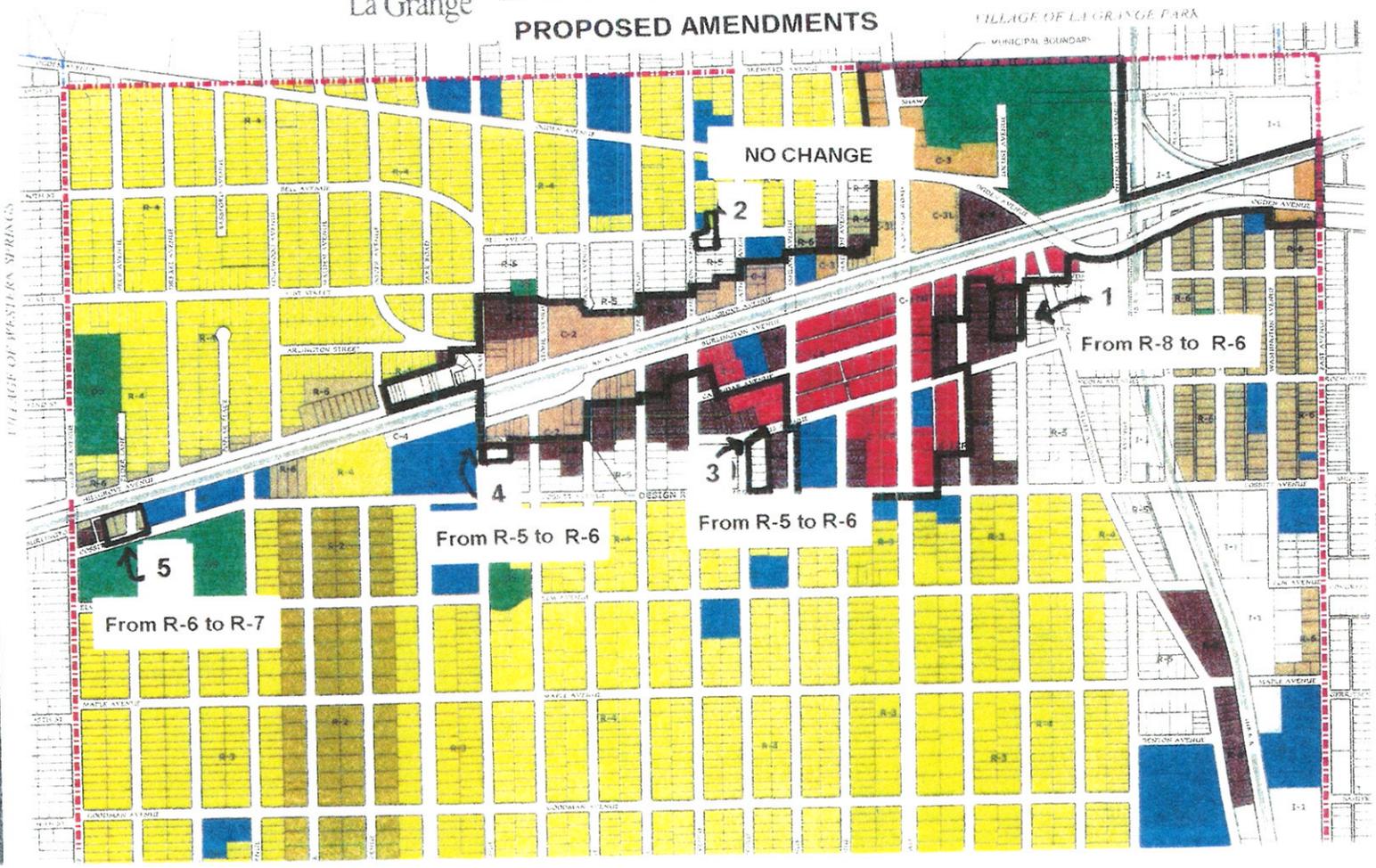
Village of
La Grange

ZONING MAP

PROPOSED AMENDMENTS

VILLAGE OF LA GRANGE PARK

MUNICIPAL BOUNDARY



LA GRANGE ZONING MAP LEGEND

DISTRICT	DESCRIPTION	AREA (sf)	ZONE %
SINGLE FAMILY RESIDENTIAL DISTRICTS			
R-1	Single Family Residential	15,000.7	623.6%
R-2	Single Family Residential	12,500.0	5,165.0%
R-3	Single Family Residential	5,000.0	2,027.20%
R-4	Single Family Residential	6,000.0	2,478.82%
R-5	Single Family Residential	5,000.0	2,027.20%
Subtotal		43,500.7	17,702.62%
MULTIPLE FAMILY RESIDENTIAL DISTRICTS			
R-6	Two Family Residential	1,092.82	4.45%
R-7	Multiple Family Residential	151.184	6.13%
R-8	Multiple Family Residential	1,764.789	7.08%
Subtotal		2,908.793	11.66%

5-7-12

EXHIBIT B

TO ORDINANCE NO. _____

SUBSECTIONS 12-103H & 12-103I AS AMENDED

12-103

NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE

* * *

H. Damage or Destruction.

1. Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which that structure is located that is damaged or destroyed by any means within the control of the owner thereof to the extent of 50 percent or more of the cost of replacement of that structure new shall not be restored unless (a) that structure and the use of it shall thereafter conform to all regulations of the zoning district in which it is located, (b) the restoration is accomplished without creating a new parking, loading, bulk, yard, or space nonconformity or increasing the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction, and (c) the restoration complies with the limitation set forth in Paragraph 3 of this Subsection H. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 10-101B1 and 10-102B1 of this Code shall control.

2. If any such structure is damaged or destroyed either (a) by any means within the control of the owner thereof to any extent less than 50 percent of the cost of replacement of that structure new or (b) by any means not within the control of the owner thereof to any extent, then restoration of that structure may be made, subject to the next two sentences of this paragraph. No restoration may create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any parking, loading, bulk, yard, or space nonconformity that existed prior to the damage or destruction. And no restoration may be undertaken except (a) in conformity with the applicable zoning district regulations, (b) after approval of the Community Development Department, (c) the restoration is actually begun within one year after the date of the damage or destruction and are diligently pursued to completion, and (d) the restoration complies with the limitation set forth in Paragraph 3 of this Subsection H.

5-A.13

3. No damage or destruction to any such structure by means within the control of the owner may be repaired or restored except in accordance with Subsections B, C, and D of this Section.

I. Termination by Discontinuance or Abandonment. Subject to the exceptions stated in the next paragraph of this Subsection I, when a nonconforming use of a part or all of a structure that was not designed or intended for any use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six consecutive months, regardless of any intent to resume or not to abandon such use, that use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of that structure shall comply with the use regulations of the district in which that structure is located.

The following circumstances shall not be considered in calculating the length of discontinuance for purposes of this Subsection I: (a) a period of discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user and (b) a period of vacancy of a space resulting from the departure of a nonconforming use and the inability of the owner of the structure to lease the vacant space despite the owner's diligent and continuous efforts to do so.

FINDINGS OF FACT
PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE

President Asperger and
Board of Trustees

October 11, 2011 & January 10, 2012

RE: PLAN COMMISSION CASE #201 Zoning Code Amendments - Map Amendments to reclassify certain properties in the Residential Districts and text amendment to the Nonconforming Uses Section, Village of La Grange.

We transmit for your consideration the recommendations of the Plan Commission of the Village of La Grange on amendments related to the zoning map residential districts and the nonconforming uses section of the Zoning Code.

I. THE APPLICATION

The Village Staff has reviewed the zoning map for consistency with the Comprehensive Plan related to the residential districts.

II. THE PUBLIC HEARING

After due notice given in accordance with law, the Plan Commission held a public hearing on October 11, 2011, in the La Grange Village Hall Auditorium. Present were Commissioners Paice, Pierson, Reich, Weyrauch, and Williams, with Chairman Kardatzke presiding. Also present were Community Development Director Patrick D. Benjamin, Assistant Community Development Director Angela M. Mesaros, and Village Trustee Liaison Mark Kuchler.

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

Staff presented the application, including the context of the surrounding area, the existing zoning and uses, the recommendations of the Comprehensive Plan, community input and the recommendation of Staff.

Commissioners discussed each area individually. Commissioner Weyrauch reminded members to consider the relationship across the street as just as important as the relationship immediately adjacent to the property.

1. 16, 22, 24, 30 and 34 S. 7th Avenue – reclassification from R-8 Multiple Family Residential to the R-6 Two Family Residential District.

5-A.15

- Commissioner Weyrauch stated that this is a transition point between downtown and the single family districts. This block should be at most R-6 Two Family and not as dense as its current R-8 Multiple Family designation.
- Mr. Benjamin stated that under the 1971 Code, this was originally a Two Family District. Commissioner Weyrauch stated that she is not sure what she would want to see there; it doesn't look like it would be the right context for multiple family homes.
- Ms. Mesaros reminded the Commission that we have new design standards in the R-6 Two Family District that require that any new development resemble and be consistent in context and character with the single family residences.
- Commissioner Paice asked whether lending/financing difficulties is a real issue.

Chairman Kardatzke solicited questions and comments from the Audience:

- Gaye Bishop, 22 S. 7th Avenue, a longtime resident of the area shared information about the property at 16 S. 7th. For over eighteen years, this property has been vacant much of the time. He stated that if it were torn down and rebuilt as a three or four flat with greater density, it would be out of sync with the rest of the block, which are single family homes and two flats. Mr. Bishop stated that he believes the trend in this area is to de-convert to single family or two-family. He believes that down-zoning to the R-6 Two Family district would be the best fit, allowing a two unit building to be built.

Chairman Kardatzke solicited questions and comments from the Commissioners:

- Chairman Kardatzke stated that he believes that this area should be classified in a more restrictive zoning than the current R-8 and he suggests the R-6 Two Family District. Ms. Mesaros stated that this would create no new non-conformities. Commissioners generally agreed.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Reich, seconded by Commissioner Weyrauch that the Plan Commission recommend to the Village Board approval of the recommendation for rezoning this block of South 7th Avenue from R-8 to R-6.

Motion to Approve Carried by a roll call vote:

AYE: Pierson, Paice, Reich, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: Stewart.

5-A.16

2. 311, 315, 320 Bell – reclassification from R-4 & R-5 Single Family districts to R-6 Two Family Residential district.
- Commissioner Weyrauch stated this would only be a slight change. The construction of these properties appears always to have been two-family, and she is surprised that this classification would actually not go on to the next block where there are also several two-unit properties.
 - Chairman Kardatzke stated that he believes that this would just be making the buildings conform to the Code.

There were no comments from the Audience.

Chairman Kardatzke solicited comments from the Commissioners:

- Commissioner Williams stated that unless there is testimony as to why these properties should be re-classified to the two family district, then he believes they should remain in the single family districts.
- Chairman Kardatzke stated that he would be concerned if the zoning designation were to remain single family and these properties remained nonconforming uses. We would be putting an undue burden on the property owners because they cannot sell the properties, and they have always been two family dwellings.
- Commissioner Williams expressed concern about potential “spot zoning.”
- Mr. Benjamin stated that the Commission should consider if these residences (both single family and two units) were torn down, would they like to see two flats replaced in this area. Commissioner Williams stated that at one point, he lived half a block away and would like to see single family principally remain as the designation in this area.
- Chairman Kardatzke stated that rezoning would not be consistent with the Comprehensive Plan as it identifies these properties as single family.
- Commissioner Paice stated that he believes this is so isolated and that this could in fact be similar to “spot zoning.”
- Commissioner Reich stated that he believes the Two Family designation makes sense if the property owners would like it to be rezoned.
- Commissioner Weyrauch stated that she is reassured by the R-6 Two Family design review component. She also believes that these lots are shallow and small,

5-A.17

making it difficult to build single family homes. However, she would like staff to look at the other two unit buildings in the area from Catherine to Ashland.

There being no further questions from the Commissioners or Audience, a motion to table this item and ask Staff for more information about other two unit properties in the area was made by Commissioner Reich, seconded by Commissioner Pierson.

Motion to Table this topic to another meeting, Carried by a roll call vote:

AYE: Pierson, Paice, Reich, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: Stewart.

3. 5, 11, 15, 17 & 19 S. Catherine and 218 & 220 West Harris Avenue – reclassification from R-5 Single Family Residential to R-6 Two Family Residential.

Chairman Kardatzke solicited questions from the audience.

- Bill Ackerman of 5 S. Catherine, stated that he has lived in this building all his life. Both sides of the block have been at one time two flats. Out of six houses, five are currently two flats and have been for at least fifty years. He is surprised to see that the zoning map identifies this as single family. He has no objection to the area being reclassified as two-family.
- Bill Hamil, owner of 11 S. Catherine, stated that he believes this building has also always been a two flat and he would not object to rezoning it to two- family.

Chairman Kardatzke solicited comments from the Plan Commissioners:

- Commissioner Weyrauch stated that the other side of the street is predominately single family homes and she is not sure how that would blend.
- Chairman Kardatzke stated that this is a very small block and the residents appear to be in support of rezoning.

There being no further questions from the Commissioners or the audience, a motion was made by Commissioner Weyrauch, seconded by Commissioner Reich that the Plan Commission recommend approval of the rezoning from R-5 Single Family to R-6 Two Family Residential.

Motion to Approve Carried by a roll call vote:

5-A.18

AYE: Pierson, Paice, Reich, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: Stewart.

4. Rezoning 17-19 S. Brainard from R-5 Single Family Residential to R-6 Two Family Residential.

Chairman Kardatzke solicited comments from the Audience:

- Tim Scott, 21 S. Brainard, stated he lives immediately south of 17-19 S. Brainard. He has no objection to it being rezoned as a two flat. He feels it is very appropriate. It looks like a single family dwelling. He would however, not support rezoning to the R-8 Multiple Family district.
- Jim Docherty, owner of 17-19 S. Brainard, the property under consideration, stated that the building is two units and has two garage spaces. Since it currently zoned single family, he would not be in support of changing the zoning to R-8 Multiple Family but would prefer the R-6 Two Family district.
- Cheryl Siebert, 21 S. Brainard, stated that she believes the area has a parking issue. She would like to see this rezoned as R-6 Two Family to accommodate a transition in the sale of the property. However, she is not comfortable with rezoning to R-7 or R-8 Multiple Family.

There being no further comments from the Commissioners or audience, a motion was made by Commissioner Pierson, seconded by Commissioner Reich, that the Plan Commission recommend approval of Rezoning 17 – 19 S. Brainard from R-5 Single Family to the R-6 Two Family district.

Motion to Approve Carried by a roll call vote:

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

5. 1323, 1401 and 1407 W. Cossitt Avenue - reclassification from R-6 Two Family to R-7 Multiple Family Residential district.

Commissioners asked questions about the R-8 district including allowable number of units, height and density regulations.

Commissioner Kardatzke solicited comments and questions from the Audience:

5-A-19

- Mark Medrano, owner of 1323 W. Cossitt, stated that he has two families renting on his the property. It is a very stable building; he has recently made repairs. He would like to convert the partially finished basement to a third unit and would definitely be in support of changing the zoning to allow three units.

Chairman Kardatzke solicited comments from the Commissioners:

- Commissioners discussed whether this property should change to the R-7 district or the denser R-8 Multiple Family district.
- Commissioner Weyrauch stated that the R-8 designation would be too dense, and would require more parking than grass to fit on the lot.
- Commissioner Reich stated that he would agree that with the R-8 District it might look like a wall of buildings.

There being no further comments or questions from the Commissioners or the audience, a motion was made by Commissioner Pierson, seconded by Commissioner Reich, that the Plan Commission recommend approval of the rezoning 1323, 1401 & 1407 W. Cossitt from R-6 two-family to R-7 multiple family.

Motion to Approve Carried by a roll call vote:

 AYE: Pierson, Paice, Reich, Weyrauch, Williams and Chairman Kardatzke.
 NAY: None.
 ABSENT: Stewart.

A motion was made by Commissioner Reich and seconded by Commissioner Pierson that the Plan Commission meeting be adjourned.

On January 10, 2012, at 7:30 p.m. the Plan Commission reconvened the hearing in the La Grange Village Hall. Present were Commissioners Paice, Pierson, Reich, Stewart, and Weyrauch with Chairman Kardatzke presiding. Also present were Assistant Community Development Director Angela Mesaros, Mark Burkland, Village Attorney, and Village Trustee Liaison Mark Kuchler.

Chairman Kardatzke called the meeting to order and introduced the public hearing process, administrating oath to all persons in attendance desiring to give testimony during the hearing.

- On behalf of the Village, Ms. Mesaros presented the directive of the Plan Commission from the last meeting, staff review of other nonconforming two unit buildings in the area, history of zoning for this area, standards for remapping, context of the neighborhood, Comprehensive Plan, issues of lending to

5-A, 20

nonconforming properties, and presented a recommendation to change the text of the Nonconforming Uses Section 12-103 of the Zoning Code, as outlined in the Staff Memorandum dated January 10, 2012.

Chairman Kardatzke then offered Commissioners the opportunity to ask questions of the Village representatives and allowed public comments.

- Commissioner Stewart asked if this would cover a fire/arson. Answer: with the Amendment rebuilding would not be possible if any deliberate damage by the property owner.
- Commissioner Reich asked how it would be possible to rebuild on the 18-foot wide lot. Answer: we would have to address this in the event that the owner applied for a building permit. It might be necessary to apply for a variation from bulk and setback regulations.
- Commissioner Stewart asked if this amendment would help property owners to finance. Answer: Yes, it appears that the sticking point is the inability to reconstruct and this amendment would eliminate that hurdle.
- Commissioner Weyrauch asked if this amendment would apply to any nonconforming use within any of the districts. Answer: Yes.

Commissioner Kardatzke solicited comments and questions from the Audience:

- Don Crossman, 71 N. Brainard, stated that he owns a two-flat and asked if his home would be able to remain a two-flat with the proposed amendment. Answer: If something happened, this amendment would allow you to rebuild it as a two-flat and the current Code is more restrictive. This would make the Code less limiting.
- Dale Yates, 311 Bell, stated that he bought his property in 2010 as a two-flat, not as a nonconforming use. Mr. Burkland stated that the two-flat is a legally nonconforming use, which is different than a legal two-flat. We think that this amendment would be a big step forward for lenders. This is a positive step, which makes it easier for conditions to remain.
- Mr. Yates, 311 Bell, stated that his building has been a two-flat since 1898 and he questioned why several other properties were recommended to be rezoned into the R-6 Two Family district and his (along with the adjacent two-flats) would not be rezoned. Answer: the consistency of the Comprehensive Plan- the 300 block of Bell is identified as single family in the Plan.

5-A.21

- David Hrizak, owner of 47 S. 6th Avenue, stated that he has invested a significant amount of money in this office building, which is a legal nonconforming use in the R-8 multiple family district. He could not rebuild his building as an office building under the current Code. He supports this amendment so that his building can stay as it has been since 1951.

Chairman Kardatzke solicited comments from the Commissioners:

- Commissioners agreed that this seemed like a logical solution to the issues with lending experienced by property owners of nonconforming uses in the Village.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Reich, seconded by Commissioner Pierson that the Plan Commission recommend to the Village Board APPROVAL of the recommendation for amendment to Subsections H and I of Section 12-103, "Nonconforming Uses in Structures Not Designed for Permitted Use" as recommended in the Staff Memorandum dated January 10, 2012

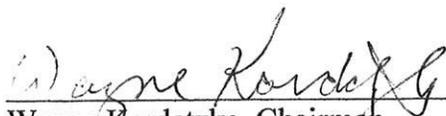
Motion to APPROVE Carried by a roll call vote:

AYE: Pierson, Paice, Reich, Stewart, Weyrauch, Williams and Chairman Kardatzke.
NAY: None.
ABSENT: None.

BE IT THEREFORE RESOLVED that the Plan Commission recommends to the Village Board of Trustees Approval of the amendments to the zoning map regarding residential districts and amendments to Subsections H & I of Section 12-103, "Nonconforming Uses in Structures Not Designed for Permitted Use" as presented and described in Plan Commission Case #201, with the changes recommended by the Plan Commission.

Respectfully Submitted,

PLAN COMMISSION
OF THE VILLAGE OF LA GRANGE



Wayne Kardatzke, Chairman

5-A.22

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 10, 2012

**RE: CONTINUATION OF PLAN COMMISSION CASE #201- Zoning
Amendments to Nonconforming Uses in the Residential Districts, Village of La
Grange.**

I. BACKGROUND:

At your meeting in October 2011, staff presented suggested amendments to the zoning map regarding the single family residential districts for your consideration based on the recommendations of the *Comprehensive Plan* and requests from residents. Plan Commissioners made recommendations and voted on all of the changes under consideration with the exception of three properties on Bell Avenue. Commissioners tabled this item and asked staff to look at other nonconforming properties in the area and come back with recommendations.

Under consideration at your last meeting was whether to change the classification of three properties (311, 315 and 320 Bell) from the R-4 and R-5 Single Family designation into the R-6 Two Family district. There was no testimony from the Audience at your meeting regarding these properties.

At present, zoning regulations restrict development of any property within the R-4 and R-5 districts to single family dwellings. Therefore, any two-unit structure is currently a nonconforming use. Staff originally began this discussion at the request of the owner of one of the two-flats on Bell Avenue to reclassify their property due to difficulty in the sale and/or refinancing of this property as a result of recent changes in lending policies for nonconforming structures.

At tonight's meeting, staff will present our analysis of several nonconforming two-unit buildings in this area. The following attached documents describe the two-unit structures in the area, including a Table titled "Non-conforming Two Unit Buildings" which details address, age, and lot size; a map of the nonconforming multi-unit buildings," and pictures of each building.

Based on this analysis, we recommend that the zoning designation for this area remain single family, but that the Plan Commission consider amending the rather restrictive text

5-A.23

of the “Nonconforming Uses” Section of the Zoning Code to allow restoration of non-conforming structures when there is damage or destruction to any extent beyond the control of the owner. We believe this is worth consideration due to requests from property owners and recent changes in lending practices/laws.

Zoning Map

With the adoption of the Zoning Code in 1991, the subject area (west of La Grange Road, between Bell Avenue and Hillgrove, and Harris and Cossitt) was rezoned from a “Two Family” district to R-5 “Single Family” district, which was newly created at that time. (See attached *Village of La Grange Use & District Map*, March 23, 1983).

The reclassification from “Two Family” district to “Single Family” residential in 1991 was intended to secure the residential boundaries and to address conversions of single family dwellings into two and multi-family units. The Zoning Commission felt there was a lack of investment in these areas; many of the homes had been converted in the late 1960s and were not owner-occupied. With the new district, existing two unit buildings were designated as “legal (or illegal) non-conforming uses” that would permit previously converted houses but not allow additional conversions to multi-unit buildings.

In addition, staff has found that two of the properties under consideration on the north side of Bell Avenue (311 and 315 Bell) were historically designated in the “Single Family” district, dating as far back as 1944.

Comprehensive Plan

The Long Range Land Use Plan identifies all of the properties under consideration as Single Family Residential, which would be the equivalent of the current zoning designation.

II. AMENDMENT CRITERIA:

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

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

Among the purposes of the single family residential districts of the Zoning Code as stated in Article III are (a) to encourage a wide variety of housing sizes and styles (b) to perpetuate the existing high quality residential character of the Village by preserving established neighborhoods, (b) to accommodate persons with diverse economic circumstances and life-style preferences, and (c) to implement through reasonable regulation, the purposes and intent of this Code.

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The Staff believes the proposed changes would be consistent with the intent and purposes of the Zoning Code as well as of the single family districts.

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

Staff has considered all public comments as part of our analysis and the community input is summarized below:

Community Input

Prior to the last meeting, staff received requests from several property owners who had difficulty in refinancing nonconforming uses, specifically including one property owner in the subject area on Bell Avenue. At your last meeting, Staff expressed that input from other property owners and residents in this area is important to establish the need for any change in zoning of this area, because reclassification would not be consistent with the Long Range Land Use Plan of the *Comprehensive Plan*. In order to get additional input, we sent a notice and survey to the owners of the nonconforming two flats in the area identified in the attached documents. We received one comment from the owner of 311 Bell Avenue (see attached Memo).

III. RECOMMENDATION:

Staff believes that the guidance of the *Comprehensive Plan* should stand and the current zoning classification should remain as is. However, there have been several requests in the last year for assistance with sales of nonconforming properties. According to property owners and perspective buyers; it has become difficult under new lending laws to obtain conventional mortgages for nonconforming properties. Therefore, staff would recommend an amendment to the text of the Zoning Code as it relates to replacement of nonconforming uses, specifically revisions to Subsections H and I of Section 12-103 "Nonconforming Uses in Structures Not Designed for a Permitted Use." (This Section applies only to buildings that were originally constructed for multiple units and not to single family homes that have been converted to multi-unit buildings):

- (1) Subsection 12-103 H, "Damage or Destruction." Under the current Code, this subsection states that if the structure is damaged or destroyed by any means, "NOT within the control of the owner" to 50 percent or LESS of the cost of replacement of structure new, then repair or replacement of the nonconforming two-flat may be made." However, if a structure is "damaged or destroyed, *by any means*, to the extent of MORE than 50 percent of the cost of replacement of such structure new" then it shall "NOT be restored" unless the new structure conforms to the zoning regulations, i.e., a two-flat in the single family districts could currently only be rebuilt as a single family home.

5-A.25

Staff recommends **amendment to Subsection H in order to allow repair and replacement of a nonconforming structure if any damage or destruction occurs that is not within the control of the owner to any extent.** This would allow a nonconforming use (such as a two flat in a single family district) to be repaired or replaced as a two-unit structure in the event that any damage or destruction to any extent not caused by the owner. The Code would not change regarding any destruction that is the result of the owner, so if a property owner demolished a nonconforming use or converted the structure to a permitted use; the new use would have to remain as the permitted use (a two-flat converted to a single family dwelling would thereafter have to remain as a single family home).

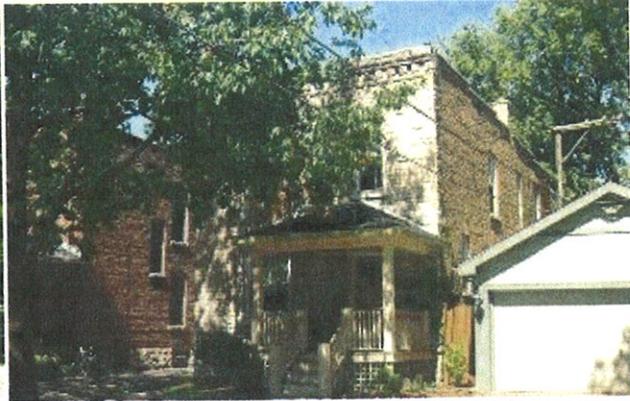
- (2) Subsection 12-103 I, "Termination by Discontinuance or Abandonment." Currently our Code does not allow continuance of a non-conforming use if the structure has been vacant for six consecutive months. Staff recommends an **amendment that would allow continuance of the nonconforming use as long as the owner is diligently trying to lease the vacant space.**

Please note that the recommended amendments would apply not only to two flats in single family districts but to any nonconforming use in cases when the building is not designed for a permitted use. An example of another building is the office building located at 47 S. 6th Avenue, which is zoned R-8 Multiple Family Residential, but is currently used as an office building. The owner also has found an inability to refinance his property. He has considered rezoning the property; however, Staff does not feel that changing the zoning classification would be an ideal solution given the proximity to single family residences.

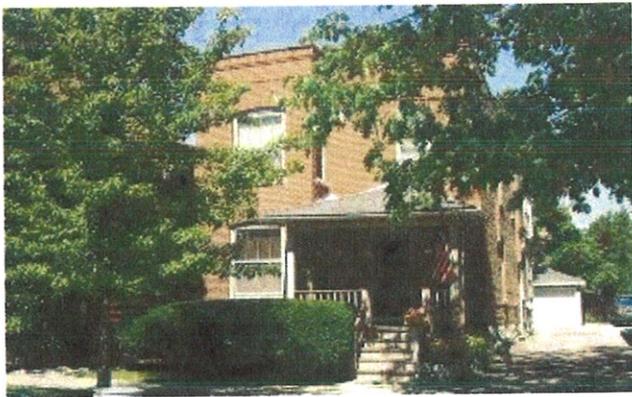
5-A.26



32 N. Ashland



311 Bell



315 Bell



709 Bell (100 N. Stone)



138 N. Waiola



320 Bell



51 N. Brainard



71 N. Brainard

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10 S. Catherine



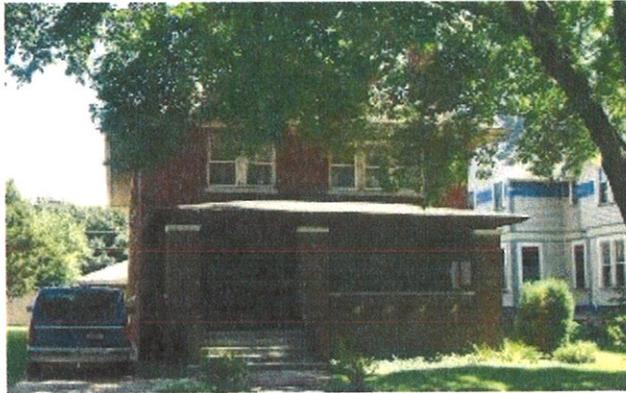
16 S. Catherine



301 W. Cossitt



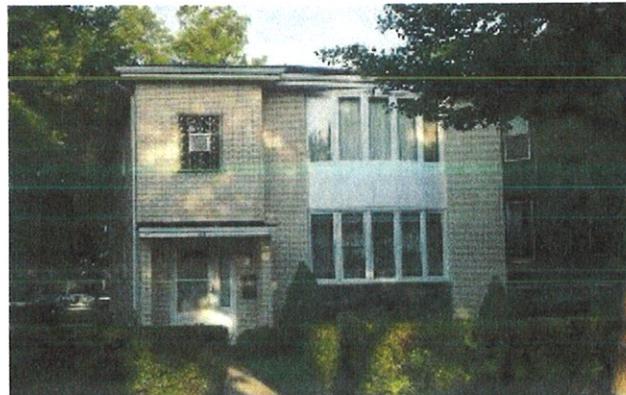
24 N. Kensington



35 N. Kensington



50 S. Kensington



68 S. Kensington



20 N. Spring

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34-36 N. Spring



39 N. Spring



40 N. Spring



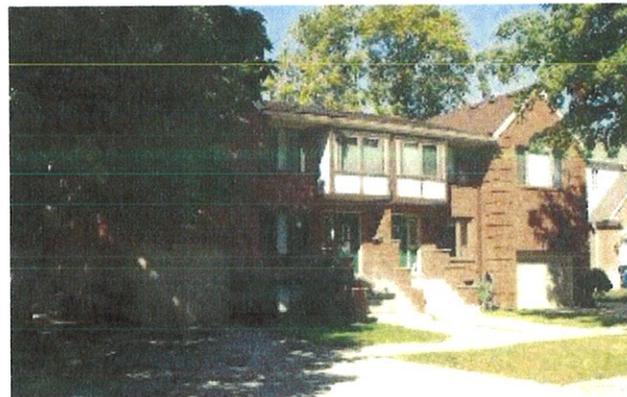
44 N. Spring



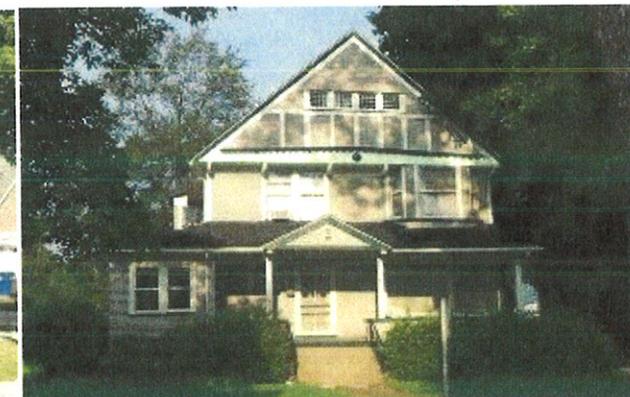
50 N. Spring



34 N. Waiola



44 N. Waiola



46 S. Waiola

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Nonconforming Two-Unit Buildings (west of La Grange Road, from Ogden to Hillgrove and Harris to Cossitt)

No.	Ad	Street	AGE	Lot Size	Zoning
32	N.	Ashland	93	6,250	R4
311		Bell	113	2,800 (28' x100')	R4
315		Bell	113	3,200	R4
709		Bell (100 N. stone)	123	6,800	R4
320		Bell	89	6,250	R5
51	N.	Brainard	87 years old	8,450	R5
71	N.	Brainard	95 years old	7,200	R5
10	S.	Catherine	88	8,750	R5
16	S.	Catherine	113	6,250	R5
301	W.	Cossitt	108	9,375	R5
24	N.	Kensington	118	6,800	R5
35	N.	Kensington	88	6,250	R5
50	S.	Kensington	123	10,200	R5
68	S.	Kensington	35	6,800	R5
20	N.	Spring	118	6,800	R5
34-36	N.	Spring	120	6,800	R5
39	N.	Spring	133	6,800	R5
40	N.	Spring	119	6,800	R5
44	N.	Spring	86	6,800	R5
34-36	N.	Waiola	106	5,150	R5
40-44	n	Waiola	23	7,725	R5
46	S.	Waiola	123	13,600	R5

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PC Case #201

TO: Plan Commission

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

DATE: October 11, 2011

RE: ZONING CODE AMENDMENTS - Map Amendments to reclassify certain properties in the Residential Districts, Village of La Grange.

I. BACKGROUND:

As the next phase in our zoning amendments, with the existing uses as a guide, Staff has reviewed the boundaries of the residential zoning districts to maintain consistency within the districts. In Staff's review we noted several areas in which designations in the Village's *Comprehensive Plan* differ from our current zoning map. For each of these areas we are considering adjustments to the zoning map that would be consistent with the *Plan*. In addition, we have received requests from property owners from time to time to consider zoning changes in cases where existing uses are nonconforming such as two flats that are located in single family districts. Therefore, we propose that the Plan Commission consider adjustments to the Zoning map that would be consistent with the Long Range Land Use Plan of our *Comprehensive Plan*.

II. PROPOSED AMENDMENTS:

Zoning Map Amendments – Residential Districts

During the course of the analysis of the residential districts, we recognized that some adjustment to the zoning map is warranted at this time. In seeking guidance on residential district zoning, we consulted the *Comprehensive Plan's* Long Range Land Use Plan. Staff is suggesting changes to the zoning map in residential areas as outlined on the Exhibit A: "Village of La Grange Zoning Map, Proposed Amendments" and described in detail in Section B of this report.

A. AMENDMENT CRITERIA

In reviewing the Zoning Map Amendment, be guided by the principles stated in Section 14-605 of the Zoning Code: *In determining whether that principle is satisfied in any particular case, the Board of Trustees should weigh data required in 14-101E and among other factors, the following standards as they may be relevant to a particular application:*

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

According to Article IV, *Multiple Family Residential Districts*, of the Zoning Code, "Permitted residential uses and densities vary in each district to provide for a range of housing types and densities... Specifically, the R-6 District is intended to provide opportunities for lower density single family attached and two family developments compatible with neighboring single family detached dwelling development. The R-7 District is intended to provide areas for similar development plus modest density multiple family dwellings with minimum of 2,000 square feet of lot area per unit. The R-8 District is intended to provide areas for development at the highest residential density appropriate in the Village's suburban setting with minimum 1,300 square feet of lot area per unit.

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

Staff mailed a letter and survey to the owners of the properties in those areas that are under consideration. The survey asked for input on the appropriateness of the current character and density (number of dwellings or size of buildings) of the block as well as the zoning classification and density that would be permitted if the property were to be redeveloped. In addition, the property owners were asked if they would like to see any changes in their neighborhood regarding the density of the surrounding residential properties, and if so, whether it should be more or less intense than what currently exists. Staff has considered all comments as part of our analysis and the community input is summarized under each proposed amendment in Section B below.

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 the value of the subject property is diminished by the existing zoning classification applicable to it.*
 - (d) *The extent, if any, to which any such diminution in value is offset by an increase in public health, safety, and welfare.*

5-A.32

- (e) *The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.*
- (f) *The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.*
- (g) *The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.*
- (h) *The suitability of the subject property for uses permitted or permissible under its present zoning classification.*
- (i) *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.*
- (j) *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.*
- (k) *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.*

The above criteria are examined for each of the proposed areas in Section B below.

B. PROPOSED AMENDMENTS

The following properties under consideration for potential zoning map changes (see attached Exhibit A: *Zoning Map Proposed Amendments* and Exhibit B: Long Range Land Use Plan):

1. Rezoning from R-8 Multiple Family Residential to a more restrictive zoning district (R-7 or R-6) - 16, 22, 24, 30, and 34 South 7th Avenue.

This proposed amendment would rezone a one block area from its current classification in the R-8 Multiple Family Residential to a less intense zoning district such as the R-7 or R-6 district. The subject properties are currently a mix of single family homes and a multi-unit building. The R-8 district is the least restrictive residential zoning district. Staff examined the potential to rezone this block or portions of it into a more restrictive residential zoning district. Staff believes that a reclassification may be more consistent with the character of the surrounding area.

5-A.33

The following table identifies the existing uses, allowable uses under the current R-8 district zoning, and options for re-zoning to more restrictive districts (R-7 and R-6) for the subject block:

<i>Address</i>	<i>Existing Number of Units</i>	<i>Allowable under current R-8 zoning</i>	<i>Allowable in R-7 District</i>	<i>Allowable in R-6 District</i>
16 S. 7 th	Single Family	9	6	2
22 S. 7 th	Single Family	8	5	2
24 S. 7 th	Single Family	8	5	2
30 S. 7 th	2	6	4	2
34 S. 7 th	2	6	4	2

Comprehensive Plan

In the Long Range Land Use Plan, this block is identified as “*Medium Density Residential*,” which is defined as “*low-rise condominium or townhome format, which generally requires 2,000 square ft. of lot area per dwelling unit...includes structures that are usually two to three stories in height.*” This definition is consistent with the purposes and regulations of the R-7 Multiple Family Residential District.

Existing uses and zoning classifications for properties in the vicinity are as follows:

The property directly to the north at the corner of Burlington and Seventh Avenue is zoned C-1 Central Commercial District. This existing two story office building is currently vacant, but could be redeveloped with a mixed of uses – retail, office and multiple family building. Staff has had proposals in the past for up to four stories of retail and multifamily for this site.

The property directly adjacent to the south of the subject properties at the corner of Harris and Seventh Avenue is zoned R-8 Multiple Family Residential. This lot currently serves as a public parking lot, but could be redeveloped with as many as 29 residential units.

The properties directly across the street on Seventh Avenue are currently zoned R-5 Single Family Residential with the following uses:

<i>Address</i>	<i>Current Number of Units</i>
15 S. 7 th	Single Family
19 S. 7 th	Single Family
21 S. 7 th	Single Family

5-A.34

<i>Address</i>	<i>Current Number of Units</i>
23 S. 7 th	2
25 S. 7 th	2
29 S. 7 th	Single Family
31 S. 7 th	Single Family
33 S. 7 th	Single Family
35 S. 7 th	2
41 S. 7 th	3
43 S. 7 th	Single Family

The suitability of the subject property for uses permitted or permissible under its present zoning classification.

As currently zoned in the R-8 district, there are no existing nonconforming uses. If the properties were rezoned to R-7 Multiple Family District, no new nonconformities would be created. However if this block were re-zoned into a more restrictive district, such as the R-6 Two Family or R-5 Single Family Residential, the four-unit building at 16 S. 7th, would become a nonconforming use (no more than two units are permitted per lot in the R-6 district, and only single family homes are permitted in the R-5 district).

Community Input

Staff has received no comments from the property owners or residents of this area.

RECOMMENDATION

Staff looked at two options for rezoning this block into a slightly more restrictive district: First option would be to rezone from R-8 Multiple Family Residential to R-7 Multiple Family Residential. This would lower the allowable density to a level that is consistent with the *Comprehensive Plan* and also create no new nonconformities. This level of density could also serve as a buffer between the single family areas to the south and east, the R-8 multiple family housing to the west, and the adjacent C-1 commercial corridor to the north.

Alternatively, this block could be zoned into two different districts. For example, 16 S. Seventh could be rezoned to the R-7 district to provide a buffer to the adjacent commercial corridor, and 22-34 S. Seventh could be rezoned to R-6 to maintain the character of the existing mix of single family homes and two unit buildings in the neighborhood.

5-A.35

Staff believes that the first option is most desirable and recommends rezoning the subject block from R-8 Multiple Family Residential into the R-7 Multiple Family District.

2. Rezoning from R-5 Single Family Residential to R-6 Two Family Residential - 320, 315, and 311 Bell.

This proposed amendment would rezone three properties at Bell and Kensington, within the R-5 Single Family Residential to R-6 Two Family Residential. At present zoning regulations restrict development of any property within this district to single family homes. All three of the properties under consideration are 2-unit buildings, which are currently legal nonconforming uses.

This zoning change was requested by the owner of one of the properties, Staff suggests that the Plan Commission examine the potential to rezone these properties into the R-6 Two Family district. The proposed amendment would increase the allowable units to allow two flats and side by side duplex housing, which would be consistent with the existing housing on the subject properties.

Comprehensive Plan

The Long Range Land Use Plan identifies this area as Single Family Residential, which would be the equivalent to the current zoning of the R-5 district.

Community Input

This amendment was requested by the owner of one of the properties. One reason for the interest by the owner is the difficulty in the sale and/or refinancing this property due to recent changes in lending policies for nonconforming structures. Staff has had similar requests in the last year for assistance with sales of nonconforming properties. According to several property owners, it has become difficult to obtain conventional mortgages if the property is nonconforming. Staff believes that input from other property owners and residents in this area is important to establish the need for any change in zoning of this area, because this would not be consistent with the *Comprehensive Plan*.

RECOMMENDATION

Unless more compelling new evidence since the adoption of the Comprehensive Plan in 2005 is presented at your meeting, Staff believes that the guidance of the Plan should stand and the current zoning classification should remain as is with the legal nonconforming status in place.

5-A.36

3. Rezoning from R-5 Single Family Residential to R-6 Two Family Residential - 5, 11, 15, 17 and 19 South Catherine Avenue and 218 and 220 West Harris Avenue.

This proposed amendment would rezone a one block area from R-5 Single Family Residential to the R-6 Two Family Residential district. At present zoning district restricts development to only single family homes. Staff examined the potential to rezone this area into the R-6 Two Family district. This is a less restrictive residential zoning district that would increase the allowable units to two units per lot, were the area to be redeveloped. This would be consistent with the character of the area and would eliminate the non-conformities.

In reviewing the existing uses and character of this area, Staff has found that the proposed changes would not create newly non-conforming uses. In fact, five out of the six existing structures have two units and are currently not permitted within the R-5 district. A zoning change to the R-6 district would establish the existing structures as permitted uses. The R-6 district has recently been amended so that any new construction and conversion of two family dwellings would be required review of new design standards at the Staff level that includes architectural features common to single-family detached dwellings in La Grange.

Comprehensive Plan

In the Long Range Land Use Plan, this block is classified as “Two Family Residential,” defined as “*two family attached dwellings either two-flats or side-by-side duplexes.*” This definition is consistent with the purposes of the R-6 Two Family Residential District. This also provides a variety of housing options close to downtown, which is consistent with the Comprehensive Plan.

Community Input

Staff has received several surveys from property owners in this block all in support of allowing two flats and duplexes. According to one resident, who has lived on this block nearly 60 years, 6 of the 10 buildings on this street have historically been 2-unit buildings. Property owners have described this block as well established and well maintained, “a good mix of single family and two flats” established since the 1920s.

RECOMMENDATION

Staff recommends that the properties listed in #3 above be rezoned from R-5 Single Family Residential into the R-6 Two Family Residential District.

5-A.37

4. Rezoning from R-5 Single Family Residential to R-6 Two Family Residential - 17 and 19 South Brainard Avenue.

Under consideration is reclassification of subject property at 17-19 S. Brainard from R-5 Single Family Residential to one of the following less restrictive districts: R-6 , R-7, or R-8. The property is currently improved with a two unit duplex building. At present, the zoning classification restricts development to only a single family home; therefore, the duplex is a legal nonconforming use.

Staff has examined the potential to rezone this property into a less restrictive residential zoning district in which two unit buildings would be permitted.

Comprehensive Plan.

The Long Range Land Use Plan identifies this area as “*Medium Density Residential.*”

The existing uses and zoning classifications for properties in the are as follows:

The property directly to the east is zoned R-8 multiple family residential and is currently a 4 unit building. If redeveloped, this property would be limited to 4 units as the lot is the same width as the 17-19 S. Brainard, but is shorter.

Community Input

The owner of the property at 17-19 S. Brainard has expressed an interest in rezoning the property so that the use is no longer nonconforming.

RECOMMENDATION

It might make some sense to consider rezoning to the R-6 district, which is consistent with the actual number of units currently on this property. The subject property is directly adjacent to an R-8 multiple family. Some similarly situated properties throughout the Village that are directly adjacent to both commercial corridors and single family districts are consistently zoned in the R-8 District.

Therefore, Staff recommends that this property at **17-19 S. Brainard be reclassified from R-5 Single Family Residential into one of the multiple family districts.**

5-14-38

5. Rezoning from R-6 Two Family Residential to R-8 Multiple Family Residential - 1323, 1401, and 1407 West Cossitt Avenue.

This proposed amendment would rezone three properties from R-6 Two Family Residential to a less restrictive (R-7 or R-8) multiple family district. At present zoning regulations allow for development of any property within this district as two unit buildings – two flats or side by side duplex units. Rezoning these properties would increase the allowable units if they were redeveloped.

The following table identifies the existing uses, allowable uses with rezoning options to less restrictive districts (R-7 and R-8):

<i>Address</i>	<i>Current Number of Units</i>	<i>Allowable if rezoned to R-7 Multiple Family Residential</i>	<i>Allowable if rezoned to R-8 Multiple Family Residential</i>
1323 Cossitt	2-3	3	6
1401 Cossitt	Single Family	5	8
1407 Cossitt	2	3	5

Comprehensive Plan

The Long Range Land Use Plan identifies this area as “*Medium Density Residential*,” which would be the equivalent of the R-7 district.

The existing uses and zoning classifications for properties in the vicinity of the properties under consideration are as follows:

The two properties directly to the west of the subject properties, 1413 and 1419 W. Cossitt, are six-unit buildings, zoned R-8 multiple family residential; adjacent to the east on Cossitt is zoned IB Institutional Buildings District and currently the location of LADSE (the La Grange Area Department of Special Education), and to the south is the Lyons Township High School athletic fields, zoned OS Open Space district. In addition, the subject properties are adjacent to the Burlington Northern Santa Fe (BNSF) railroad. A multiple family buffer along the Railroad is consistent with other development along the BNSF corridor.

Community Input

The owner of the property at 1323 W. Cossitt has expressed an interest in rezoning the property in order to allow a third unit in the basement of his two unit apartment building.

5-A-39

One of the concerns expressed by the owner of the single family property located on this block and also under consideration for rezoning is that any zoning change might increase his property taxes. Staff consulted with Lyons Township Assessor Barbara Weyrich and confirmed that even with a zoning change, tax rates will not change as long as the property remains a single family home. Tax rates do not fluctuate with the zoning – it would remain in the same tax rate.

RECOMMENDATION

Staff recommends that the properties listed in #5 above be rezoned from R-6 Two Family Residential into the R-7 Multiple Family Residential District.

III. RECOMMENDATION:

Staff recommends that the areas as recommended in Section II of this Report be rezoned. If the Plan Commission agrees, the Village Attorney and staff will draft ordinance language for revisions to the Zoning Map and forward to the Village Board for consideration.

5-A.40

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 10, 2012

RE: Community Input – 311 Bell Avenue.

Staff received the following comment from the owner of the property at 311 Bell Avenue: Mr. Yates recently purchased the property in 2010. He believes that the building has been a two flat since 1898 and was not converted. In his opinion, this building is historic and would be able to be replaced only as a two-unit building. He fully supports any effort to keep this lot at 2 units. There is no way he would be able to construct a single family residence on this property, because the lot size is only 28 feet wide by 100 feet deep (our minimum lot size in the single family districts is 50 feet by 125 feet). If the Code remains as it is, this lot would be unbuildable. (See attached Memo from the owner of 311 Bell Avenue, dated December 29, 2011. –Please note that Staff’s intent is to adjust the Code to allow restoration to a **two family** residence and *not* to a single family residence as stated in the third paragraph of Mr. Yates’ Memo. Mr. Yates’ comments would apply to the Code as it currently exists and not as Staff recommends amending it.)

5-A-41

MEMO

DATE: December 29, 2011

TO: Patrick Benjamin, Director, Community Development, Village of La Grange
Angela Mesaros, Assistant Director, La Grange Community Development
Wayne Kardatzke, Chairperson, La Grange Planning Commission

FROM: Dale Yates, Owner of Property at 311 Bell Avenue, La Grange, IL

RE: **Proposed Zoning Changes**

Dear Community Development Staff,

As follow up to your letters dated December 21st and September 12th as well as my recent telephone conversation with Angela, please know that I have concerns regarding the Village's zoning plans regarding my property at 311 Bell Avenue.

Your September 12, 2011 Public Notice indicates that my property might be re-classified from "the R-5 Single Family Residential District into the R-6 Two Family Residential District." I was unable to attend the hearing October 11th when this would have been discussed, but because the proposed change seemed reasonable there appeared no urgency at the time.

Your letter dated December 21st, 2011, however, indicates a very different "plan" by the Village. You now are "considering whether or not to adjust the current zoning regulations to allow restoration when a structure is damaged or destroyed by means not within the control of the owner" to strictly **single** family residence. This would very negatively impact my property as to value, so I've noted the following points, questions, and recommendations for your review.

1. The original "footprint" of 311 Bell is a two-flat residence **established since 1898**. It is a "legal non-conforming" building, per current zoning, with two-flat real estate taxes.
2. If damage from a natural disaster requires repair, and the Village forces me to rebuild only one unit on the property (in place of the current two-flat) as stated in your December 21st letter, it would render this property worthless in value because of its lot size. The lot size is 28' by 100', and I do not believe that size would qualify under current codes and zoning to build a new single family dwelling.
3. A change to single family dwelling status for 311 Bell Avenue would be a great **hardship** to me financially. Noted above, land value would be lost as a non-buildable parcel. Even if the lot size were not an issue and I *were* able to build a single family dwelling on the lot, it would still be a hardship as I would lose potential rental income. In today's economy, that would devastate me personally. I purchased this property in 2010 as a "multi-family property", two units, not as a single family dwelling.

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4. Please answer these **questions**:

- a. Why the sudden *change* of plans for this area between the September 12th Notice and December 21st letter? There is a definite reversal in "planning". Is there a density issue or public works item, or is it to accommodate other property owners?
- b. If so, what is the specific property address or name of the person that needs this change of action? What is the issue for that party?
- c. What specifically does the public or Village gain by this action?
- d. What other properties in La Grange received this December 21st letter?

5. Please consider the following **recommendations**:

- a. Allow everything previously built to date and structurally sound to be listed as "conforming". Grant two-unit zoning status to those that already are now listed as non-conforming two units. Because 311 Bell is designated "**legal** non-conforming", it should be left alone or granted R-6 two-flat status as proposed by the Planning Commission (Case #201) in its notice dated September 12, 2011.
- b. Remove the terminology and labeling of "non-conforming". If a structure was built legally at the time of construction, additional zoning labels should not be used that place the property in a negative light. Preserve the value of property. (My property has historically been "legal" for over 100 years. It is a "grand-daddy" of the block. Give it some respect. I do and so do my tenants.)
- c. If the property structure footprint does not change, its status should be protected.

In closing, I ask you to please **not** render my property economically undesirable with a single family zoning tag. I am a proud owner of 311 Bell Avenue, a two-flat residence with historical significance. I work hard to maintain its original footprint and historic details, in line with the introduction on the Village's own website:

"Rich in history, the Village of La Grange offers the modern conveniences of an urban community while preserving much of the authenticity of character originally envisioned by its founding father, F.D. Cossitt, back in 1879."

Thank you for your time in this very critical matter. Respectfully submitted,

Dale Yates

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