



## AGENDA

*Village of Hoffman Estates  
First Meeting of the Month  
Village Board of Trustees*

*Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169  
847/882-9100*

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**Board Room**

**June 1, 2009**

**8:00 p.m.**

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1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **RECOGNITION OF AUDIENCE**
4. **CONSENT AGENDA/OMNIBUS VOTE (Roll Call Vote)**

*(All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Trustee so requests. In that event, the discussion will be the first item of business after approval of the Consent Agenda).*

  - A. Approval of Agenda
  - B. Approval of Minutes
    - 1) May 4, 2009
    - 2) May 11, 2009
  - C. Approval of the schedule of bills for June 1, 2009: \$3,258,926.16
  - D. Request Board approval of an ordinance amending Chapter 10, Subdivision Code, of the Village of Hoffman Estates.
  - E. Request Board authorization to award contracts for the new Police Building for:
    - 1) asphalt paving to Abby Paving & Sealcoating Co., Inc., Aurora, IL (lowest responsible bid) in an amount not to exceed \$43,598; and
    - 2) unit pavers to LPS Pavement Co., Oswego, IL, (lowest responsible bid) in an amount not to exceed \$206,600; and
    - 3) suspended acoustical ceilings to Just Rite Acoustics, Inc., Elk Grove Village, IL (lowest responsible bid) in an amount not to exceed \$187,500; and
    - 4) carpentry/general trades to L.J. Morse Construction Co., Aurora, IL (lowest responsible bid) in an amount not to exceed \$694,000; and
    - 5) audio/visual systems to Advanced Communications, Inc., Michigan City, IN, (lowest responsible bid) in an amount not to exceed \$313,193.
  - F. Request Board approval to reject all bids received for the firing range equipment trade package for the new Police building.
  - G. Request Board approval to submit a 2009 Department of Energy application for multiple projects funded by the Energy Efficiency and Conservation Block Grant (EECBG) Program.
  - H. Request Board approval of allocation \$81,078 of Community Development Block Grant – Recovery (CDBG-R) funds for a sidewalk improvement project in the Barrington Square neighborhood.

4. **CONSENT AGENDA/OMNIBUS VOTE (Roll Call Vote) – Continued**
- I. Request Board authorization to participate in Northwest Municipal Conference Suburban Purchasing Cooperative for one-year contract extension with Texor Petroleum Company for joint purchase of diesel fuel and gasoline.
  - J. Request Board authorization to award contract for replacement of concrete seven (7) concrete street light poles to Elmund & Nelson Co., Elgin, IL (low bid) in an amount not to exceed \$15,740.
5. **REPORTS**
- A. **President's Report**
    - 1) Proclamation(s)
      - Daniel Dotlich Day (10 Years Service)
      - National Headache Awareness Week
    - 2) Presentation(s)
      - Citizen Lifesaving Award (Fire Department)
  - B. **Trustee Comments**
  - C. **Village Manager's Report**
  - D. **Village Clerk's Report**
  - E. **Committee Reports**
    - 1) Planning, Building & Zoning
    - 2) General Administration & Personnel
    - 3) Transportation & Road Improvement
6. **PLAN COMMISSION/ZONING BOARD OF APPEALS REPORTS**
- A. **PLAN COMMISSION (Chairman Stanton)**
    - 1) Request by IZ Hotel Management LLC (owner) for approval of final plat of subdivision for the property located at the southeast corner of Barrington and Hassell Roads, with 3 conditions (see packets).  
Voting: 9 Ayes, 2 Absent  
Motion carried.
    - 2) Request by Handelsen Productemaatschappij Deshouw BV for a site plan amendment for redevelopment of a portion of Barrington Square Mall at 2300-2360 W. Higgins Road in accordance with the petitioner's plans, with 7 conditions (see packets).  
Voting: 8 Ayes, 1 Abstain, 2 Absent  
Motion carried.
  - B. **ZONING BOARD OF APPEALS (Chairman Weaver)**
    - 1) Request by Handelsen Productemaatschappij Deshouw BV (owner) and America's Bar and Grill (tenant), 2308 W. Higgins Road, for a variation from Section 9-3-8-M-10-a-4 to permit an additional (third) 132 square foot awning wall sign ("America's Bar & Grill") on the (west) courtyard façade of the tenant space, and to allow such sign to be installed along a storefront that does not face a public street or parking lot, with 1 condition (see packets).  
Voting: 4 Ayes, 3 Absent  
Motion carried.  
*(Immediate authorization to apply for permits is requested)*

6. **PLAN COMMISSION/ZONING BOARD OF APPEALS REPORTS - Continued**

- 2) Request by Handelsen Productmaatschappij Deshouw BV (owner) and Advance Preschool (tenant), 2320 W. Higgins Road, for a special use amendment under Section 9-8-2-C-5 of the Zoning Code to permit a 4,950 square foot expansion of a daycare center/preschool (to 12,133 square feet), with 2 conditions (see packets).

Voting: 4 Ayes, 3 Absent

Motion carried.

***(Immediate authorization to apply for permits is requested)***

- 3) Request by Canterbury Fields Condo Association for a variation from Section 9-3-8-L-4 to permit a one-sided residential subdivision identification sign ("Canterbury Fields of Hoffman Estates") to be installed on the northwest corner of Shoe Factory Road and Delaney Road and for the sign to be illuminated, with 2 conditions (see packets).

Voting: 2 Ayes, 2 Nays, 3 Absent

Motion failed.

***(Immediate authorization to apply for permits is requested)***

7. **ADDITIONAL BUSINESS** *(All other new business; those items not recommended by a majority of the Committee)*

- A. Request Board approval of an ordinance amending Chapter 6, Traffic Code, of the Hoffman Estates Municipal Code, to provide for an automated traffic law enforcement system for red light violations within the Village.
- B. Request Board approval of an ordinance amending Chapter 7, Offenses and Punishments, of the Hoffman Estates Municipal Code to provide for the abatement of abandoned vehicles within the Village.

8. **ADJOURNMENT – Executive Session – Litigation (5 ILCS 120/2-(c)-(11)) & Land Acquisition (5 ILCS 120/2-(c)-(5))**

# **CONSENT AGENDA**

**MEETING:**                                 **HOFFMAN ESTATES VILLAGE BOARD**  
**DATE:**                                     **MAY 4, 2009**  
**PLACE:**                                  **COUNCIL CHAMBERS**  
   **1900 HASSELL ROAD**  
   **HOFFMAN ESTATES, ILLINOIS**

**1. CALL TO ORDER:**

Village President William McLeod called the meeting to order at 8:05 p.m. The Village Clerk called the roll. Trustees present: Anna Newell, Gary Pilafas, Karen Mills, Cary Collins, Ray Kincaid, Jackie Green.

A quorum was present.

**ADMINISTRATIVE PERSONNEL PRESENT:**

- J. Norris, Village Manager
- D. O'Malley, Deputy Village Manager
- A. Janura, Corporation Counsel
- M. Koplun, Asst. Village Manager-Development Services
- B. Gorvett, Fire Chief
- C. Herdegen, Police Chief
- M. DuCharme, Finance Director
- A. Garner, Director H&HS
- B. Anderson, Cable TV Coordinator
- K. Hari, Director of Public Works
- D. Christensen, Emergency Management Coordinator
- B. Suhajda, GG Intern
- P. Petrenko, Facility Manager
- C. Lindquist, Building Maintenance Supervisor

**2. PLEDGE OF ALLEGIANCE TO THE FLAG:**

The Pledge was led by Trustee Newell.

**3. APPROVAL OF THE AGENDA:**

Motion by Trustee Collins, seconded by Trustee Mills, to approve an amended agenda. Voice vote taken. All ayes. Motion carried.

**4. APPROVAL OF MINUTES:**

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the minutes from April 20, 2009 with the correction on New Business Item 16.J., the amount should be \$65,244.45 minus the amount for the magazine racks. Voice vote taken. Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the minutes from April 27, 2009. Voice vote taken. Motion carried.

**5. APPROVAL OF BILLS:**

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve the Bill List for May 4, 2009, in the amount of \$12,965,037.74.

**Discussion**

Trustee Pilafas asked what the payment to JP Morgan was for. Mr. DuCharme replied that it was for the fixed income investment quarterly report.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

**6. PRESIDENT'S REPORT:**

**Proclamation(s)**

Trustee Pilafas read the following proclamation:

Motion by Trustee Collins, seconded by Trustee Green, to concur with the proclamation proclaiming that Hoffman Estates, Illinois is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010. Voice vote taken. All ayes. Motion carried.

Trustee Green read the following proclamation:

Motion by Trustee Collins, seconded by Trustee Mills, to concur with the proclamation proclaiming Friday, May 8, 2009 as Linda Hari Day. Voice vote taken. All ayes. Motion carried.

Mrs. Hari was congratulated by the Board, accepted her proclamation and introduced her family.

Motion by Trustee Collins, seconded by Trustee Pilafas to reappoint Board and Commission Members whose terms have expired (see attached sheet). Voice vote taken. All ayes. Motion carried.

Motion by Trustee Collins, seconded by Trustee Green to appoint Margaret Parotti to the Arts Commission. Voice vote taken. All ayes. Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to appoint Myrene Iozzo to the Plan Commission. Voice vote taken. All ayes. Motion carried.

Mayor McLeod stated that he attended the reception for Eisenhower Jr. High for the cast of Willie Wonka Jr. that was held this evening, he was principal for a day at Timber Trails School, attended the "Let's go to the Movies" joint commission program, Special Olympics at Prospect High School and the Neighborhood Appreciation at the Korean Church of Chicago.

**7. TRUSTEE COMMENTS:**

Trustee Kincaid stated that he attended the Coffee with the Board, the swearing-in ceremony, our film festival and stated what a great job was done by the students and staff for the production of Willie Wonka.

Trustee Mills congratulated Chris DeGiorgio on his Letter to the Editor write up, thanked the staff for organizing the swearing-in, attended the French Evening Dinner. She later added that her husband has bowled another 300 game, number 8!

Trustee Collins complimented Chris on his helpfulness.

Trustee Pilafas stated that April is Autism Awareness Month and that he attended a fundraiser at La Strada to help raise money for them, stated that it is now baseball season and that if he misses some events that is the reason why, he read that unemployment in Hoffman Estates is at 5% which is lower than the average, stated that at a share holders meeting for Sears they announced that they will be doing more internet sales, that 2 of the new companies coming into the Village are Japanese companies, attended a staff meeting with the Laufenberger group at which staff did a good job, congratulated the Eisenhower group and Chris and told Mr. Hari if he needed help on Linda Hari Day he would be there.

Trustee Newell thanked Chris, commented that the Park District is a finalist for a Gold Medal award, helped with cleaning up the parks, attended "Let's go to the Movies", the Korean Church program and requested that the Green Initiatives Commission look into the use of rain barrels and eliminating the use of styro foam products here at village hall.

Trustee Green stated that she cleaned up behind Eisenhower Jr. High, attended the "Let's go to the Movies" program, the Korean Church program, thanked Chris and commented on the statement from the 911 operator who said how good our Police and Fire Departments are.

#### **8. VILLAGE MANAGER'S REPORT:**

Mr. Norris had no report.

#### **9. VILLAGE CLERK'S REPORT:**

The Clerk stated that her office processed 56 passports during the month of April. She reported that there were 45 people in attendance and that we collected \$48 and 1 and ½ recycling bins of food for the area food pantries during the joint commission program on Saturday. She suggested that we ask for food donations at all of our future programs to help support the pantries. She also commented on Officer Whited at the Special Olympic Games Sunday.

#### **10. COMMITTEE REPORTS:**

##### **Transportation & Road Improvement**

Trustee Kincaid stated that they will be meeting to request approval of an agreement between Pace and Prairie Stone Transportation Management Association for Bus Shelter Pads in Prairie Stone; request acceptance of Transportation Division Monthly Report; and item in review, discussion regarding lead agency for Barrington Road Interchange.

##### **Planning, Building & Zoning**

Trustee Pilafas stated that they would be meeting to discuss request approval by homeowner for release of a portion of open space easement at 4455 Capstan Drive (shed); request by 1800 McDonough Road Property, LLC and Hoffman Estates Development, Inc. for approval of the disconnection of 7,420 square feet of land from the Village of Hoffman Estates for the purpose of correcting a previous platting error; request

acceptance of Department of Development Services monthly reports for the Planning Division and Code Enforcement Division.

Trustee Collins asked that the honorary naming of Fr. Brennan on Thornbark Drive also be added to this agenda.

### **General Administration & Personnel**

Trustee Mills stated that they would be meeting for a discussion regarding the legislative update; discussion regarding the Community Energy Challenge; discussion regarding Rules of Procedure for the Board; request approval of amendment to the Administrative Adjudication Ordinance; request acceptance of Cable TV and Human Resource Management Monthly Reports.

### **11. RECOGNITION OF AUDIENCE:**

Rev. Daniels questioned why when his cleaning company was the lowest bidder they were not chosen, felt that because he is a resident of Hoffman Estates he thought he should have been given special consideration.

Mayor McLeod said that this item will be discussed under New Business.

David Bensen, 660 Hill Drive, shared with everyone a portable work bench that he made.

Terry Carroll, 12 Oaks, asked if the Village supports solar panels and if there is any funding for them.

Mr. Norris told him that we the Village could point him in the right direction.

Trustee Pilafas suggested that we invite him to join the Green Initiatives Commission.

### **12. COMMISSION REPORTS:**

#### **A. PLAN COMMISSION (Chairman Stanton)**

Motion by Trustee Collins, seconded by Trustee Mills, to concur with the Plan Commission and approve the petitioner's request.

**12.A.1.** Request by UG Hoffman, LP for preliminary and final plat of resubdivision of Lot 4A5D2B In Prairie Stone Business Park, subject following conditions:

1. Each development on Lot 4A5D2B shall be responsible for the maintenance of all shared areas on the property, including, but not limited to, parking lot/drive aisle pavement, exterior lighting, landscaping, sidewalks, etc. Site plan approvals on the property shall only be in compliance if all site improvements on Lot 4A5D2B are in compliance with Village Code. The Village shall have the right to require the correction of property maintenance violations on any portion of Lot 4A5D2B by any property owner within Lot 4A5D2B to keep their specific site plan approval valid.

2. The petitioner shall maintain a valid Declaration of Easements and Restrictive Covenants for the property to be legally binding upon all property owners within the property. The document shall address shared maintenance, parking, lighting, landscaping, signs, and access issues and give each property owner the authority to correct violations on any other property within Lot 4A5D2B. The petitioner shall provide a recorded copy of the Declaration of Easements and Restrictive Covenants to the Village. Each site plan approval on the property shall only be valid if the Declaration of Easements and Restrictive Covenants are in place.

3. Lot 4A5D2B1 may only be developed with a restaurant due to the Zoning Code minimum lot size requirement of 3 acres for any land use other than a restaurant. Any use other than a restaurant will require a resubdivision of the lot or a variation from the Zoning Code.

4. This resubdivision shall be subject to setback variation approval.



5. The Final Plat of Resubdivision shall be recorded prior to a building permit being issued for Lot 4A5D2B1.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to concur with the Plan Commission and approve the petitioner's request.

**12.A.2.** Request by UG Hoffman, LP for a Preliminary Concept Plan for a property located on the southeast corner of Prairie Stone Parkway and Pratum Avenue, subject to the following conditions:

1. Each development on Lot 4A5D2B shall be responsible for the maintenance of all shared areas on the property, including, but not limited to, parking lot/drive aisle pavement, exterior lighting, landscaping, sidewalks, etc. Site plan approvals on the property shall only be in compliance if all site improvements on Lot 4A5D2B are in compliance with Village Code. The Village shall have the right to require the correction of property maintenance violations on any portion of Lot 4A5D2B by any property owner within Lot 4A5D2B to keep their specific site plan approval valid.
2. This approval includes a new median break on Prairie Stone Parkway; however, final engineering design details will need to be completed with final site plan review of Lot 4A5D2B1. The path of the north/south drive aisle straight through the entire site may need to be adjusted as future development occurs on the remainder of the site, south and east of Lot 4A5D2B1.
3. The parking areas not located on Lot 4A5D2B1 shall be removed or reconfigured as deemed necessary by the future development of Lot 4A5D2B2.
4. The following information shall be required for final site plan review of Lot 4A5D2B1:
  - a. Landscaping (trees, shrubs, ground cover, etc.) shall be required at the connection of the proposed north/south driveway with the existing Pratum Avenue entrance drive. In addition, a 10' wide area of sod shall be placed along the east edge of the north/south driveway through the site and also on the west side of that drive to the parking lot. The specific design and location of the landscaping shall be reviewed by the Village during the final site plan review process for Lot 4A5D2B1.
  - b. The need for exterior lighting along the proposed north/south driveway will be evaluated with the photometric plan submitted for the final site plan review of Lot 4A5D2B1. The specific design and location of the exterior lighting shall be reviewed by the Village for that property. The design of the parking lot lighting for Lot 4A5D2B1 shall be consistent throughout the entire site.
  - c. The landscape plan for development of Lot 4A5D2B1 shall include a plaza area with benches and trash receptacles near the intersection of the two sidewalks to integrate with the proposed streetscape design. The specific design of this area shall be reviewed during final site plan review of Lot 4A5D2B1.
5. A southbound left turn lane (from Pratum Avenue) and a westbound left turn lane (from Prairie Stone Parkway) shall not be required with this approval or the final site plan review of Lot 4A5D2B1. The need for these turn lanes shall be evaluated with the future development of the remainder of the site
6. The following exceptions are granted for Lot 4A5D2B1 only:
  - a. An exception is granted to the Sears Annexation and Development Agreement pertaining to special yard area setback requirement along Prairie Stone Parkway. A 30 foot special yard area setback is proposed instead of the required 88 feet. With this approval, the petitioner shall install streetscape improvements between the street and property line to ensure proper integration of the site with the streetscape.
  - b. An exception is granted to the Sears Annexation and Development Agreement pertaining to the special yard area setback requirement along Pratum Avenue. A 38 foot special yard area setback is proposed instead of the required 60 feet. With this approval, the petitioner shall install streetscape improvements between the street and property line to ensure proper integration of the site with the streetscape.

7. The following performance measures are required for the development of this property:

a. Any future development of the remainder of the property will require site plan approval through the Village of Hoffman Estates site plan approval process, which will include site plan review, sidewalk connections, landscaping, access, etc.

b. Prior to issuance of the final certificate of occupancy for the first building, the remainder of the property (all of Lot 4A4D2B2) shall be established with a stand of grass in accordance with current Village procedures, unless construction has begun on any portion of the remainder of the property.

c. All excess soils shall be removed from the property prior to final occupancy of any building on the site.

8. The petitioner shall maintain a valid Declaration of Easements and Restrictive Covenants for the property to be legally binding upon all property owners within the property. The document shall address shared maintenance, parking, lighting, landscaping, signs, and access issues and give each property owner the authority to correct violations on any other property within Lot 4A5D2B. The petitioner shall provide a recorded copy of the Declaration of Easements and Restrictive Covenants to the Village. Each site plan approval on the property shall only be valid if the Declaration of Easements and Restrictive Covenants are in place.

9. No signs are approved through the preliminary concept plan review process. Lot 4A5D2B is subject to the requirements of the master sign plan that was coordinated with Cabela's.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Green, to concur with the Plan Commission and approve the petitioner's request

**12.A.3.** Request by Yavitski, LLC for Preliminary Concept Plan for a restaurant with off-track betting, including off-site parking areas and access drives, located at 5295 Prairie Stone Parkway (Lot 4A5D2B1), subject to the following conditions:

1. The owner/operator of Lot 4A5D2B1 shall be responsible for the maintenance of all shared areas on Lot 4A5D2B, including, but not limited to, parking lot/drive aisle pavement, exterior lighting, landscaping, sidewalks, etc. The final site plan approval for Lot 4A5D2B1 shall only be in compliance if Lot 4A5D2B is in compliance with Village Code. The Village shall have the right to require the correction of property maintenance violations on Lot 4A5D2B upon the owner/operator of Lot 4A5D2B1 in order to keep their site plan approval valid.

2. This preliminary concept plan approval shall be for a restaurant only due to the Zoning Code minimum lot size requirement of 3 acres for any land use other than a restaurant. Any use other than a restaurant will require a resubdivision of the lot or a variation from the Zoning Code.

3. The specific design of the site plan for Lot 4A5D2B1 shall be determined and finalized during the final site plan review process.

4. The following information shall be required for final site plan review of Lot 4A5D2B1:

a. Landscaping (trees, shrubs, ground cover, etc.) shall be required at the connection of the proposed north/south driveway with the existing Pratum Avenue entrance drive. In addition, a 10' wide area of sod shall be placed along the east edge of the north/south driveway through the site and also on the west side of that drive to the parking lot. The specific design and location of the landscaping shall be reviewed by the Village during the final site plan review process for Lot 4A5D2B1.

b. The need for exterior lighting along the proposed north/south driveway will be evaluated with the photometric plan submitted for the final site plan review of Lot 4A5D2B1. The specific design and location of the exterior lighting shall be reviewed by the Village for that property. The design of the parking lot lighting for Lot 4A5D2B1 shall be consistent throughout the entire site.

c. The landscape plan for development of Lot 4A5D2B1 shall include a plaza area with benches and trash receptacles near the intersection of the two sidewalks to integrate with the proposed streetscape design. The specific design of this area shall be reviewed during final site plan review of Lot 4A5D2B1.

5. The following exceptions are granted for Lot 4A5D2B1 with this preliminary concept plan approval:

a. An exception is granted to the Sears Annexation and Development Agreement pertaining to special yard area setback requirement along Prairie Stone Parkway. A 30 foot special yard area setback is approved instead of the required 88 feet. With this approval, the petitioner shall install streetscape improvements between the street and property line to ensure proper integration of the site with the streetscape.

b. An exception is granted to the Sears Annexation and Development Agreement pertaining to special yard area setback requirement along Pratum Avenue. A 38 foot special yard area setback is approved instead of the required 60 feet. With this approval, the petitioner shall install streetscape improvements between the street and property line to ensure proper integration of the site with the streetscape.

6. The parking lot and drive aisles associated with the development of Lot 4A5D2B1, shall not be located closer to Prairie Stone Parkway or Pratum Avenue than the primary building on the property. Also, no dumpster enclosure shall be located closer to Prairie Stone Parkway or Pratum Avenue than the primary building on the property.

7. This preliminary concept plan approval shall be subject to setback variation approval.

8. The petitioner acknowledges that an impact fee will be due in accordance with the Village's Road Improvement Impact Fee Program. This fee will be due prior to any certificate of occupancy for the building.

9. No signs are approved through the preliminary concept plan review process. Lot 4A5D2B1 is subject to the requirements of the master sign plan that was coordinated with Cabela's.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

#### **B. ZONING BOARD OF APPEALS (Chairman Weaver)**

Motion by Trustee Mills, seconded by Trustee Pilafas, to concur with the Zoning Board of Appeals and approve the petitioner's request with immediate authorization to apply for permits.

**12.B.1.** Request by Glen and Katherine Knapp at 611 Randi Lane, for an 8 foot rear yard setback variation from Section 9-5-7-D-6 to permit a three season sunroom addition to be set back 10 feet from the (south) rear property line instead of the minimum required 18 feet.

1. No doors or exterior lights shall be installed on the west wall of the room.

#### **Discussion**

Trustee Mills asked if the pool was gone. Chairman Weaver replied that yes it was.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Green

Nay: Kincaid

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Green, to concur with the Zoning Board of Appeals and approve the petitioner's request.

**12.B.2.** Request by UG Hoffman, LP (owner) and Yavitski, LLC (Contract Purchaser) at 5295 Prairie Stone Parkway, for a special use under Section 9-7-5-B-2-j to permit the operation of an off-track betting facility within a restaurant. The following conditions shall apply:

1. This special use approval shall be subject to site plan approval, including all conditions of approval for the Preliminary Concept Plan and Final Plat of Resubdivision and subsequently the conditions of approval for the final site plan for the restaurant.
2. Lot 4A5D2B1 shall be developed as a restaurant only due to the Zoning Code minimum lot size requirement of 3 acres for any land use other than a restaurant. Any use other than a restaurant will require a resubdivision of the lot or a variation from the Zoning Code.
3. Prior to issuance of the certificate of occupancy for the building, the petitioner shall provide to the Village a copy of any agreement with Cabela's for off-site parking for special events at the restaurant/OTB.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Green, to concur with the Zoning Board of Appeals and approve the petitioner's request with immediate authorization to apply for permits.

**12.B.3.** Request by UG Hoffman, LP (Owner) and Yavitski, LLC (Contract Purchaser) at 5295 Prairie Stone Parkway, for the following variations by omnibus vote:

a) A 20' setback variation from Section 9-7-5-C-6 of the Zoning Code for Lot 4A5D2B1 to permit a 30' setback along Prairie Stone Parkway instead of the minimum required 50' front yard setback, subject to the following condition:

1. This variation approval shall be subject to final Plat of Resubdivision and final site plan approval for the restaurant, including all conditions of approval.

b) A 12' setback variation from Section 9-7-5-C-6 of the Zoning Code to permit a 38' setback along Pratum Avenue instead of the minimum required 50' front yard setback, subject to the following condition:

1. This variation approval shall be subject to final Plat of Resubdivision and final site plan approval for the restaurant, including all conditions of approval.

c) A 25' setback variation from Sections 9-7-5-C-7 and 9-7-5-C-8 of the Zoning Code for Lot 4A5D2B to permit a zero foot setback along all common interior side or rear lot lines where a common access drive or parking area is located, subject to the following condition:

1. This variation approval shall be subject to final Plat of Resubdivision and final site plan approval for the restaurant, including all conditions of approval.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

**13. ORDINANCE/RESOLUTION (FIRST READING):**

**Ordinance(s)**

**13.A.** Request Board approval of an ordinance authorizing amendments to the 2008 Budget ordinance.

No action taken at this time.

**14. CONSENT CALENDAR AND SECOND READING:**

**Ordinance(s)**

Motion by Trustee Mills, seconded by Trustee Collins, to consider Consent Calendar and Second Reading items 14.A., 14.B., 14.D., 14.F. and 14.G. by omnibus vote. Voice vote taken. All ayes. Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve Ordinance No. 4096-2009.

**14.A.** Ordinance No. 4096-2009 granting variations to Huntington Hoffman, LLC and GPD Group (National City Bank), 1600 W. Algonquin Road, Hoffman Estates.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve Ordinance No. 4097-2009.

**14.B.** Ordinance No. 4097-2009 approving a Master Sign Plan under Section 9-3-8-M-12 of the Hoffman Estates Municipal Code to provide for signs in the EDA, Economic Development Area District (Prairie Stone Corporate Center and Prairie Stone Commons).

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Ordinance No. 4099-2009.

**14.C.** Ordinance No. 4099-2009 amending Section 2-2-7, Order of Business, and Section 2-2-8, Rules of Order, of the Hoffman Estates Municipal Code.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Green

Nay: Kincaid

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve Ordinance No. 4098-2009.

**14.D.** Ordinance No. 4098-2009 amending Section 6-2-1-HE-11-1302-A of the Hoffman Estates Municipal Code (Hassell Road at Barrington Lakes Apartments).

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve Ordinance No. 4100-2009.

14.E. Ordinance No. 4100-2009 amending the grant of a special use to MadKatStep Entertainment LLC and Ryan Companies US, Inc. to permit outdoor events in the parking lots of the Sears Centre property, 5333 Prairie Stone Parkway, Hoffman Estates.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Green

Nay: Kincaid

Mayor McLeod voted aye.

Motion carried.

**Resolution(s)**

Motion by Trustee Mills, seconded by Trustee Collins, to approve Resolution No. 1413-2009.

14.F. Resolution No. 1413-2009 creating the Emerging Technology Advisory Commission of the Village of Hoffman Estates (increase in membership).

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve Resolution No. 1414-2009.

14.G. Resolution No. 1414-3-2009 creating the Green Initiatives Commission of the Village of Hoffman Estates (increase in membership).

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

**15. NEW BUSINESS:**

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve New Business Items 15.A. through 15.H. by omnibus vote. Voice vote taken. All ayes. Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve New Business Item 15.A.

15.A. Request Board authorization to award contract for a comprehensive water and sewer rate study to Alvord, Burdick & Howson LLC in an amount not to exceed \$17,892.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve New Business Item 15.B.

**15.B.** Request Board authorization to:

- 1) waive formal bidding; and
- 2) award contract for an ongoing Microsoft Enterprise Licensing Agreement and Software Assurance through CDWG per Illinois State Contract in an amount not to exceed \$50,214.41

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve New Business Item 15.C.

**15.C.** Request Board authorization to:

- 1) waive formal bidding; and
- 2) order two (2) 2009 Chevrolet Malibu Hybrid vehicles from Currie Motors, Frankfort, IL (Suburban Purchasing Cooperative) in an amount not to exceed \$50,711; and
- 3) order one (1) 2009 Ford Expedition from Landmark Ford, Springfield, IL (State Purchasing Program) in an amount not to exceed \$24,201.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Collins, to approve New Business Item 15.D.

**15.D.** Request Board authorization to award a two-year Police emergency vehicle equipment and installation/changeover contract to Ultra Strobe Communications, Inc., Crystal Lake, IL, in an amount not to exceed \$5,100.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve New Business Item 15.E.1.

**15.E.** Request Board authorization to:

- 1) award contract for the trade contractor electrical systems for the new Police building to J. Hamilton Company, Inc. Elk Grove Village, IL (lowest responsible bidder) in an amount not to exceed \$3,076,950.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to remand New Business Item 15.E.2. back to Public Health & Safety. Voice vote taken. All ayes. Motion carried.

2) award contract for the detention equipment subcontractor portion of the project for the new Police building to WDSI, Inc., Cedarburg, WI, (lowest responsible bidder) in an amount not to exceed \$804,200.

Motion by Trustee Collins, seconded by Trustee Kincaid, to table New Business Item 15.F.

Roll Call:

Aye: Newell, Collins, Kincaid

Nay: Pilafas, Mills, Green

Mayor McLeod voted nay.

Motion failed.

Motion by Trustee Collins, seconded by Trustee Kincaid, to defer New Business Item 15.F. until a Special Public, Health & Safety meeting next week.

Roll Call:

Aye: Newell, Collins, Kincaid

Nay: Pilafas, Mills, Green

Mayor McLeod voted nay.

Motion failed.

Motion by Trustee Pilafas, seconded by Trustee Green, to approve New Business Item 15.F.

**15.F.** Request Board Request Board authorization to award contract for 2009 janitorial maintenance service for Village Hall (\$2,825/month); Bruce C. Lind Complex (\$1,375/month); Public Works Center and Fleet Services Facility (\$1,250/month) to Alpha Building Maintenance Service, Homer Glen, IL, in a total contract monthly fee of \$5,450.

### Discussion

Mr. Norris stated that much of the information was contained in the committee packet. That the hour commitment was greater than the current contract holder and the having green certification was important. Trustee Mills asked if complaints were passed on to Rev. Daniels. Mr. Hari replied that yes they were. Trustee Pilafas stated that the green certification was important and not just a "piece of paper" as Rev. Daniels implied.

Rev. Daniels asked to get copies of the complaints.

Trustee Mills asked if the RFP required that the responding companies be green certified. Mr. Hari responded yes.

Trustee Kincaid stated that reason he voted to table was so that he could get more information.

Trustee Collins said that he too would like more information.

Trustee Newell would like more time to review the paperwork.

Trustee Mills said that when you submit a RFP it should be your best and meet the requirements.

Trustee Kincaid didn't think that the time frame of when the RFP went out to when they were due was a long enough time.

Mr. Norris said that the reason we went with a month to month contract with the current service was because it was the only contract that we had. He said that everyone on the PW staff wants to make a change.

Rev. Daniels stated that this was the quickest turn around he's ever had and feels that it is unfair.

Roll Call:

Aye: Pilafas, Mills, Green



Nay: Newell, Collins, Kincaid  
Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Green, to approve New Business Item 15.G.

**15.G.** Request Board authorization to award contract for 2009 concrete maintenance program to Strada Construction Co., Addison, IL (low bid) at a unit price of \$6.99 per square foot for sidewalk and \$23 per lineal foot for curb replacements, in an amount not to exceed \$26,520.

Roll Call:

Aye: Newell, Pilafas, Mills, Collins, Kincaid, Green  
Nay:  
Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve New Business Item 15.H.

**15.H.** Request Board authorization to award contract for the construction of a western development area T-7 fluted column style water tower with illumination, Village seal and forage to Chicago Bridge and Iron Inc., Bolingbrook, IL, in an amount not to exceed \$3,829,000.

#### Discussion

Trustee Collins asked if we could use the fire station for storage.

Trustee Kincaid stated that he thought this type of tower would be a good use of land.

Trustee Pilafas stated that all of the buildings that normally surround a water tower would be inside.

Roll Call:

Aye: Newell, Pilafas, Mills, Kincaid, Green  
Nay: Collins  
Mayor McLeod voted aye.

Motion carried.

#### 16. ADJOURNMENT;

Motion by Trustee Mills, seconded by Trustee Pilafas, to adjourn the meeting. Voice vote taken. All ayes.

Motion carried. Time 9:36 p.m.

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Bev Romanoff  
Village Clerk

Date Approved

**MEETING: HOFFMAN ESTATES VILLAGE BOARD**  
**DATE: MAY 11, 2009**  
**PLACE: COUNCIL CHAMBERS**  
**MUNICIPAL BUILDING COMPLEX**  
**1900 HASSELL ROAD**  
**HOFFMAN ESTATES, ILLINOIS**

**1. CALL TO ORDER:**

Village President William McLeod called the meeting to order at 7:52 p.m. The Village Clerk called the roll. Trustees present: Gary Pilafas, Karen Mills, Cary Collins, Ray Kincaid, Jackie Green, Anna Newell

A quorum was present.

**ADMINISTRATIVE PERSONNEL PRESENT:**

J. Norris, Village Manager  
D. O'Malley, Deputy Village Manager  
A. Janura, Corporation Counsel  
M. Koplin, Asst. Village Manager-Development Services  
D. Schultz, Community Relations Coordinator  
P. Seger, HRM Director  
D. Christensen, Emergency Management Coordinator  
B. Gorvett, Fire Chief  
C. Herdegen, Police Chief  
K. Hari, Director Public Works  
A. Garner, H&HS Director  
R. Musiala, Asst. Financial Director  
M. Hankey, Transportation/Engineering Director  
M. Norton, Asst. to the Village Mgr.  
D. Plass, Code Enforcement Director  
B. Anderson, Cable TV Coordinator  
B. Suhajda, GG Intern

**2. PLEDGE OF ALLEGIANCE TO THE FLAG:**

The Pledge was led by Trustee Pilafas.

**3. RECOGNITION OF AUDIENCE:**

George Moser, Stonegate Properties, George Moser Sr., Stonegate Properties, Tim Flood, Barrington Orthopedic 1030 W. Higgins, spoke of the hardship it would cause his practice if he had to comply with the Village's sprinkler requirement.

Mayor McLeod stated that he was not in favor of waiving the requirement for them.

Chief Gorvett said that 60% of businesses have already complied.

Trustee Collins suggested taking into consideration the tough economic times and allow an extension.

Mayor McLeod said another safety factor is the safety of our fire fighters. He said he could be in agreement with an extension and asked staff to look at a date certain for compliance.

Trustee Pilafas asked if there are other suppression systems.

Chief Gorvett said yes but that they are more expensive.

**4. CONSENT AGENDA/OMNIBUS VOTE:**

Motion by Trustee Collins, seconded by Trustee Pilafas to approve Item 4.A.

**4.A. Approval of Agenda**

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Item 4.B.

**4.B. Approval of Minutes –**

- 1) Deferral of Minutes of May 4, 2009 is requested.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins seconded by Trustee Pilafas, to approve Item 4.C.

**4.C. Approval of the schedule of bills for May 11, 2009: \$1,298,490.27**

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Item 4.D.

**4.D. Request Board approval of Ordinance No. 4101-2009, an ordinance authorizing amendments to the 2008 budget ordinance.**

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Item 4.E.

**4.E. Request Board approval of Ordinance No. 4102-2009, an ordinance granting a special use and variations to UG Hoffman, LP and Yavitski, LLC for property located at 5295 Prairie Stone Parkway, Hoffman Estates.**

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Item 4.A.

**4.F.** Request Board approval of request by Sears Holdings to install wind turbines on top of the northeast parking deck at 3333 Beverly Road.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

**5. REPORTS:**

**5.A. President's Report**

**Proclamation(s)**

Trustee Green read the following proclamation:

Motion by Trustee Pilafas, seconded by Trustee Green, to concur with the proclamation proclaiming Sunday, May 31, 2009 as Gary Franklin Day in the Village of Hoffman Estates. Voice vote taken. All ayes. Motion carried.

Mr. Franklin accepted his proclamation and was congratulated by the Board.

Trustee Collins read the following proclamation:

Motion by Trustee Pilafas, seconded by Trustee Mills, to concur with the proclamation proclaiming Saturday, May 23, 2009 as Sharon Hellstrom Day in the Village of Hoffman Estates. Voice vote taken. All ayes. Motion carried.

Mrs. Musiala accepted the proclamation for Sharon Hellstrom.

Mayor McLeod stated that he attended a Haverford Homeowners Association meeting, a NWMC meeting, the Senior Tea, taught a government class at Westwood College, the Comprehensive Bike Plan Open House at Thomas Jefferson Elementary School, the swearing in for the Mayor and Trustees of Hanover Park and the retirement party for FF Jim Oskroba and FF/Paramedic Andy Czarnecki.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the appointments of Eric Marscin and Jaya Kanzaswamy to the Emerging Technologies Commission. Voice vote taken. All ayes. Motion carried.

**5.B. Trustee Comments**

Trustee Green stated she attended Crisis Training with Trustees Mills and Newell and Dave Christensen, the FF retirement party and congratulated Officer Notaricola on winning the Daily Herald's fitness challenge.

Trustee Newell stated she attended the Crisis Training, the FF retirement dinner, commented on how nice the Police Department application book looks and wished those going to the ICSC good luck.

Trustee Pilafas stated that he attended the Comprehensive Bicycle Plan Open House, he asked about forming our own Bike Committee. Mr. Norris said that we would have it put on the Transportation and Road Improvement Committee. Mayor McLeod said that we should maybe have someone from Schaumburg and Inverness included on the committee. Trustee Pilafas went on to say that he attended the FF retirement dinner, he congratulated Doug Schultz on his engagement and said that the Clerk's son Christopher is home from school.

Trustee Kincaid stated that he attended the Senior Tea and the comprehensive Bicycle Plan Open House.

Trustee Mills stated that she attended the Crisis Leadership Class, commented that our staff is well prepared in the event that we should have a crisis, that she attended the Senior Tea and the FF retirement dinner.

Trustee Collins had no comments.

**5.C. Village Manager's Report**

Mr. Norris had no report.

**5.D. Village Clerk's Report**

The Village Clerk had no report.

**5.E. Treasurer's Report**

Mr. DuCharme had no report.

**5.F. Committee Report**

**1) Public Health & Safety**

Trustee Newell stated that they would be meeting to request acceptance of the Police Department, Fire Department, Health & Human Services and Emergency Management Coordinator Monthly Reports.

**2) Finance**

Trustee Collins stated that they would be meeting to request approval of a resolution designating Village depositories; request authorization to enter into an Intergovernmental Agreement with Community Unit School District 300 for sharing of Illinois State Highway Authority fiber optic infrastructure.

**3) Public Works & Utilities**

Trustee Green stated that they would be meeting to have a discussion regarding Emerald Ash Borer update including options for addressing its probable infestation within the Village of Hoffman Estates. Staff seeks Committee direction with respect to selection of preferred option; request acceptance of the Department of Public Works and Development Services Monthly Reports.

**6. PLAN COMMISSION/ZONING BOARD OF APPEALS REPORTS:**

**A. Plan Commission (Chairman Stanton)**

Motion by Trustee Mills, seconded by Trustee Pilafas, to concur with the Plan Commission and approve the petitioner's request.

**6.A.1.** Request by McShane Hoffman Estates LLC for mass grading and detention pond modification on the west parcel of Huntington Woods Corporate Center located on approximately 37 acres on the north side of Central Road, west of AT&T Center Drive, subject to the following conditions:

1. Any trees identified as being transplanted/relocated in the temporary nursery shall be cared for (watered, mulched, & fertilized) until such time as they are transplanted elsewhere on the site. Any trees that die during the relocation and storage process shall be replaced on an inch by inch basis with the same or similar species.
2. All trees being stored in the temporary nursery as part of the mass grading and transplanted on the overall site at a future date shall be replanted at a minimum rate of 12 trees per acre over the balance of the remaining development.
3. All trees being permanently removed that are identified as being in fair or better condition will be required to be replaced on an inch by inch basis with the same or similar species..
4. Any future development of the remainder of the property will require site plan approval through the Village of Hoffman Estates site plan approval process, which will include site plan review, sidewalk connections, landscaping, access, etc.
5. When future development occurs on the subject property, a pathway or sidewalk system shall be provided such that the materials used on the new pathways or sidewalks shall be equal or greater than the current materials. This pathway/sidewalk system shall allow for pedestrian or bicycle access from adjoining properties as required by the Village through the Site Plan review process.
6. Upon completion of the grading and detention modification project, the temporary soil stockpile shall be removed or respread on the site and an acceptable stand of grass, as determined by the Village; shall be established by September 30.
7. All disturbed areas shall be reseeded upon completion of the grading and detention modification project and an acceptable stand of grass, as determined by the Village; shall be established by September 30.
8. Future development of the entire property shall be subject to all terms of the Amended and Restated Annexation and Development Agreement.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Pilafas, seconded by Trustee Green, to concur with the Plan Commission and approve the petitioner's request.

**6.A.2.** Request by the Village of Hoffman Estates for text amendments to the Subdivision Code (Chapter 10).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

## **7. ADDITIONAL BUSINESS:**

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Additional Business Items 7.A. and 7.C. through 7.O. by omnibus vote. Voice vote taken. All ayes. Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4103-2009.

**7.A.** Ordinance 4103-2009 granting a variation to premises at 611 Randi Lane, Hoffman Estates.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Green, seconded by Trustee Pilafas, to approve Ordinance No. 4104-2009.

**7.B.** Ordinance No. 4104-2009 amending Administrative Adjudication Ordinance.

Roll Call:

Aye: Pilafas, Mills, Collins, Green, Newell

Nay: Kincaid

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4105-2009.

**7.C.** Ordinance No. 4105-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (construction of new sanitary sewers).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4106-2009.

**7.D.** Ordinance No. 4106-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (well sites emergency power).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4107-2009.

**7.E.** Ordinance No. 4107-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (Ela Road watermain).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4108-2009.

**7.F.** Ordinance No. 4108-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (sanitary sewer rehabilitation).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4109-2009.

**7.G.** Ordinance No. 4109-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (Barrington Square sanitary sewer lift station).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4110-2009.

**7.H.** Ordinance No. 4110-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (Aster Lane water tower).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4111-2009.

**7.I.** Ordinance No. 4111-2009 authorizing the Village of Hoffman Estates to borrow funds from the Public Water Supply Loan Program (Southwest WDA pressure zone).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4112-2009.

**7.J.** Ordinance No. 4112-2009 appointing a Director and Alternate Director to the Solid Waste Agency of Northern Cook County (SWANCC).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4113-2009.



**7.K.** Ordinance No. 4113-2009 appointing a Director and Alternate Director to the Northwest Suburban Municipal Joint Action Water Agency (JAWA).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Ordinance No. 4114-2009.

**7.L.** Ordinance No. 4114-2009 amending Chapter 7, Offenses, of the Hoffman Estates Municipal Code (Administrative Adjudication System).

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Resolution No. 1416-2009.

**7.M.** Resolution No. 1416-2009 authorizing the negotiations for the sale or lease of real property owned by the Village of Hoffman Estates.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Additional Business Item 7.N.

**7.N.** Request Board approval of open space easement to permit a shed on the property at 4455 Capstan Drive, Hoffman Estates.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve Additional Business Item 7.O.

**7.O.** Request Board authorization to award contract for the new Police building for the:

- 1) aluminum framed entrances portion of the project to Alumital Corporation, Elk Grove Village, IL, (lowest responsible bid), in an amount not to exceed \$764,000; and
- 2) gypsum board assemblies portion of the project to Doherty Construction, Inc., Woodstock, IL, (lowest responsible bid) in an amount not to exceed \$944,000; and
- 3) fire sprinkler systems portion of the project to Valley Fire Protection, Batavia, IL (lowest responsible bid) in an amount not to exceed \$249,225; and
- 4) HVAS systems portion of the project to Amber Mechanical Contractors, Inc., Alsip, IL (lowest responsible bid) in an amount not to exceed \$2,378,000; and

5) detention equipment subcontractor portion of the project to WDSI, Inc., Cedarburg, WI, (lowest responsible bid) in an amount not to exceed \$804,200.

Roll Call:

Aye: Pilafas, Mills, Collins, Kincaid, Green, Newell

Nay:

Mayor McLeod voted aye.

Motion carried.

## **8. ADJOURNMENT**

Motion by Trustee Pilafas, seconded by Trustee Green, to adjourn the meeting. Voice vote taken. All ayes. Motion carried. Time 8:21 p.m.

---

Bev Romanoff  
Village Clerk

Date Approved

The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING  
CHAPTER 10, SUBDIVISION CODE,  
OF THE VILLAGE OF HOFFMAN ESTATES

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Section 10-1-3, DEFINITIONS, of the Hoffman Estates Municipal Code be and is hereby amended to include the following definitions:

*Basin, Retention:* A storage facility for the temporary storage of stormwater runoff within a permanent water body.

*Financial Guarantee:* Monetary security provided to the Village to assure the completion of public improvements and private improvements benefiting the public in a form acceptable to the Village. This may include a letter of credit, performance bond, or cash.

*Intersection Sight Distance:* The visibility at a street or drive intersection measured along the through roadway to provide turning drivers an opportunity to see traffic conditions and complete the turn. The intersection sight distance shall meet those requirements shown on the following table.

*Landscaping:* Any of the following or combination of material such as; grass, ground covers, perennials, shrubs, vines, hedges, or trees. Landscaping may be enhanced; with rocks, pebbles, walls or fences, which shall not replace the required landscape.

Section 2: That Sub-Sections C and I of Section 10-2-2, DEVELOPMENT REVIEW PROCEDURES (Preliminary and Final), of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

C. Filing of Application Documents. The applicant shall submit an application for development review to the Village's Department of Development Services in such number as may be from time to time requested by such Department. The application and supporting documents to be submitted are intended to provide the Plan Commission with information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design, improvement, and operation standards contained within this Code. Documents to be submitted are based on the particular stage of the development application, and shall conform to the list of required documents to be submitted as specified in the Development Services Department Development Review Process document.

Copies of the application, development plans, all supporting documents, and payment of the required application fee shall be filed with the Assistant Village Manager-Development Services in accordance with the specifications and procedures of the Department of Development Services. Within 21 days of the Village's receipt of the application, development plans, all supporting documents, and payment of the required application fee, the Village's Assistant Village Manager-Development Services shall use best efforts to submit a written report to the applicant identifying whether the proposed development conforms with zoning, planning, engineering and other standards and identifying specifically those items which do not satisfy such standards. The applicant shall work with the Assistant Village Manager-Development Services to correct any item identified in the Assistant Village Manager-Development Services' written report as not conforming with the zoning, planning, engineering and other standards. All development plans and supporting documents shall be prepared in accordance with the requirements as established in the Subdivision Code.

An engineering plan shall be prepared in accordance with the requirements as established in the Subdivision Code and the Transportation and Engineering Division's Development Requirements and Standards Manual as part of all development review applications.

A landscape plan shall be prepared in accordance with the requirements of the Subdivision Code (including Article 4) as part of all development review applications.

I. Village Board Action. All decisions and findings of the Plan Commission regarding development applications after public hearing/meeting shall in all instances be referred to the Village Board with a report (containing findings of fact) and recommendations. In no case shall the Plan Commission refer an application to the Village Board prior to having received and reviewed all plans and supporting documents.

The Village Board shall use its best efforts to approve, approve with modifications, or deny such application or, remand the application back to the Plan Commission for further consideration within 30 days of receipt of the Plan Commission's findings. Notwithstanding any other provision of this Article to the contrary, within 105 days of the determination by the Village's Assistant Village Manager-Development Services that the proposed development conforms with the zoning, planning, engineering, and other standards (including, but not limited to, IDOT, MWRD, IDNR/OWR, etc., as these standards may be provided within the allotted time by the appropriate agency), the Village shall approve, deny, or remand the application. The Village shall take all reasonable actions necessary (including but not limited to the scheduling of meetings and review, by and before the Plan Commission, Village Board, Village staff or departments) to comply with such 105-day deadline. Approval shall be effective for a period of nine months unless the Village Board grants a modification. If a final development application has not been approved within this time limit, a new preliminary development application shall be submitted.

All elements of the approval application, including but not limited to, all plans, submittal documents, specifications, project operation descriptions, and all conditions of approval shall be substantially complied with during initial construction, and during the occupancy and use of the site or facility, and during any vacancies of the site or facility. The Village shall have the right to require compliance with the approved plans and documents and to inspect properties for compliance on a periodic basis.

Section 3: That Sub-Section B of Section 10-3-2, PUBLIC AND PRIVATE STREET REGULATIONS, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

B. Roadway Improvements.

1. All pavement design shall meet the Village of Hoffman Estates Development Requirements and Standards Manual.

2. Whenever ground is encountered which, in the opinion of a soils engineer acceptable to the Department of Development Services, is unstable either before preparation of detailed plans or during the construction phase of the proposed improvements, no paving for public or private streets shall be placed thereon until such unstable materials are removed in their entirety and replaced with satisfactory material which shall be adequately compacted, or the unstable material shall be adequately stabilized, all in accordance with recommendations rendered by such soils engineer and as approved by the Village Engineer.

3. The design of all pavements shall be based on the minimum structural design number for the type of street in question. Asphalt seams for B.A.M. (bituminous aggregate mix), binder, and surface layers must be staggered by one foot.

a. Asphalt surface courses and binder courses shall be a minimum of one and one-half inches in thickness each.

b. All pavement materials can be installed from April 1 to November 1, weather permitting. Any work done after November 1 shall require authorization from the Village Engineer. This authorization will in no way void the contractor's and developer's required guarantee on the work done.

4. The typical asphalt cross section will consist of the following:
  - Approved Subgrade
  - Geotechnical Stabilization Fabric
  - Aggregate Base
  - Bituminous Aggregate Mix (B.A.M.)
  - Bituminous Asphalt Binder
  - Bituminous Asphalt Surface

All paved areas shall be constructed in accordance with the Standard Specifications. Particular attention is directed to the requirements for the replacement of soft and unstable material as contained in Article 202.03. Embankment shall be placed and compacted in accordance with Section 207 of said Specifications. At least one Standard density test (performed in accordance with AASHTO T99) shall be taken in each fill section, with the maximum distance between tests of 300 feet. One Standard Proctor Test shall be taken from each different source of borrow material. The Proctor and density tests must be submitted for review and approved by the Village Engineer. Upon approval of these tests, an inspection of the subgrade will be made by the Village and the subgrade must be approved prior to placing any type of curb and gutter or base material.

5. Certification of Pavement Improvements. The Village shall require street cores to be taken and tested at random intervals before the final wearing surface is applied, to certify that construction has met Village requirements. If street core samples do not meet the required pavement design standards, an additional wearing course or other remedial action will be required.

6. A paved driveway shall be provided between the sidewalk or right-of-way and the garage or building unit served. The driveway shall match the apron width at the sidewalk, and the apron shall be not less than ten feet wide at the sidewalk line and widening uniformly to a 12 foot width at the curb line but not more than 30 feet for a residential driveway. Driveways shall be constructed in accordance with Standard specifications. The concrete for construction of the driveway shall be a six bag mix and test at 3,500 pounds in 28 days. New paved aprons shall be constructed of Portland cement concrete within the right-of-way between the sidewalk and street. Replacement aprons within the right-of-way between the sidewalk and street shall be replaced with Portland cement concrete, except if the driveway apron is constructed of bituminous concrete, then bituminous concrete may be used for this replacement. The Portland cement concrete or bituminous concrete shall meet the specifications of Section 11-3-5-C.

7. Combination concrete curb and gutter shall be provided on all streets in the subdivision. Concrete used for curb and gutter construction shall meet standard specifications.

8. All curb returns at street intersections shall have a radius of not less than 25 feet. In commercial areas, and all intersections with collector and arterial routes, the radius of curb returns shall be not less than 30 feet. Larger vehicles (semi-trailer combinations) may require additional space depending upon widths of streets and angle of turn.

9. Street name signs of a design to be approved by the Village Board shall be erected so as to identify every street within the subdivision. Such signs will conform to the Manual on Uniform Traffic Control Devices, and such signs will be provided and installed by the Village; however, the cost shall be borne by the developer. Signs damaged during construction of the subdivision shall be replaced at developer's cost. Traffic control signs, other than street name signs, shall be provided and maintained by the developer when construction activity is substantially completed in the subdivision, or when the subdivision is open to public access, as determined by the Village.

10. No speed bump, speed hump, or other such obstruction shall be constructed, placed or maintained on any private or public street, or any other paved area within the Village.

Section 4: That Section 10-3-3, SIDEWALKS, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Section 10-3-3. SIDEWALKS

Concrete sidewalks shall be provided throughout subdivisions to serve the anticipated needs of pedestrians. Such walks, both public and private, shall be located in accordance with proper land planning procedures and with due regard for public safety and anticipated concentration of pedestrian and bicycle traffic and shall comply with all applicable accessibility requirements. Maximum separation shall be provided between sidewalks and vehicular travel areas. Sidewalks along minor streets shall be constructed to meet Standard Specifications to a width of not less than five feet in both residential and non-residential areas.

Section 5: That Sub-Sections C and D of Section 10-3-8, WATER SUPPLY, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Sec. 10-3-8. WATER SUPPLY

C. Water distribution facilities shall include pipe, fittings, hydrants, valves, valve vaults, valve boxes, water services, and other required or needed appurtenances, and shall be subject to the following requirements:

1. Watermains shall have a minimum internal diameter of eight inches.
2. All water distribution systems shall have two connection points or be looped to avoid dead ends. If a looped system cannot be provided, dead end mains shall not exceed 150 feet in length and a fire hydrant shall be installed at the watermain termination point.
3. Fire hydrants shall be installed on all water distribution mains throughout the entire system with a maximum distance of 300 feet between hydrants, and a maximum of 250 feet between any structure and a fire hydrant. Spacing between hydrants shall be measured along the normal route of vehicular travel between hydrants. A hydrant shall also be provided within 100 feet of any building automatic fire sprinkler system or standpipe connection.
4. Water service connections shall be provided to serve each structure on the site or in the subdivision, shall have a minimum internal diameter of one and one-half inch, and shall be constructed in accordance with the standards and specifications of the Engineering Division and Public Works Department. Such services shall be equipped with all necessary fittings, and shall be installed before roadway pavement is constructed. Gate valves with valve vaults shall be installed on the water distribution system at appropriate intervals.

D. Watermains may be placed only in public right-of-way or in easements. If constructed beneath existing or proposed pavement, all trenches caused thereby shall be backfilled and properly compacted in accordance with the Village of Hoffman Estates Development Requirements and Standards Manual.

Section 6: That Sub-Sections C and D of Section 10-3-9, SANITARY SEWERS AND SEWAGE DISPOSAL, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Section 10-3-9. SANITARY SEWERS AND SEWAGE DISPOSAL

C. Sanitary sewer systems shall be designed and constructed in accordance with the requirements of the Metropolitan Water Reclamation District of Greater Chicago (MWRD) and the Village of Hoffman Estates Development Requirements and Standards Manual. No oxidation ponds, seepage lagoons, or holding lagoons shall be constructed except upon specific approval of the Village Board. Sanitary and storm sewers shall not be combined. Sanitary sewers shall be constructed of materials in accordance with the Standard Specifications. Sanitary sewer service connections constructed of material which has been approved by the Village shall have a minimum inside diameter of not less than six inches. Sewer service stubs shall be installed to each lot prior to the construction of street pavements.

D. Sewers shall be placed only in public rights-of-way; however, if approved, sewers may be placed in easements where unique circumstances apply, as determined by the Village of Hoffman Estates. Sewers shall be placed in trench backfill material that is properly compacted in accordance with the Village of Hoffman Estates Development Requirements and Standards Manual.

Section 7: That Section 10-3-12, STORMWATER DETENTION, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Section 10-3-12. STORMWATER DETENTION

A. Metropolitan Water Reclamation District. All rules and regulations of the Metropolitan Water Reclamation District of Greater Chicago (MWRD) and the Village of Hoffman Estates relative to stormwater shall be applicable and subject to the modifications enumerated hereinafter.

B. Storage Requirements.

1. The live detention storage to be provided will be calculated on the basis of the 100-year frequency rainfall as shown in Bulletin 70, State of Illinois, Department of Energy and Natural Resources for this area. The detention volume required will be that necessary to handle the runoff of a 100-year rainfall for any and all durations, from the fully developed drainage area tributary to the reservoir, subtracting that volume discharged during the same duration at the approved release rate. Stormwater storage in parking lots and drive aisles shall provide for a clear path for building occupants (employees, visitors, residents, etc.) to travel between parked vehicles and the building entrance without walking through standing water. Water may pond in drive aisles up to three inches in depth as part of a stormwater storage system only if it meets the foregoing criteria.

2. Detention is required for any residential parcel five (5) acres or greater in size and for any non-residential parcel one half (0.5) acres or greater in area.

C. Storm Sewer Release/Detention Basin. All overland release of stormwater must be routed through the detention basin to aid in water quality. Best Management Practices (BMP) shall be used to improve water quality as much as possible before leaving the development site. Best Management Practices include but are not limited to bioswales, infiltration basins or trenches, wetland basins, rain gardens, or others as approved by the Director of Engineering..

D. Release Rate. The release rate of stormwater from all developments requiring detention shall follow both Metropolitan Water Reclamation District (MWRD) and Village of Hoffman Estates requirements and shall not exceed the stormwater runoff rate from the area in its natural undeveloped state and as may be further limited by the carrying capacity of the natural channels or storm sewer system. The Village will accept the release rate of not greater than that calculated from a storm of three year frequency

with a runoff rate coefficient of 0.15, unless the applicant can show by his detailed calculations, which must be acceptable to the Metropolitan Water Reclamation District and the Director of Engineering, that the discharge rate of the natural outlet channel serving the area is greater. In order to eliminate small multiple discharge outlets, not more than one outlet from a site shall be provided unless authorized by the Director of Engineering.

E. Drainage System. Drainage systems shall have adequate capacity to bypass through the development the flow from all upstream areas for a storm of design frequency assuming that the land is in a fully developed state under present zoning or as proposed under the Village Comprehensive Plan. The bypass flow rate shall be computed utilizing a runoff coefficient of not less than 0.35. An allowance will be made for upstream detention when such upstream detention and release rate has previously been approved by the Village and that evidence of its construction can be shown.

F. Overland Flow. The overland flow path for all developments must be shown on final plan documents. The overland flow path should avoid private property, and streets should be used whenever possible. Water exceeding one foot deep in paved areas and two feet deep in unpaved areas shall be prohibited in the overland flow path.

Overland flow in parking lots shall not occur in parking stalls. It shall be limited to drive aisles and other areas where parking does not occur. The area inundated by water shall be located away from residences and shall not exceed three hundred feet across in any direction. There shall be a freeboard (vertical separation of at least 18 inches between the high water of the overland flow path at the 100-year storm event and the lowest grade adjacent to any building.

G. Stormwater Management Minimum Requirements. All developments which do not meet MWRD or Village minimum acreage for detention volume requirements for residential and non-residential development as specified in B.2. above, must utilize Best Management Practices (BMP's) to reduce the rate of runoff and improve water quality. This may include but not be limited to bioswales, rain gardens, or similar infiltration systems designed for stormwater control.

H. Maintenance. The owner of any parcel upon which a detention area, drainage swale, or ditch is located shall be responsible for the maintenance of any such detention area, swale, or ditch, including maintenance of landscaping, any necessary dredging, and the maintenance of such facilities in proper functioning condition unless a property owner's association undertakes such maintenance, or unless the Village elects to own such facilities, in which case such association or the Village, as the case may be, shall undertake such maintenance. All wet and dry basins must be maintained to prevent soil erosion and loss of bank. Any indication of unsightliness, weeds in excess of 12 inches tall, loss of property, disruption of utilities, or other conditions which pose a safety risk, must be abated to the satisfaction of the Village Engineer. The Village shall have the right to enter upon the subject property and maintain all detention and retention areas, swales, or ditches not owned by it, upon any owner's or association's failure to do so (after reasonable notice and the continued failure of such owner or association to maintain such system), and to assess such owner or such association for the costs (including attorneys' fees and litigation expenses) reasonably incurred by the Village in undertaking such maintenance.

Section 8: That Section 10-3-14, PRELIMINARY MASS GRADING, of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Section 10-3-14. PRELIMINARY MASS GRADING

A. Project Approval. Except as otherwise provided in this Code, no person shall commence or perform any grading, stripping, excavating, or filling of land without having first obtained Preliminary Plan and mass grading approval from the Village Board. Only after Village Board approval, the submission of a mass grading guarantee, and having all erosion control in place will any work be allowed to commence.



B. Submissions. Each request for mass grading approval shall be accompanied by the following information:

1. A vicinity map in sufficient detail to enable easy location in the field of the mass grading is sought, including the boundary line and approximate acreage of the site, existing zoning, a legend and a scale.
2. A development plan of the site showing:
  - a. Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area.
  - b. The location of existing buildings, structures, utilities, water bodies, floodplains, drainage facilities, vegetative cover, paved areas and other significant natural or man-made features on the site and adjacent land within approximately one hundred (100) feet of the boundary.
  - c. A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.
  - d. Proposed use of the site, including present development and planned utilization; areas of excavation, grading, and filling; proposed contours, finished grades, and street profiles; provisions for storm drainage, including the control of accelerated runoff, with a drainage area map and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
  - e. Where berms/embankments are used, berm/embankment side slopes no steeper than 2:1 (horizontal vs. vertical) when planted with trees, shrubs, or non-turf groundcover, or 3:1 (horizontal vs. vertical) or less when planted with turf. Natural contours should be followed as closely as possible; square, rectangular or linear berms shall be avoided. Areas of steep slopes that are potentially difficult to maintain shall be avoided.
3. An erosion and sedimentation control plan showing:
  - a. All erosion and sedimentation control measures necessary to meet the objectives of this Section throughout all phases of construction, and permanently after completion of development of the site.
  - b. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - c. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
  - d. Identification of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures after development is completed.
4. The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of permanent

vegetative cover. These submissions shall be prepared in accordance with the standards and requirements contained in "Procedures and Standards for Urban Soil Erosion and Sedimentation Control" adopted by the North Cook County Soil and Water Conservation District (or Kane-DuPage Soil and Water Conservation District, where appropriate), which standards and requirements are hereby incorporated into this Section by reference. The Director of Engineering may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this Section.

5. A tree preservation plan consistent with the requirements of this Code specified in Articles 4 and 6, as approved by the Village Board at the time of preliminary approval. All tree protection measures must be in place prior to allowing mass grading to commence

C. Retention of Plans. Plans, specifications and reports for all site developments shall be retained in original form or on microfilm by the Director of Engineering.

Section 9: That Sub-Section B of Section 10-3-15, GRADING of the Hoffman Estates Municipal Code be and is hereby amended read as follows:

Section 10-3-15. GRADING

B. Enforcement.

1. Stop-Work Order. In the event any person conducting site development pursuant to this Section violates the terms of the site work, or carries on-site development in such a manner as to materially cause an adverse affect upon the health, welfare, or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Director of Engineering may suspend the site development work.

a. Suspension of site work shall be made by a written stop-work order issued by the Director of Engineering and delivered to the developer or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited and shall state the conditions under which work may be resumed.

2. Appeal. The developer shall have a right to appeal a stop order issued by the Director of Engineering to the President and Village Board within five days of the issuance of such order by filing written notice to the Village Manager on forms provided by the Village. Upon receiving notice of Appeal, the Village Manager shall meet with the developer in advance of the Village Board meeting with the purpose of arriving at an agreed statement of facts and issues which shall be submitted to the Village Board in advance of the hearing on Appeal. The hearing shall be conducted by the President and Village Board in accordance with its rules and procedures which accord the developer "due process" of law.

3. In addition to any other penalty authorized by Article 5, any person, partnership, or corporation convicted of violating any of the provisions of this Section shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

Section 10: That Sub-Section H of Section 10-4-2, GENERAL LANDSCAPE IMPROVEMENT STANDARDS, of the Hoffman Estates Municipal Code be and is hereby created to read as follows:

Section 10-4-2. GENERAL LANDSCAPE IMPROVEMENT STANDARDS

H. In certain areas where the installation of required trees may be difficult due to site constraints or existing physical barriers, a cash in lieu option for trees may be considered by the Village Board where findings are made that the site constraints make it impractical to install the trees. The cost equivalent per tree shall be determined by the Village.

Section 11: That Sub-Section C-2-b of Section 10-4-4, LANDSCAPE IMPROVEMENT AREAS, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Section 10-4-4. LANDSCAPE IMPROVEMENT AREAS

C. Parking Lot Interior.

2. Minimum Requirements

b. Landscape parking islands shall be located at the end of all parking rows and shall also be located such that the largest length of parking shall not exceed 15 spaces without the inclusion of a landscape parking island. Each landscape parking island shall include, at a minimum, one 2 1/2-inch caliper shade tree. The entire island shall be planted with landscape material except for the mulch ring which shall not exceed the dripline of the tree at time of planting. Landscape material includes shrubs, perennials, ornamental grasses, or sod. Ongoing maintenance of selected materials should be considered at time of plant material selection. Ornamental trees may be substituted in islands located near the building facade where it is demonstrated that it will improve visibility as approved by the Village Board.

Section 12: That Sub-Section C-2-c-4 of Section 10-4-7, TREE PRESERVATION, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Section 10-4-7. TREE PRESERVATION

C. Tree Preservation Standards. The tree preservation standards are intended to guide development of wooded parcels where the buildings are placed among the trees. Plans in which separate areas of trees are proposed to be set aside for preservation will be considered on a case-by-case basis.

2. Preservation standards. The preservation standards set forth the number of trees that are required to be retained on a development site. The standards take the condition, size and specie into account in determining how many trees need to be retained. The standards also provide for the option of mitigating the removal of additional trees by planting compensating trees according to the schedule outlined below.

c. Trees that meet the criteria of this section shall be considered preserved, and no replacement trees shall be required if the tree dies (except as provided under Enforcement).

4) *Financial Guarantee.* A financial guarantee for the purpose of assuring compliance with tree protection standards shall be required by the Village. The financial guarantee amount shall be \$100.00 per tree to be retained, but in no case less than \$10,000.00. This amount may be included as part of the overall project guarantee.

Section 13: That Sub-Section B-5-a of Section 10-5-2, OFF-STREET PARKING FACILITIES, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Section 10-5-2. OFF-STREET PARKING FACILITIES

B. **Parking Spaces.** An adequate number of parking spaces shall be provided in all developments to accommodate employees, visitors and service vehicles.

5. **Accessible Parking Spaces.** Accessible parking spaces for persons with disabilities shall be provided in accordance with the applicable federal and state requirements, and as detailed herein

a. Accessible parking spaces shall be at least 16 feet wide including an eleven foot wide parking space with a five foot wide access aisle. The standard eight foot parking space with adjacent eight foot wide access aisle may be considered in some cases. Adjacent parking spaces shall not share a common access aisle. All access aisles shall be diagonally striped and shall be provided with a gradual transition to an accessible route to the on-site destination. Such spaces shall also measure 18 feet in length. Where such spaces overhang landscaped areas, spaces may be reduced in length by one and one-half feet.

Section 14: That Sub-Sections B, H, and J of Section 10-5-3, ADDITIONAL SITE REQUIREMENTS, of the Hoffman Estates Municipal Code be and is hereby amended to read to read as follows:

Section 10-5-3. ADDITIONAL SITE REQUIREMENTS

B. **Emergency Access.** Emergency access shall be provided on all sites in accordance with the following standards, or as otherwise approved by the Fire Prevention Bureau. All Fire Lanes and Emergency Access Routes shall be designed to accommodate a vehicle with a minimum 35 foot interior turning radius, 41 foot curb-to-curb turning radius, and a wall-to-wall turning radius of 46 feet.

1. **Fire Lanes.** Fire lanes shall be required and posted around all buildings and sites as specified and approved by the Fire Official.

a. *Location.* Fire Lanes shall be located along a minimum of 50 percent of the perimeter of each building, unless otherwise approved by the Fire Official. All fire lane locations will be determined based upon review of building use, construction, and installed fire suppression systems.

b. *Size.* Fire lane size shall meet the current requirements of Village Building and Fire Codes.

c. *Construction.* Fire lanes shall be constructed to meet the current requirements of Village Building and Fire Codes.

d. *Maintenance.* All fire lanes shall be maintained free of obstructions by the property owner as required by the Fire Official to allow Fire Department access.

e. *Posting.* All fire lanes shall be posted with signs at locations designated by the Fire Official. All costs for installation and ongoing maintenance of the signs shall be the sole expense of the property owner.

f. *Signs.* All fire lane signs shall be 12" x 18" in size with a red legend on a white reflective background. Sign legend shall contain the "NO PARKING" symbol of a "P" in black, circumscribed in a red circle with a red slash in the upper portion of the sign. The parking restriction of "FIRE LANE" shall be located directly underneath the "No Parking"

symbol. In addition there should be a single-headed arrow pointing in the direction the regulation is in effect, if the sign is at the end of a zone, or a double-headed arrow pointing both ways, if the sign is at an intermediate point in a zone.

2. **Emergency Access Routes.** A continuous (loop) route shall be provided, where possible, for emergency vehicle ingress to the site, access to the fire lane(s) and to the building, and separate egress from the site without reversing direction. All emergency access routes shall meet the general requirements for fire lane construction and maintenance, and shall be posted as a fire lane unless otherwise approved by the Fire Official. Fire lanes and emergency access routes shall meet public street paving requirements.

H. **Building Design.** The evaluation of building appearance shall be based on the quality of the design and the relationship to surrounding land uses. The building design standards will integrate several design elements and objectives and are intended to provide a framework for future developments and guide developers and consultants in their building design. These guidelines are not to be construed as limiting architectural creativity, but to promote development that will be successful.

The goals of these guidelines are to ensure that the standards set forth will improve the character and aesthetics of the buildings and make them more attractive, collectively being built at a higher standard.

1. **Building Scale & Massing:**

- a. Buildings shall be in scale with the ultimate development planned for the area, and be compatible with permanent neighboring developments.
- b. Large retail buildings shall articulate their primary facades with various design elements to help reduce the overall scale of the building.
- c. Large areas of massing should be avoided, or reserved for the rear or side of the building whenever possible. If it cannot be avoided, design elements shall be implemented to break up the massing.
- d. The building mass near the front of the building or any area accessible or visible to the public shall be articulated to give it a more pedestrian scale.
- e. Landscaping, as per Section 10-4-4-D, shall be incorporated along the foundations of the building facades to break up the monotony of a building mass.

2. **Building Height & Roof Design:**

- a. Buildings with direct frontage to a public street(s) shall face the tallest façade of the building to the primary street.
- b. Flat roof designs shall include an articulated parapet wall which acts as a structural element as well as a screening element.
- c. Small variations that identify the top, middle and base of the building are encouraged.
- d. Subtle breaks in the roofline are encouraged to break up longer runs of the façade/roof area.
- e. Buildings with sloped roofs are encouraged to implement dormers and gables along the main frontage to help promote a prominent façade.

3. Building Materials & Color:

- a. Materials shall have good architectural character and be in harmony with nearby buildings.
- b. Materials shall be durable and suitable for the type of building and design in which they are used.
- c. Any exterior building façade shall incorporate a predominance of high quality materials including brick, stone, glass, or an equivalent material, as approved by the Village Board.
- d. Elevations visible to the public shall use brick, sandstone, or other native stone, textured concrete masonry, or an equivalent material, as approved by the Village Board. The use of more than one material is encouraged.
- e. Exterior Insulation and Finish Systems (EIFS) shall be accepted as an accent material on commercial buildings only. EIFS will not be allowed on multi-family residential buildings. Additionally, the use of concrete block, split face block or pre-cast panels on retail buildings is strongly discouraged.
- f. Colors shall be harmonious and use compatible accents. A building shall utilize principal colors which are similar to those found on other buildings in the area or natural earth tones if there are no buildings are in the area. Accent colors (expressed as stripes, color bands, or other similar features) shall be permitted on a limited portion of the building. The accent colors shall not dominate the visual image of the building.

4. Architectural Elements:

- a. Façade Articulation:
  1. Architectural details such as arches, cornices, pilasters, friezes, tile work or moldings are encouraged.
  2. Enhanced exterior light fixtures such as wall sconces, ground-mounted accent lights or decorative pedestal lights are encouraged. Such lighting shall adhere to the standards outlined in Section 10-5-3G.
  3. Prominent three-dimensional features such as belfries, clock towers, chimneys, towers or domes are encouraged.
  4. Changes in color, texture and material shall be incorporated into the façade.
- b. Building components, such as windows, doors, porches, eaves, roof spans, etc., shall be appropriately proportioned to one another.

5. Monotony of design shall be avoided. Variation in detail, form, and setting shall be used to provide visual interest of and among buildings, including façade and roof element. Variation shall be balanced by coherence of design elements.

6. Where topographic features contribute to the beauty or utility of a development, they shall be preserved and integrated into the development design. Modification of topography will be permitted where it contributes to good appearance and design.

7. A list of visual considerations shall be submitted by the developer with each site plan. These considerations shall include an inventory of the existing and planned areas of high visual interest in the project area. A detailed description shall be presented reviewing how the owner will design or locate buildings, and retain or alter existing terrain and trees in such a way as to maintain, enhance or create views within and into the site, as well as develop areas of visual interest. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and develop important axes.

J. Utilities and Ground (Grade) Level Screening. Installations of all satellite dishes, HVAC equipment, utility services and structures, and other mechanical equipment shall conform to the following requirements:

1. All utility services (e.g. gas, electric, phone) shall be located underground.
2. Satellite dishes, HVAC equipment, and utility structures shall be screened, where possible, by walls, fences or other such elements.
3. All utility meters shall be located either inside the building itself, or in a recessed area within the rear or interior side facade of the building and shall be screened by walls that match the building material. Utility meters shall not be located within the front or corner side facades.

Section 15: That Sub-Section P of Section 10-5-3, ADDITIONAL SITE REQUIREMENTS, of the Hoffman Estates Municipal Code be and is hereby created to read as follows:

P. Site Plan Green Initiatives. The Village of Hoffman Estates recognizes the importance and desirability of incorporating environmentally sustainable site design techniques and maintenance practices into new developments. The guidelines set forth below shall be incorporated into all non-residential site design where practical.

Preferred Parking - Provide preferred parking for low-emitting and fuel efficient vehicles for 5% of the total parking on the site. Within office/industrial/manufacturing developments, preferred parking should be provided for carpools or vanpools for 5% of the total number of parking spaces provided for employees. Smaller parking fields where meeting the 5% may not be achievable, may be exempt from the requirement at the discretion of the Village Board.

Alternative Transportation - Public Transportation Access - New projects developed near existing transit systems should work with local mass transit providers to locate transit stops near the project site. Overall site design should provide attractive, functional and direct sidewalks, paths and walkways to existing mass transit stops. If an existing mass transit stop is on or adjacent to the project, then the site should provide a safe, well lit and weather-proof transit shelter for transit users. Developer should locate signage, brochures and maps near building exits that indicate the location of nearby transit stops and routes.

Alternative Transportation - Bicycle Commuting - All new projects should provide convenient bike rack or bike storage amenities in close proximity to each building on the site. For non-residential and non-retail projects, lockable changing areas and showers are encouraged to be provided for employees. Lockable restrooms or bathroom stalls may be used for changing areas as long as they are spacious enough to allow changing comfortably.

Parking Capacity - Parking on the project site should be sized to meet, but not exceed, minimum requirements.

Light Pollution Reduction - Site lighting shall meet all the standards as set forth in Section 10-5-3 G of the Municipal Code. All sites shall maintain safe light levels while avoiding off-site lighting spillage and night sky pollution. Site lighting should be

minimized where feasible and photometrics shall be employed in designing lighting plans. Technologies that should be employed to reduce light pollution include full cut-off luminaries, low-reflectance surfaces and low-angle spotlights. The use of lower energy or energy efficient lighting standards is encouraged.

Construction Waste Management - Site development should include provisions to recycle and/or salvage at least 50% of non-hazardous construction and demolition debris. Developer should create and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or commingled.

Use of Regional Materials - Site development should include building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value.

Section 16: That Sub-Section D of Section 10-6-5, ADDITIONAL DOCUMENTS, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Section 10-6-5. ADDITIONAL DOCUMENTS

D. Building Elevations. Drawings of all elevations shall be provided with preliminary and final documents. Such drawings shall include the following:

1. A description of all materials and colors.
2. Proposed screening of all rooftop and ground (grade) level heating, ventilation, air conditioning, satellite dishes, and other mechanical equipment. Heights and materials of screening walls shall be indicated. Consideration of sight lines from taller existing or future buildings should be considered with such screening.
3. Elevation sight line studies may be required by the Plan Commission.
4. A color rendering and building material sample boards shall be submitted at the time of Plan Commission and Village Board review.

Section 17: That Sub-Section B of Section 10-7-1, GUARANTEE OF PERFORMANCE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Section 10-7-1. GUARANTEE OF PERFORMANCE

B. Post-Approval Requirements. After any administrative approval or approval of any site plan or subdivision by the Village Board of Trustees and before the issuance of any building permit, grading approval or other site development work, the following requirements must be met for all developments. The Assistant Village Manager-Development Services may reduce the requirements listed below for projects where the total value of the public and private improvements for the benefit of the public are less than \$20,000.00 where other satisfactory means of assuring performance are provided.

1. In accordance with state statute, the developer or owner shall submit financial guarantees in a form acceptable to the Village which shall assure the Village of the completion of the improvements, including public improvements and private improvements (for the benefit of the public) and as required and specified on the approved development documents. All of the financial guarantee funds shall be available to the Village to remedy any deficiencies in the development that are not addressed by the developer. The distribution of the



financial guarantee funds shall not be limited based upon any prior estimates or reductions in the financial guarantee funds. The amount of the financial guarantee funds shall be 110 percent of the estimated cost of the public improvements. In no case shall the financial guarantee funds be for an amount less than 25 percent of the cost of the private improvements for the benefit of the public. In any case, the minimum financial guarantee funds shall be \$1,000.00.

2. An amount equal to ten percent of the amount required in 1. above shall be held by the Village for a 12-month maintenance guarantee period after the final Certificate of Occupancy or final acceptance of public improvements to assure that any defects not apparent at the time of a final Certificate of Occupancy or final acceptance are corrected.

Section 18: That Sub-Section E of Section 10-7-3, CERTIFICATE OF OCCUPANCY, of the Hoffman Estates Municipal Code be and is hereby created to read as follows:

Section 10-7-3. CERTIFICATE OF OCCUPANCY

E. *Other Approvals.* No certificate of occupancy will be granted without review and approval of site landscaping and grading by the Department of Development Services and fire suppression system by the Fire Department.

Section 19: That Sub-Section B-17 and B-28 of Section 10-8-1, FLOOD AREA REQUIREMENTS, of the Hoffman Estates Municipal Code be and is hereby created to read as follows:

Section 10-8-1. FLOOD AREA REQUIREMENTS

B. Definitions

17. *Designated Floodway* – The channel, including on-stream lakes, and that portion of the flood plain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities.

a. The floodways are designated for on the countywide Flood Insurance Rate Map of Cook and Kane Counties prepared by FEMA and dated August 19, 2008 and August 3, 2009 respectively. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.

b. The floodways for those parts of unincorporated Cook and Kane Counties that are within the extraterritorial jurisdiction of the Village that may be annexed into the Village are designated for Poplar Creek, East Branch of Poplar Creek, and Schaumburg Branch of Poplar Creek on the countywide Flood Insurance Rate Map prepared by FEMA and dated August 19, 2008 for Cook County and August 3, 2009 for Kane County

c. To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

28. *Flood Plain* – That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached Special Flood Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA).

a. The flood plains are those lands within the jurisdiction of the Village that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village are generally identified as such on the Cook County Countywide Flood Insurance Rate Map prepared by the Federal Emergency Management Agency are generally identified as such on the following map number 17031C panel 0155J, 0157J, 0158J, 0159J, 0161J, 0162J, 0166J, 0167J, 0176J, 0178J, 0179J, 0186J, 0187J, 0188J, 0189J and 0191J dated August 19, 2008 and map number 17089C panel 0180 dated August 3, 2009 of the Kane County Countywide Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

b. The SFHA's of those parts of unincorporated Cook County and Kane County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Maps prepared for Cook County dated August 19, 2008 and Kane County dated August 3, 2009 by the Federal Emergency Management Agency.

Section 20: That Sub-Section E of Section 10-8-1, FLOOD AREA REQUIREMENTS, of the Hoffman Estates Municipal Code be and is hereby created to read as follows:

E. *Base Flood Elevation.* The protection standard for this Section of the Municipal Code is based on the Flood Insurance Study for the Village. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state or other resources. When a party disagrees with the best available data, they shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for review and consideration prior to any development of the site.

1. The base flood or 100-year frequency flood elevation for the SFHAs of Salt Creek, Tributary A of the West Branch of Salt Creek, Higgins Road Tributary to Tributary A of the West Branch of Salt Creek and St. Michael's Tributary to Salt Creek, Poplar Creek, East Branch of Poplar Creek, and Schaumburg Branch of Poplar Creek shall be delineated on the 100-year flood profiles in the Flood Insurance Study for Cook and Kane Counties prepared by FEMA and dated August 19, 2008 and August 3, 2009 respectively and such amendments to such study and maps as may be prepared from time to time.

2. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook and Kane Counties that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be delineated on the 100-year flood profiles in the Flood Insurance Study of Cook County prepared by FEMA and dated August 19, 2008 and of Kane County prepared by FEMA and dated August 3, 2009, and such amendments or revisions to such study and maps as may be prepared from time to time.

3. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Cook and Kane Counties.

4. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Cook and Kane Counties shall be according to the best existing data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I, HEC-HMS, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study. For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Director of Engineering pursuant to Section 10-8-1-D-1, the base flood elevation shall be determined by the applicant utilizing a method as approved in Section 10-8-1-E-1.

Section 21: The Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 22: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Cary J. Collins	_____	_____	_____	_____
Trustee Raymond M. Kincaid	_____	_____	_____	_____
Trustee Jacquelyn Green	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

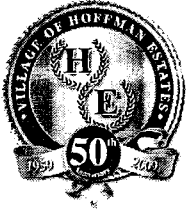
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2009.



**AGENDA**  
**PLANNING, BUILDING AND ZONING COMMITTEE**  
**Village of Hoffman Estates**  
**June 8, 2009**

**7:30 P.M. - Board Room**

**Members:**    **Gary Pilafas, Chairperson**  
                  **Karen Mills, Vice Chairperson**  
                  **Ray Kincaid**

**I.     Roll Call**

**II.    Approval of Minutes -**    April 27, 2009 (*Special Meeting*)  
  May 4, 2009 (*Special Meeting*)  
  May 11, 2009

**NEW BUSINESS**

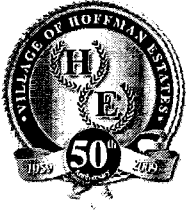
1.    Request by DeSchouw for approval of a Tax Increment Financing (TIF) Inducement Resolution for site and improvements at the Barrington Square Mall.
2.    Request by 1800 McDonough Road Property, LLC and Hoffman Estates Development, Inc. for approval of the disconnection of 7,420 square feet of land from the Village of Hoffman Estates for the purpose of correcting a previous platting error.
3.    Request acceptance of Department of Development Services monthly report for Planning Division.
4.    Request acceptance of Department of Development Services monthly report for Code Enforcement Division.

**III.   President's Report**

**IV.   Other**

**V.    Items in Review**

**VI.   Adjournment**



## AGENDA

### GENERAL ADMINISTRATION & PERSONNEL COMMITTEE VILLAGE OF HOFFMAN ESTATES June 8, 2009

7:30 p.m. – Helen Wozniak Council Chambers

Members: Karen Mills, Chairperson  
Ray Kincaid, Vice-Chairperson  
Gary Pilafas, Trustee

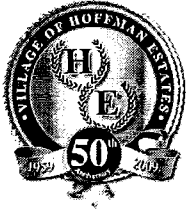
- I. Roll Call
- II. Approval of Minutes – May 11, 2009

#### NEW BUSINESS

- 1. Discussion regarding the legislative update.
- 2. Request acceptance of Cable TV Monthly Report.
- 3. Request acceptance of Human Resources Management Monthly Report.

- III. President's Report
- IV. Other
- V. Items in Review
  - 1. Revisions to the Board Policy Manual
- VI. Adjournment

*The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.*



**AGENDA  
TRANSPORTATION AND ROAD IMPROVEMENT COMMITTEE  
Village of Hoffman Estates  
June 8, 2009**

**Immediately Following General Administration & Personnel Committee**

**Members: Ray Kincaid, Chairperson  
Gary Pilafas, Vice Chairperson  
Karen Mills, Trustee**

- I. Roll Call**
- II. Approval of Minutes – May 11, 2009**

**NEW BUSINESS**

- 1. Request approval of a letter of intent with IDOT for Palatine Road.
- 2. Request approval of an agreement with Pace and Prairie Stone POA for bus shelters in Prairie Stone.
- 3. Discussion regarding annual review of Taxi Discount Program.
- 4. Request acceptance of Transportation Division Monthly Report.

**III. President's Report**

**IV. Other**

**V. Items in Review**

- 1. Discussion regarding lead agency for Barrington Road Interchange.  
(October 2009)

**VI. Adjournment**

# VILLAGE OF HOFFMAN ESTATES

## MEMO

**TO:** President & Board of Trustees

**FROM:** Gary Stanton, Plan Commission Chairman

**RE:** **REQUEST BY IZ HOTEL MANAGEMENT LLC (OWNER) FOR APPROVAL OF FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BARRINGTON AND HASSELL ROADS – FINDING OF FACT**

**DATE:** May 29, 2009

Plan Commission Hearing Date: May 20, 2009  
P.C. File # 2008028

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### **REQUEST**

Request by IZ Hotel Management LLC (owner) for approval of Final Plat of Subdivision for the property located at the southeast corner of Barrington and Hassell Roads.

### **BACKGROUND**

The subject property includes the recently remodeled Comfort Inn and a portion of the adjacent vacant land that fronts onto Barrington Road. In 2008, the hotel property was sold with the vacant portion of the property along Barrington Road being sold to a separate entity. The land sale was done without a plat of subdivision, which is required by village code.

The new owners of the Comfort Inn (formerly Baymont Inn) began building renovations in October 2008 and in November 2008 they received site plan approval for site improvements that were required in order to bring the property closer to current Village Code standards. A condition of approval for that project required that a plat of subdivision be created for the land sale that occurred previously.

### **PROJECT DESCRIPTION**

The petitioner is proposing a resubdivision of the existing Lot 1 in the Hoffman Northwest Subdivision (recorded January 29, 1985 as Document # 27422589) that would

create two new lots. The property on which the Comfort Inn building and associated site improvements are located would be Lot 2 and would be 1.708 acres in size. The remaining land, approximately 0.831 acres, would be Lot 1. Both lots conform to the zoning requirements of the B-2 zoning district.

As mentioned previously, the two proposed lots are under separate ownership which requires both current owners to sign the plat. Included on the plat, cross access easements are proposed on the west property line of proposed Lot 2 and on the north and east property lines of proposed Lot 1. This will allow for cross access between the parcels as the vacant land along Barrington Road develops. The cross access easement language as currently shown on the plat will be modified to include language that any proposed cross access across properties is subject to review and approval by the owners of Lots 1 and 2.

Staff has been working with the new owner of the proposed Lot 1, who also owns the existing parcel on the corner of Barrington and Hassell Roads that is not part of this subdivision, on a retail development. These plans would be brought forth through standard village process when ready.

### Sign

There is an existing freestanding sign on the proposed Lot 1 that advertises the Baymont/Comfort Inn. With this subdivision approval, this sign will become non-conforming. The Comfort Inn owner has an agreement with the property owner of the newly created Lot 1 to allow the sign to remain until such time as the vacant lot is developed. At that time, any hotel sign would need to be incorporated into the new signage plan for the new development.

Rather than require the sign to be removed as part of this plat approval, it is recommended that a temporary variation be pursued to allow the sign to remain on the property until it is developed. A condition has been added requiring the petitioner to submit an application for a sign variance within 60 days of Village Board approval of the plat.

### PLAN COMMISSION DISCUSSION

The Plan Commission met on May 20, 2009 to hear a request by IZ Hotel Management LLC for approval of a final plat of subdivision for the property located at the southeast corner of Barrington and Hassell Roads.

In 2008, the hotel property was sold at the same time a vacant portion of the property that is situated along Barrington Road. At the time of sale a plat of subdivision which was required by Village Code, was never done. It was requested of the new owners of the hotel, in conjunction of approval of their renovations, to prepare a plat of subdivision for the land sale that had already occurred.



At the Plan Commission hearing, Northwest Corporate Center formally objected to the Plat of Subdivision due to the parking easements that were originally granted between them and the hotel property. The Commission was informed that when the properties were originally developed, an easement was created between the parties that would allow shared parking, because neither party had significant parking for their own needs. Since the Corporate Center's needs were greatest during the day and the hotel's needs were the greatest during the night; it was agreed that they could use each others parking lots for any overflow parking.

Northwest Corporate Center presented witness testimony to indicate they on many occasions have utilized the shared parking and on some occasions trucks have been parked on their property for those truckers who have spent the night at the hotel. It was their contention that if the plat of subdivision occurred their parking easements and therefore interests would be detrimentally served.

The Plan Commission indicated to Northwest Corporate Center that their objections were premature since the plat of subdivision was just a legal formality of what had already occurred. Northwest Corporate Center was informed that no development of the vacant land had yet taken place, nor had any plans, which may interfere with the easements, been brought to the Plan Commission for review.

The owner of the vacant property was present at the meeting and testified he would attempt to be a good neighbor when he eventually developed the vacant parcels of land. Neither Village staff nor Northwest Corporate Center presented any formal binding contract between the original parties to prove there was any agreement as to the easements; but Northwest Corporate Center did present paperwork showing there was a preliminary agreement to this end.

After all testimony was heard from all parties, the Plan Commission voted 9-0 in favor of Petitioner's request of a final plat of subdivision.

#### **AUDIENCE PARTICIPATION**

Mr. Stephen Malato, attorney representing the Northwest Corporate Center, which is immediately adjacent to the hotel, spoke in objection to the request for a plat of subdivision. Mr. Malato asked questions of Mr. Mohammad Allahrakha (Comfort Inn owner), Mr. Jim Donahue (Senior Planner), and Mr. George Moser (Northwest Corporate Center owner) pertaining to the hotel site, the Heidner property along Barrington Road, and the Northwest Corporate Center property. At the conclusion of his statements, Mr. Malato stated that this particular plan is premature and asked that this plat be tabled for more information or denied by the Plan Commission.

Mr. Mohammad Allahrakha said that the previous owner of the hotel had divided the property and sold the other part adjacent to Barrington Road and that is why he was there.

Mr. George Moser (Stonegate Development Corporation) is concerned that with this subdivision plat they will be losing out on parking spaces because of a private parking agreement that they have with the property owner of the hotel. He also had concerns about egress, and ingress. The previous owner's of the hotel had an agreement with Northwest Corporate Center to use their parking overnight since the corporate center was not open during the evening hours. In the evenings, trucks park overnight in the Northwest Corporate Center's parking lot; when the drivers stay overnight in the hotel. Mr. Moser stated that when the Starbuck's and the bank building were developed (south of the property in question) they had less parking and were allowed to use the Baymont / Comfort Inn's easement for parking. Mr. Moser is concerned that once lots 1 and 2 were completely developed the owner's would not allow ingress and egress between the sites.

Mr. Ira Frank (Stonegate Development Corporation) stated he was not aware that renovation of the Baymont/Comfort Inn was going to result in the removal of 6 parking spaces. The owner's of the Northwest Corporate Center now have a concern that they don't have access to those 6 parking spaces anymore, which their agreement entitles them to. If they had known those spaces would be removed, they would have objected to the renovation of the Baymont/Comfort Inn when it came before the Plan Commission and Village Board.

Mr. Rick Heidner, of Heidner Development and owner of lot #1, said he had no objections at all to providing shared parking on his property to the Northwest Corporate Center when his property is developed. He continued to say that to his knowledge since 1986 the businesses that have been located in the Northwest Corporate Center have never had to park on his property that has always been a vacant lot.

**MOTION – Vice Chairman Thoren moved (seconded by Commissioner Iozzo) that the Plan Commission recommend to the Village Board approval of Final Plat of Subdivision for the property located at the southeast corner of Barrington and Hassell Roads, subject to the conditions in staff memo #1 dated May 15, 2009:**

1. No site plan approval or specific development rights are granted with approval of this plat.
2. The plat mylar with all required signatures shall be submitted to the Village for recording prior to the issuance of a final Certificate of Occupancy for the Comfort Inn (formerly Baymont Inn).
3. The petitioner shall submit a sign variance application to the Village for the non-conforming sign created by this subdivision within 60 days of Village Board approval of the plat of subdivision.

**Roll Call Vote:**

8 Ayes: Commissioners Combs, Porzak, Krettler, Boxenbaum, Danowski, Iozzo, Zahrebelski, Vice Chairman Thoren, Chairman Stanton

2 Absent: Commissioners Vandenberg, Henderson

**Motion carried.**

cc: J. Norris, P. Gugliotta, M. Hankey, G. Salavitch, D. Plass, S. Neil, B. Skowronski,  
Petitioner

# VILLAGE OF HOFFMAN ESTATES

## Memo

**TO:** President & Board of Trustees

**FROM:** Gary Stanton, Plan Commission Chairman

**RE:** **REQUEST BY HANDELSEN PRODUCTEMAATSCHAPPIJ DESHOUW B.V. FOR A SITE PLAN AMENDMENT FOR REDEVELOPMENT OF A PORTION OF BARRINGTON SQUARE MALL LOCATED AT 2300-2360 WEST HIGGINS ROAD – FINDING OF FACT**

**DATE:** May 29, 2009

**Plan Commission Hearing Date: May 20, 2009**  
**File No. 2007029**

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### REQUEST

Request by Handelsen Productemaatschappij Deshouw B.V. for approval of a site plan amendment for redevelopment of a portion of Barrington Square Mall located at 2300–2360 West Higgins Road.

### BACKGROUND

In November 2008, the Menard's store at Barrington Square Mall closed and is now vacant. The property manager for the Mall has been working with a real estate broker to try to get a new tenant for the building since April of last year, knowing that Menard's was leaving, but has been unsuccessful due to the inadequate size of the building, the current economic climate, and the deterioration of the building itself. Because of this, the Mall ownership has decided to demolish the Menard's building and complete some minor site work to make the site more attractive for future development. This phase (called the transitional phase) is part of a larger project to redevelop the rest of the Mall site in the future. The transitional phase is designed to act as a bridge phase to the final remodeling of the site. The work in this phase will be preparation for much of the redevelopment of the site that is proposed in the future. The extent of the future redevelopment beyond the transitional phase has not yet been fully determined and will most likely depend on the future redevelopment of the Menard's site. Any future work beyond this proposal would need to come back to the Plan Commission and Village Board for review and approval.

## **PROPOSAL**

### ***Menard's Building Demolition***

Due to the deteriorating nature of the former Menard's building and due to its inadequate size for today's "big box" retailers, the Mall ownership has decided to demolish the building and prepare the resulting site for future redevelopment.

### ***Site Work***

After the Menard's building has been demolished, the petitioner proposes to re-grade and seed the site. Also, the existing road around the building will be rerouted and rebuilt to accommodate renovation of the existing retaining wall east of the building. Once the building has been demolished the east courtyard area in the main Mall building will be open to the former building site. A north/south sidewalk will connect this courtyard to the existing sidewalk on the south and to a new 19-space parking area to the north. A sidewalk will also be constructed along the south side of the Menard's site connecting the existing sidewalk with a walkway that connects with the townhomes to the east.

The Advance Preschool outdoor play area that is located near the loading dock area of the Menard's building will be expanded by 440 square feet with this redevelopment. The current play area is terraced and with the redevelopment project, the play area will be re-graded so that it is at the existing floor elevation grade. Because of this change in the grading, a retaining wall will be required around the north and east sides of the play area. A new fence will be constructed on top of the wall to enclose the play area.

### ***Retaining Wall Reinforcement***

The redevelopment of the site will also include reinforcement of the existing concrete retaining wall on the east side of the Menard's building. This retaining wall has been a concern for over 20 years and because of this concern, the petitioner has the wall inspected each year by a licensed structural engineer to ensure its safety. The Village Code Enforcement Division receives a copy of the inspection report of the wall from the petitioner each year.

The existing wall will remain and will be reinforced by a series of stepped planted terraces. The terraces will consist of dirt fill adjacent to the existing 15' wall, then a 4' tall retaining wall, then more dirt fill, and then another 4' tall retaining wall. The resulting terraced areas will be planted with trees and shrubs for a more aesthetically pleasing look. The terracing will also help to lessen the effective height of the 15' wall. The intent with the terracing of the wall is to help alleviate stresses on the wall and help reinforce it to make it a safer structure. A letter from an engineering consulting firm has been included in the packet. This engineering firm conducted an inspection of the existing wall and commented on the proposed reinforcement of the wall. The letter states that once the terraced wall is constructed, there will be no further need to monitor the wall for movement or stability.

### *Architecture*

With the demolition of the Menard's building, repairs and minor improvements will also be made to the main courtyard and east courtyard areas. Removal of the Menard's building will open up the east courtyard to the large seeded area when the building once stood. The east courtyard area will be remodeled with this project. The roof and skylights will be demolished. New sign bands will be constructed above the storefront line, where the roof structure will be removed. New lighting and furniture will be added to the courtyard as well.

The existing galleria (courtyard that runs north/south) will be renovated by adding new aluminum soffit material on the underside of the raised canopy to eliminate pigeon nesting/roosting areas. The steel support structure and metal roof will be repainted and the existing banners will be replaced with a more durable product. The existing store sign bands will be renovated with new awnings and the existing finish material will be reconditioned. Repairs will be made to the existing planters in the courtyard and patching and repainting will be completed to the metal soffits under the existing arcades. There will also be infrastructure improvements to the plumbing and electrical systems that will be needed for the final remodeling of the Mall.

Once the Menard's building has been removed, the common wall between the former building and the east Mall buildings will remain. A new E.I.F.S. "skin" will be applied to the wall to provide insulation and a finished surface for the newly exposed wall.

### *Landscaping*

Some of the existing landscaping around the Menard's building will be protected during the demolition. Specifically, 4 Taxodium trees and 1 Norway Maple tree will be retained along the north side of the building, while 3 Honeylocust trees will be retained on the southeast corner of the building. Other trees and shrubs around the building will have to be removed because of their close proximity to the building and the inability to transplant them. Because the future development of the Menard's site is unknown at this time, no additional trees or shrubs will be planted in the middle of the site, but instead will be planted along the east building wall and in the terraced portion of the retaining wall. When the Menard's site is developed in the future, landscaping will be required on the site that meets the Subdivision Code landscaping requirements.

Shade trees and shrubs will be planted along the east wall to provide screening of the newly exposed wall. In addition, ornamental trees, evergreen trees, and shrubs will be planted along the east and north sides of the new Preschool play area fence to provide additional screening.

The proposed terraces that will be added to the existing retaining wall will be heavily landscaped with shade trees, ornamental trees, evergreen trees, and shrubs that will help to soften the appearance of the retaining wall. The shade trees and evergreen trees proposed for the terraced areas will meet the Subdivision Code screening and buffering requirements for a non-residential property adjacent to a residential property.

### ***Engineering***

There is an existing water main, with fire hydrant, located at the base of the existing retaining wall. Because of the terracing being added to the wall, the water main and fire hydrant will have to be rerouted further to the west away from the wall. This is shown on the utility plan and has been reviewed and approved by the Engineering Division. Because of the need to move the water main location, a plat of easement will be required for the new water main location. A condition of approval has been proposed that the plat of easement be submitted for review and approval within 60 days of Village Board approval of the request.

Once the building has been demolished, the site will be re-graded and seeded. The re-grading will include new storm catch basins on the site to ensure proper drainage. The catch basins will connect to the existing storm sewer. The demolition of the east courtyard roof will require new storm drains in the courtyard because the area will now be exposed to the weather. The new storm drains will be connected to the existing main courtyard storm sewer.

### ***Lighting***

New exterior lighting will be installed along the relocated access road and in the east courtyard area. The proposed fixtures and lighting levels will meet Village requirements for exterior lighting.

### ***Parking***

The existing parking will not be affected by these proposed changes to the site. In fact, on the northern part of the site in the current Menard's loading dock area, an additional 19 parking spaces will be provided with this phase of the redevelopment of the site. The purpose of this new parking area is to serve employees of Barrington Square Mall. The new lot may be required to be changed as part of any future redevelopment of the site.

When the former Menard's site is redeveloped in the future, parking will be analyzed for the proposed use at that time.

### ***Signs***

The façade of the Mall will be renovated with future redevelopment of the property. This will most likely include new awnings over the store fronts. At the time that the façade work occurs, the owner will be required to submit a master sign plan to the Village for review that will coordinate sign and awning placement with the proposed façade design. The master sign plan will help to coordinate all the wall signs and awnings into the new façade design so that there will be a cohesive design to the building. In addition to wall signs, the master sign plan will also address the freestanding signs on the property, including the Higgins Road and Hassell Road signs. A condition of approval pertaining to the required master sign plan has been proposed.

As a part of the future phases of redevelopment, the freestanding signs along Higgins and Hassell will be replaced with new signs. The Menard's panels were removed from these signs when Menard's vacated the building. The Menard's portion of the signs may be used by another tenant. If they are not used by another tenant, the Menard's portion of the sign would have to be removed, according to Village Code. Village Code requires that obsolete signs be removed after a tenant vacates the premises.

### ***Redevelopment Incentives***

There have been discussions between the Mall ownership and the Village regarding a request to establish a Tax Increment Financing (TIF) district for the Mall property to help pay some portion of the capital costs of redevelopment of the Mall. At this point, a formal request for a TIF has not been made; however, an "inducement resolution" between the Mall ownership and the Village is scheduled to be considered by the Planning, Building and Zoning Committee on June 8, 2009. An inducement resolution is an "official action" indicating the Village's willingness to reimburse certain costs, but only if a TIF is ultimately established. The inducement resolution is not a guarantee that the Village will actually adopt a TIF or fund any of the capital costs through the TIF if one is adopted. It only indicates the Village's willingness to consider a TIF.

### **PLAN COMMISSION DISCUSSION**

On May 20, 2009, the Plan Commission heard a request by Handelsen Productemaatschappij Deshouw B.V. for a site plan amendment for redevelopment of a portion of Barrington Square Mall located 2300-2360 West Higgins Road.

Petitioner indicated to the Commission that it had not had any luck in finding a new tenant for the Menard's site. In order to more favorably market the property Petitioner felt it was in its best interest to tear down the building and reseed the vacant property, while at the same time complete site work which would make the site more attractive. Petitioner referred to this redevelopment of the property as a "transitional" phase.

Petitioner indicated to the Commission that it had hired a consulting group to determine if there was any hazardous material on site and if it was so determined that all safety precautions would be met to remove the material. After the former Menard's site is demolished, Petitioner indicated they are going to fortify the exterior walls of the east side of Barrington Square. An EFIS skin will be applied to the east wall to provide both an insulation and a finished surface. Work to fortify and at the same time beautify the retaining wall along Petitioner's eastern border was also expected to be done.

The Commission had no concerns with the work that was going to be done, but did question the "temporary" language in the second condition of the recommendations to the Village Board. The Plan Commission to that end requested an additional seventh condition, which would require Petitioner to come back to the Village to explain what it was going to do with the property if it hadn't found a tenant for the property after 3 years. Petitioner agreed to the condition.



A vote was taken on Petitioner's request and the Commission voted unanimously in favor of the project.

### **AUDIENCE PARTICIPATION**

None.

**MOTION – Vice Chairman Thoren moved (seconded by Commissioner Krettler) that the Plan Commission recommend to the Village Board approval of a request by Handelsen Productemaatschappij Deshouw B.V. for a site plan amendment for redevelopment of a portion of Barrington Square Mall at 2300-2360 West Higgins Road in accordance with the petitioner's plans, subject to the conditions in staff memo #1 dated May 15, 2009:**

1. All work shall be completed within nine (9) months of the Village Board action on this request.
2. Some of the proposed site improvements (façade work, landscaping, paving, etc.) are considered to be temporary by the Village due to the unknown redevelopment plans for the site. The petitioner acknowledges that the site may need to be redesigned depending on future redevelopment of the site.
3. Prior to demolition of the Menard's building, the petitioner shall set up a meeting with the Village to discuss contractor responsibilities/requirements during demolition and redevelopment. The owner shall be required to adhere to all conditions of the Village demolition permit and any other permits required to complete the project, including temporary fencing, fire lane signing, traffic control, dust control, etc. All work shall comply with Municipal Code construction hours of 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.
4. After the terracing has been completed on the 15' retaining wall, the petitioner shall hire a licensed structural engineer to inspect the wall and certify that the new wall is structurally safe and that yearly safety inspections are no longer needed. A copy of the certification letter/report shall be submitted to the Code Enforcement Division.
5. The owner shall submit a plat of easement (for water main relocation) for review and approval within 60 days of Village Board approval on this request.
6. No signs are approved with this site plan amendment approval. A Master sign plan for the entire site shall be submitted for review and approval with the plans for future renovations to the façade of the building.
7. The final redevelopment of the Menard's portion of the site shall occur within 3 years of Village Board approval of this request. The petitioner shall have the right to request an extension of this condition at that time, if necessary.

Roll Call Vote:

8 Ayes: Commissioners Combs, Krettler, Boxenbaum, Danowski, Iozzo, Zahrebelski,  
Vice Chairman Thoren, Chairman Stanton

1 Abstain: Commissioner Porzak

2 Absent: Commissioners Vandenberg, Henderson

Motion carried.

cc: J. Norris; M. Koplin; P. Gugliotta; M. Hankey; G. Salavitch; R. Gotha; D. Plass;  
B. Skowronski, Petitioner

VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

FINDING OF FACT

DATE OF PUBLIC HEARING: May 19, 2009

DATE OF PRESENTATION TO VILLAGE BOARD: June 1, 2009

PETITION: Hearing held at the request of Handelsen Productemaatschappij Deshouw BV (Owner) and America's Bar and Grill (Tenant) to consider variations to permit signage on the property located at 2308 W. Higgins Road in the Barrington Square Mall.

DISTRICT IN WHICH PROPERTY IS LOCATED: B-2, Community Business District

ZONING CODE SECTION(S) FOR VARIATION(S): 9-3-8-M-10-a-4

FINDING-OF-FACT: The Zoning Board of Appeals (ZBA) found that the Standards for a Variation (9-1-15-C) were met.

MOTION: Request to grant Handelsen Productemaatschappij Deshouw BV (Owner) and America's Bar and Grill (Tenant) at 2308 W. Higgins Road, *a variation from Section 9-3-8-M-10-a-4 to permit an additional (third) 132 square foot awning wall sign ("America's Bar & Grill") on the (west) courtyard façade of the tenant space, and to allow such sign to be installed along a storefront that does not face a public street or parking lot.* The following condition shall apply:

The sign area portion of the west face of the awning shall not exceed 88 square feet and the sign area on the south face of the permitted awning sign shall not exceed 76 square feet.

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends approval of this request.

Mr. Richard Garcia was present; representing his business America's Bar And Grill for a variation from the existing sign code concerning that all storefront signs shall face a street or road. Mr. Garcia is requesting his sign remain as it is, for it does not affect the rest of the center. As a matter of fact it somewhat mirrors the Garibaldi's signage. Mr. Garcia also had explained that the awning has been there for several years and it seemed like a good place to advertise his business. It should also be noted that even though the sign does not face a road it can be seen as you're driving in the parking lot driving from west to east.

Chairman Weaver had also noted that there are several businesses in town which have signage on their awnings, including Garibaldi's restaurant directly across from America's Bar and Grill.

This board saw no problems with this request as it does not adversely affect any other business in the shopping center, and voted unanimously in favor of the request.

AUDIENCE COMMENTS

None.

VOTE:

4 Ayes

0 Nays

3 Absent (Boomgarden, Wilson, Jehlik)

ZONING BOARD OF APPEALS

Chairman William Weaver

Vice-Chairman Ronald Jehlik

Denise Wilson

Michael Ciffone

Masoom Ali

Donna Boomgarden

Michael Gaeta

**\* IMMEDIATE AUTHORIZATION TO APPLY FOR PERMITS IS REQUESTED \***

**THIS VARIATION WILL EXPIRE UNLESS ACTED UPON WITHIN  
ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

FINDING OF FACT WRITTEN BY MICHAEL CIFFONE

# VILLAGE OF HOFFMAN ESTATES

## Memo

TO: William Weaver, Zoning Board of Appeals Chairman  
FROM: Josh Edwards, Assistant Planner *JAE*  
RE: 2308 W. HIGGINS ROAD - AMERICA'S BAR AND GRILL -  
BARRINGTON SQUARE MALL SHOPPING CENTER - VARIATIONS  
FOR AN AWNING SIGN  
DATE: May 13, 2009  
HEARING DATE: May 19, 2009

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### 1. REQUEST SUMMARY

Handelsen Productemaatschappij Deshouw BV (Deshouw; property owner) and America's Bar and Grill (tenant) request approval of variations for an awning sign facing the interior courtyard at 2308 W. Higgins Road in the Barrington Square Mall Shopping Center.

### 2. BACKGROUND

America's Bar and Grill opened in 2007 in an interior courtyard space formerly occupied by Baskin Robbins. The restaurant has since expanded into the former Kinsley's Cards and Gifts space facing the main parking lot of the shopping center. America's Bar and Grill is a corner unit with frontage on the interior courtyard and a side elevation facing the parking lot.

### 3. PETITIONER PROPOSAL

A wall sign exists in the interior courtyard of the shopping center above the entrance to America's Bar and Grill facing south across the courtyard toward the parking lot. This permitted sign is 24 square feet (3 feet high by 8 feet wide) and is installed on the front of the tenant space.

An existing awning wraps around the southwest corner of the restaurant facing both the interior courtyard and the parking lot. A sign panel exists on the southern face of the awning facing the parking lot reading "America's Bar & Grill." The awning is 228 square feet in total surface area on the elevation facing the parking lot and the lettering sign panel installed on the awning is 76 square feet (33% coverage of the

awning), and so the surface area of this sign is calculated by code to be 76 square feet.

The petitioner is requesting approval for an existing lettering sign panel on the awning facing the interior courtyard reading "America's Bar & Grill." The sign panel covers existing lettering on the awning for Kinsley's Cards and Gifts, which predated the current zoning standards and was not granted a zoning variation. Since the awning structure is on two separate elevations, this sign on the courtyard elevation is considered a separate wall sign from the sign on the parking lot elevation. The sign facing the courtyard is a third wall sign overall for the business, which requires a variation. The sign does not face a public street or parking area, which also requires a variation from the zoning code.

The courtyard-facing portion of the awning is 132 square feet in total surface area and the lettering sign panel on the awning is 88 square feet (67% coverage of the awning), and so the surface area of this sign is the total surface area of the awning, or 132 square feet.

The Zoning Code permits the business to have a maximum surface area of all wall signs of 200 square feet. A 32 square foot variation is requested for the overall surface area of the three wall signs (24 square feet + 76 square feet + 132 square feet = 232 square feet). A condition of approval is proposed that the signage portion of the awning on the proposed third wall sign be limited to the proposed 88 square feet, so that the sign text cannot later be expanded to cover the entire awning. The condition similarly limits the sign area of the parking lot-facing awning to 76 square feet, although any future expansion of that sign copy would exceed the one-third-of-the-awning calculation, and would therefore require another zoning variation.

The three wall signs are summarized in the table below:

<b>WALL SIGNS</b>			
	<b>Location</b>	<b>Square Feet</b>	<b>Variation</b>
<b><i>Permitted Wall Sign</i></b>			
"America's Bar & Grill" box sign	Interior Courtyard Above Entrance	24 sq. ft.	Permitted
"America's Bar & Grill"	Awning Facing Parking Lot	76 sq. ft.	Permitted
<b><i>Proposed Additional Wall Signs</i></b>			
"America's Bar & Grill"	Awning Facing Interior Courtyard	132 sq. ft.	Third Wall Sign, Sign Not Facing Public Street or Parking Lot, Maximum Surface Area of All Signs
<b>Proposed Total</b>		232 sq. ft.	Maximum Surface Area of All Signs

4. SITE CONDITIONS

- a) The subject property is zoned B-2, Community Business District.
- b) The business is located in the interior courtyard of Barrington Square Mall shopping center, near entrances to Advance Preschool, Golden Chopsticks, and Garibaldi's.
- c) The properties located north, west, and south of the Barrington Square Shopping Center are zoned B-2 (Community Business District). The properties to the east of the shopping center are zoned A-1 (Apartment District).

5. APPLICABLE REQUIREMENTS

- a) Section 9-3-8-M-10-a-4 *Signs in Business Districts (B-1, B-2); Shopping Center Signs* (p. CD9:52) states that the tenant may have two wall signs up to a maximum of 200 square feet. A second (or third) wall sign is permitted on the building or store front only if the side faces a public street or parking area for said building or store front.
- b) Section 9-2-1 Definitions; Sign Surface Area of (p. CD 9:24) states that when measuring the surface area of awning signs, any face containing signage which is greater than one-third of the area of the face shall include the entire dimensions of that face as area; any face containing signage which is less than or equal to one-third of the area of the face shall include only the area of the sign itself as sign area. All sides of a multifaced awning containing signage shall be counted as the total sign area for the one awning sign.

6. VARIATION AND SPECIAL USE HISTORY

**Subject Property**

Ordinance No. 3387-2002 granted special use approval to permit 12 standardized wall signs for the tenants in the courtyard and one mall identification wall sign. This approval predated the Master Sign Plan provisions now included in the Zoning Code. The 24 square foot America's Bar & Grill box wall sign is one of the approved wall signs (previously Baskin Robbins).

**Similar Variations**

*Awning Sign*

Ordinance No. 3404-2002 granted Garibaldi's at 2346 W. Higgins Road a variation to permit 356 square feet of awning wall signage on an awning that wraps around the southeast corner of the business (mirroring the America's Bar and Grill awning). The signage on both elevations of the Garibaldi's awning exceeds one-third of the overall awning size. The parking lot awning sign is 230 square feet and the courtyard awning sign is 126 square feet (356 square feet total). The sign facing the courtyard also does not face a public street or parking lot.

7. ADJACENT OWNER COMMENTS

Standard notification letters have been sent and no comments have been received.

8. IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT(S)

The petitioner has requested an Immediate Authorization to Apply for Permits.

9. DEVELOPMENT SERVICES COMMENTS

If the variation is denied then the petitioner would not be permitted to have signage on the courtyard face of the awning. The petitioner would be permitted to retain the lettering on the south face of the awning facing the parking lot as well as the box sign at the restaurant entrance in the courtyard. The existing lettering for Kinsley's Cards and Gifts facing the courtyard could be painted over or otherwise removed.

The Garibaldi's awning opposite the subject awning has lettering and images covering both sides of the awning. Garibaldi's does not have three total wall signs, but also does not extend as far into the courtyard as America's Bar and Grill and therefore does not have one of the box wall signs allotted to the tenants with entrances in the interior part of the courtyard. The Garibaldi's main entrance faces the parking lot.

10. MOTION

Should the Zoning Board find that the Standards for a Variation are met, the following motion is provided with one condition:

**A variation from Section 9-3-8-M-10-a-4 to permit an additional (third) 132 square foot awning wall sign ("America's Bar & Grill") on the (west) courtyard façade of the tenant space, and to allow such sign to be installed along a storefront that does not face a public street or parking lot.**

The sign area portion of the west face of the awning shall not exceed 88 square feet and the sign area on the south face of the permitted awning sign shall not exceed 76 square feet.

cc: Corporation Counsel, D. O'Malley, D. Plass, R. Norton, Petitioner



VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

REQUEST FOR SIGN VARIATION HEARING

FOR VILLAGE USE ONLY

Hearing Fee \$ 400.00 ~~500~~ Date Paid 4/7/09 Received By AGM  
Hearing Date: 5/19/09 Time: 7:30pm Legal Published 5/4/09  
Receipt Number 288906 Check No. 1960 Zoning District B-2

Height, Surface Area, Setback, Quantity or Other Variation	Existing Sign	Requirements	Proposed Sign

APPLICANT (PLEASE PRINT OR TYPE)

Use additional sheets as necessary

1. Name of Property Owner(s)\* De Schouw

E-Mail Address JOE@CARVUSDEVELOPMENT.COM

Owner's Address 2314 W. HIGGINS RD Phone 847-885-4160

City HOFFMAN ESTATES State IL Zip 60169

Subject Property's Address (if different): \_\_\_\_\_

2. Person applying if other than owner:\*

Name RICHARD GARCIA Company AMERICAS BAR & GRILL

E-Mail Address RICHARDGARCIA@RICHARDGARCIA.COM FAX: 847-882-2227

Address 2308 W. HIGGINS RD Phone 847-882-8600

City HOFFMAN ESTATES State IL Zip 60169

3. Property Index Number (PIN) \_\_\_\_\_

\* If "owner" is an entity other than an individual(s), then an Economic Disclosure Statement must also be filed.

4. Will any trees or landscaping be removed? If yes, please describe.

NO

5. Describe the sign(s) and the reasons a variation would be appropriate using the Standards for Variation (attached) as a guide. (e.g. An existing sign requires a 5-foot setback variation. A hardship was caused by a street-widening project that reduced the front yard by 10 feet.)

This is part of an existing zoning that has been up in place for 8 years. Just want to remove existing name and replace it with Americas Bar & Grill

6. **An Immediate Authorization to Apply for Permits** allows the Code Enforcement Division to begin the building permit review process prior to the adoption of the Ordinance by the Village Board. The Immediate Authorization makes it possible for you to expedite the plan review process by approximately two weeks. Contact the Code Enforcement Division at 847/781-2631 to discuss the building permit application and review process.

Please check one of the following



Yes, I request Immediate Authorization to Apply for Permits upon approval of my application by the Village Board, allowing me to begin the building permit review process prior to adoption of the Ordinance approving my variation.

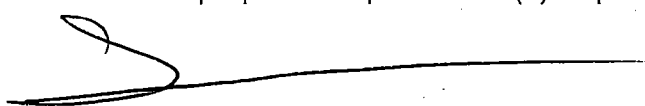
Or



No, I do not request Immediate Authorization to Apply for Permits.

7. I, the undersigned, certify the information and submissions provided accurately represent the current conditions and proposed improvement(s) requiring a variation.

Applicant's Signature



Name (Please Print)

RICHARD GARCIA



**CARUSO DEVELOPMENT  
CORPORATION**

2314 W. Higgins Road, Hoffman Estates, IL 60195

August 4, 08

Village of Hoffman Estates  
Code Enforcement Division  
1900 Hassell Rd.  
Hoffman Estates, IL 60195

**RE: Americas Bar Awning Sign**

To Whom it may concern:

Americas Bar has requested permission for a new awning sign for suite 2304 (See Attached). We have no problem approving their request as long as the following requirements are satisfied.

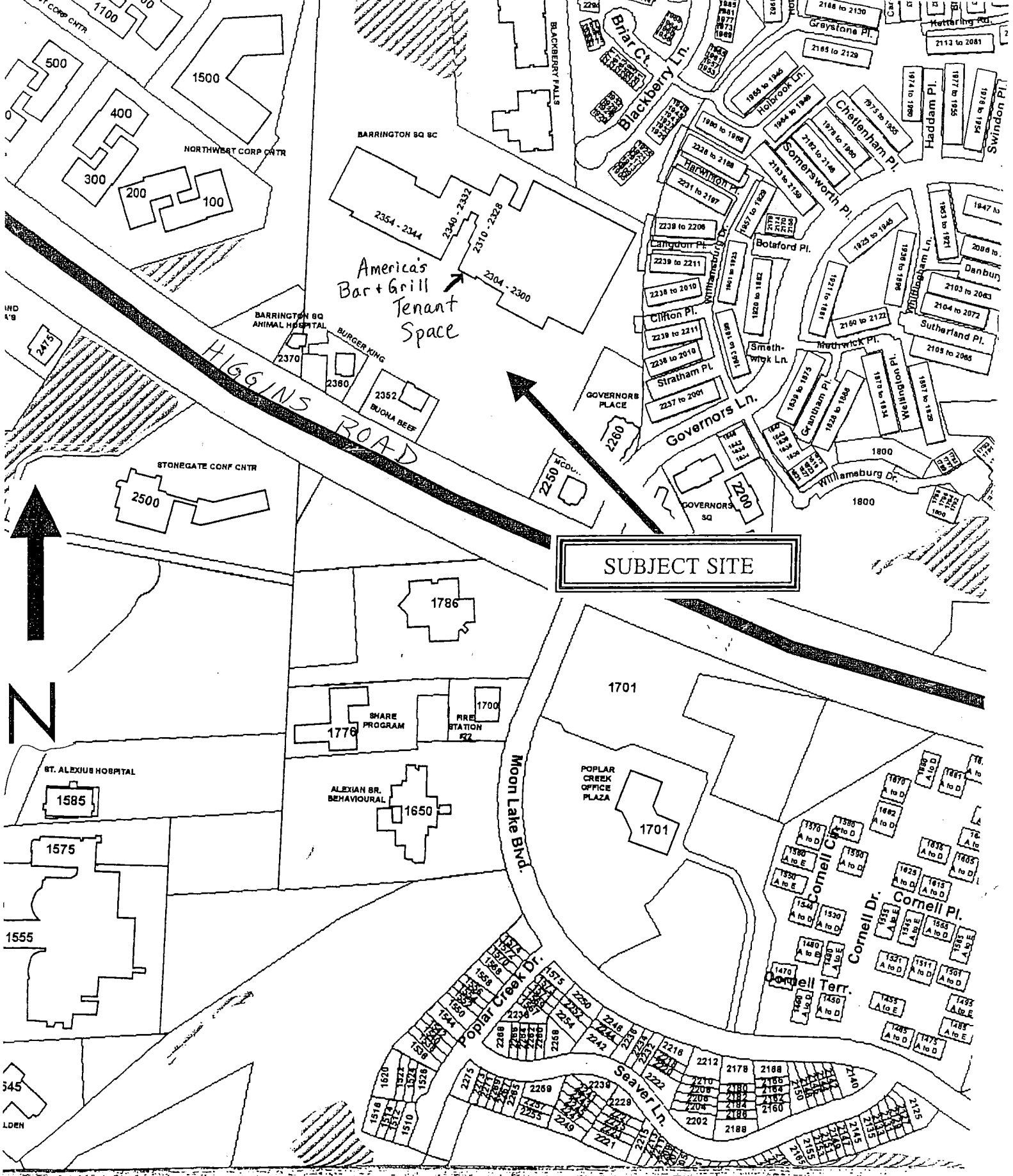
1. The Village of Hoffman Estates approves the request as per the attached sign.
2. We receive a copy of the Village of Hoffman Estates approval.

If you have any questions, please feel free to contact me at 847/885-4160, ext. 204.

Sincerely,

Joseph A. Caruso, CCIM  
Agent for the Owners  
Barrington Square Mall

JAC/mm



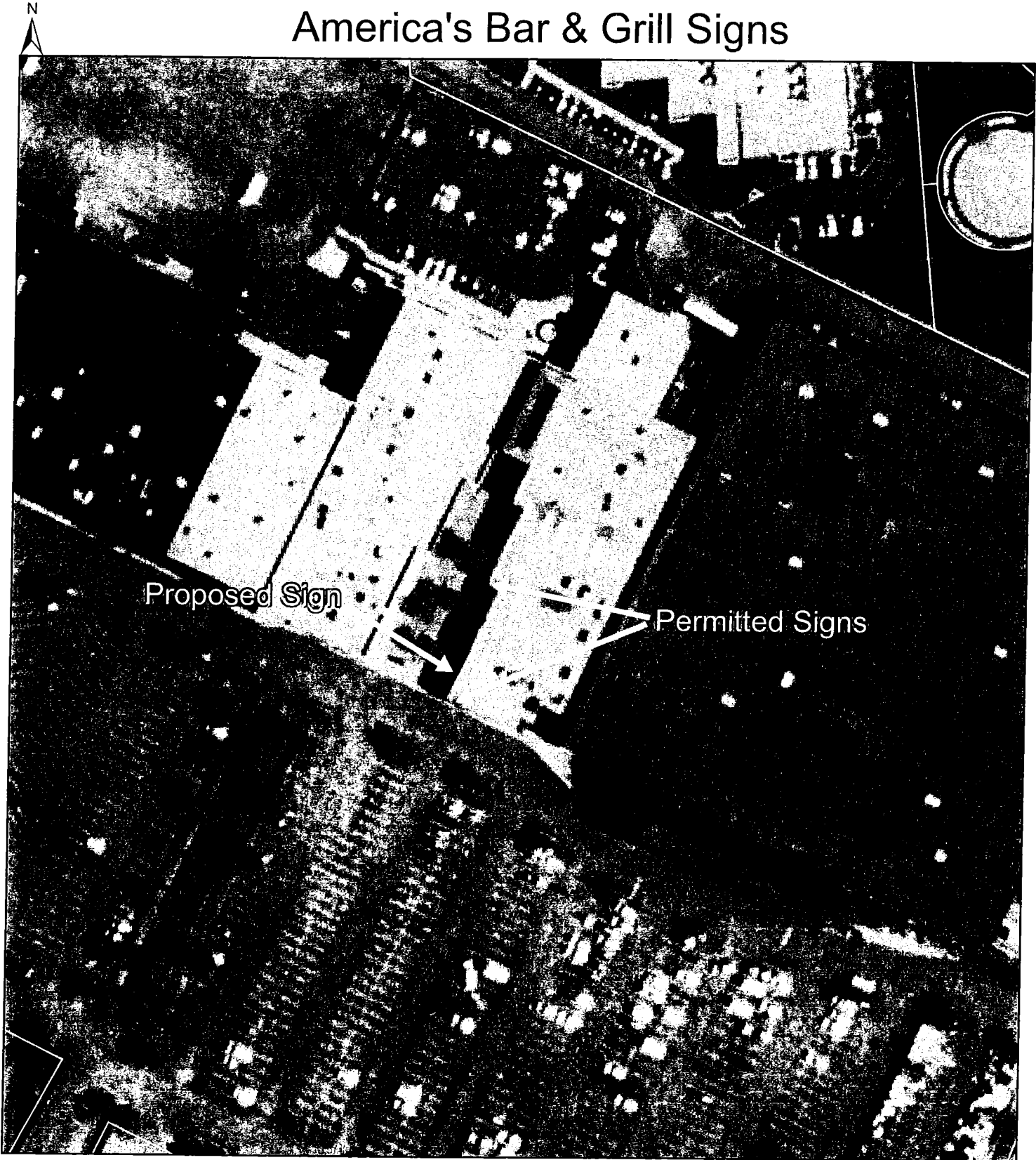
America's Bar & Grill  
Tenant Space

SUBJECT SITE



LDEN

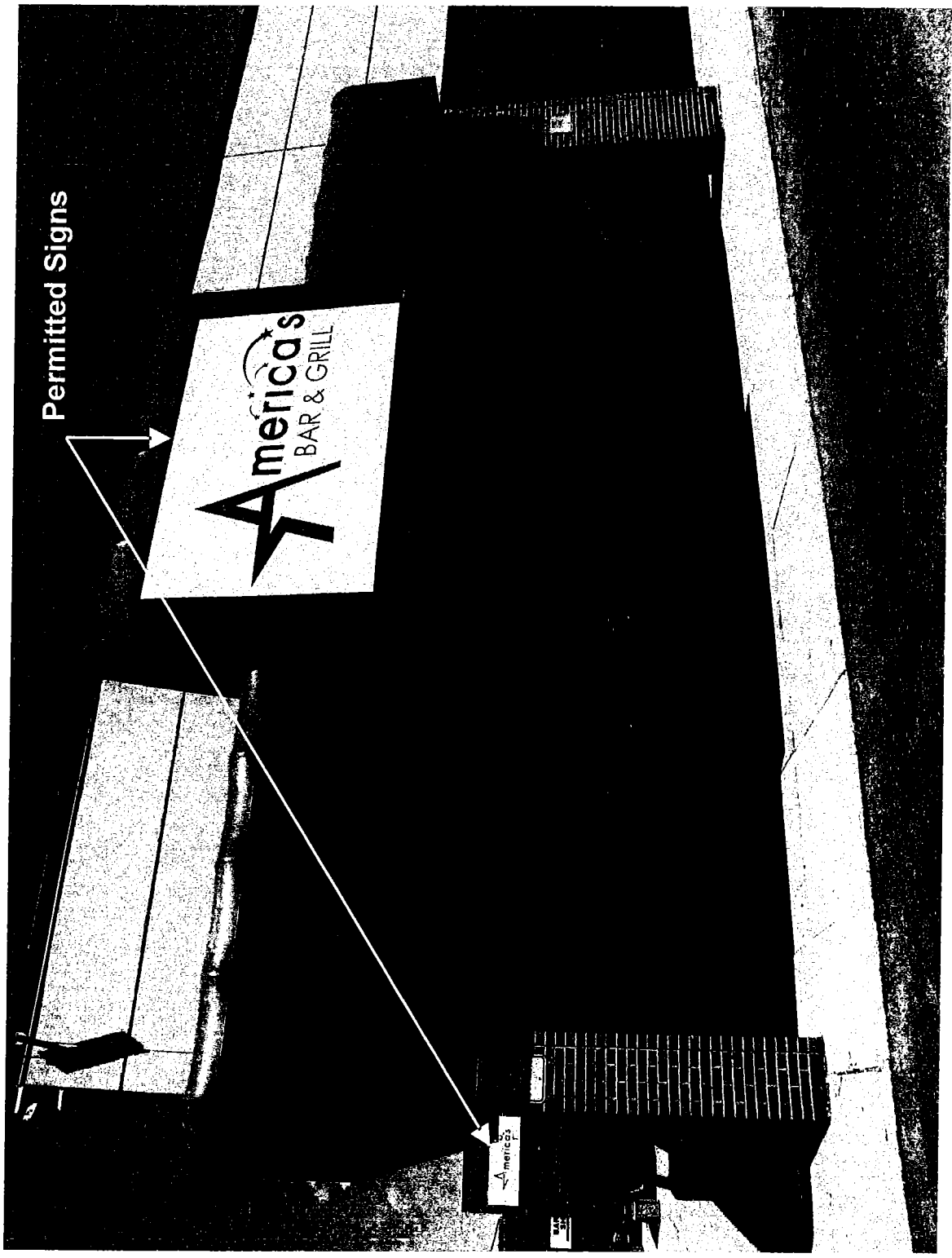
# America's Bar & Grill Signs



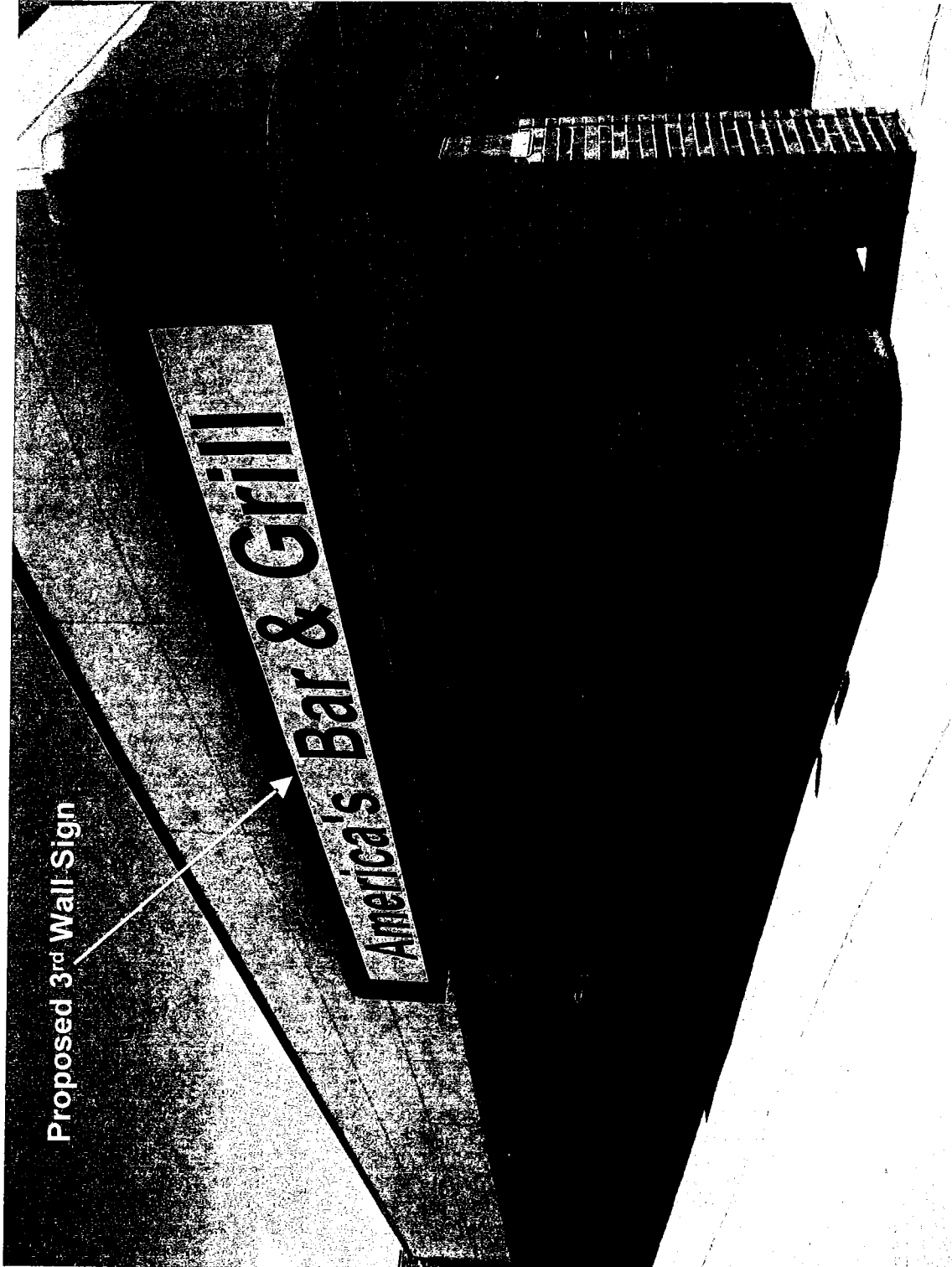
1 inch = 100 feet

Planning Division  
Village of Hoffman Estates  
May 2009

# America's Bar & Grill



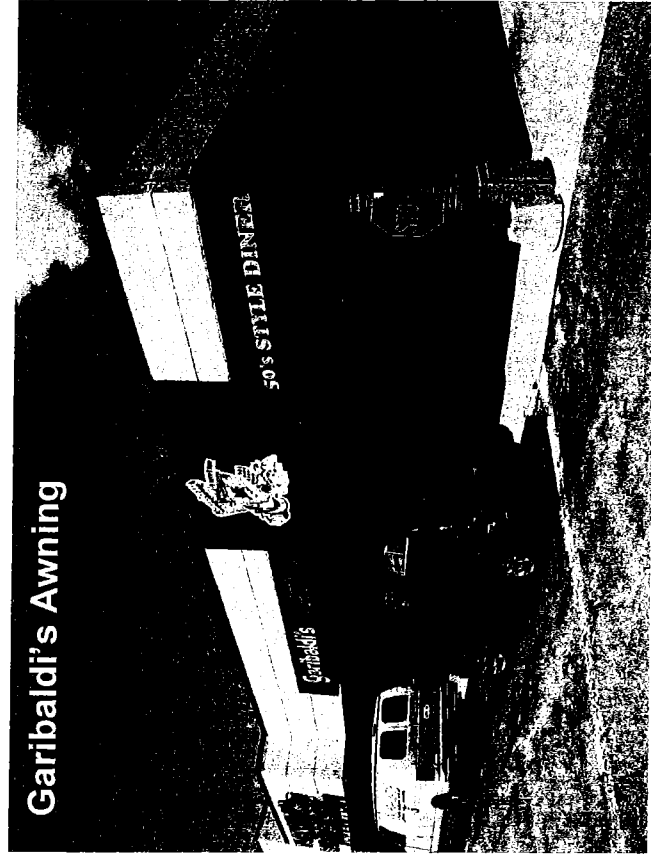
# America's Bar & Grill



Proposed 3rd Wall Sign

America's Bar & Grill

# America's Bar & Grill





VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

FINDING OF FACT

DATE OF PUBLIC HEARING: May 19, 2009

DATE OF PRESENTATION TO VILLAGE BOARD: June 1, 2009

PETITION: Hearing held at the request of Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant) to consider a special use amendment under the Zoning Code to permit the expansion of a day care/preschool facility on the property located at 2320 W. Higgins Road in the Barrington Square Mall.

DISTRICT IN WHICH PROPERTY IS LOCATED: B-2, Community Business District

ZONING CODE SECTION(S) FOR SPECIAL USE: 9-8-2-C-5

FINDING-OF-FACT: The Zoning Board of Appeals (ZBA) found that the Standards for a Variation (9-1-18-I) were met.

MOTION: Request to grant Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant) at 2320 W. Higgins Road, *a special use amendment under Section 9-8-2-C-5 of the Zoning Code to permit a 4,950 square foot expansion of a daycare center/preschool (to 12,133 sq. ft.) at 2320 W. Higgins Road in the Barrington Square Mall Shopping Center.* The following conditions shall apply:

1. Prior to issuance of a final certificate of occupancy for the expansion area, a copy of the Illinois DCFS occupancy approval shall be provided to the Village.
2. No drop-off or pick-up of children in traffic aisles within the shopping center shall be permitted. Adults dropping off and picking up a child shall park legally and accompany the child to and from the daycare center / preschool. The tenant shall monitor and manage where their customers and employees park to ensure that no customers stop/stand along the curb in the fire lanes when dropping off/picking up.

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends approval of this request.

Kimberly Bianchini, the operator of Advanced Preschool was present and testified that they have been in operation since 1998, have had several expansions over their ten year operation and have a spotless record with the Illinois Department of Children and Family Services (DCFS). They will be taking over tenant space formerly occupied by the Pediatric Place; hence, adding 4,950 square feet resulting in a total of 12,133 square feet. Currently the school has around 100 students at its peak which is expected to rise to 200-220 children with the expansion.

An expansion and upgrade of the outdoor play area to accommodate more children was included in a site plan amendment proposed separately by the property owner which includes the demolition of a Menards. This was handled by the Plan Commission. The school expansion is not contingent upon Menards demolition – soon, but no date has yet been set. During demolition the children will use an indoor play area.

The expansion will incorporate several state and federal programs such as Head Start and CEDA. They require a main entrance that is key-coded that monitors the comings and going of each individual parent. A new main entrance will utilize the prior Pediatric entrance.

There are no outside drop offs/pickups. Authorized adults (parents et al) are required to park legally, come in, escort their child to the classroom and sign the children in and out as well as touch base with the teachers.

With the expansion approximately 50 of the 90 parking spaces in the north lot (between the park and Blackberry Falls) are expected to be used. Also there is virtually unlimited parking in the main south lot.

#### AUDIENCE COMMENTS

None.

#### VOTE:

4 Ayes

0 Nays

3 Absent (Boomgarden, Wilson, Jehlik)

#### ZONING BOARD OF APPEALS

Chairman William Weaver

Vice-Chairman Ronald Jehlik

Denise Wilson

Michael Ciffone

Masoom Ali

Donna Boomgarden

Michael Gaeta

**\* IMMEDIATE AUTHORIZATION TO APPLY FOR PERMITS IS REQUESTED \***

**THIS SPECIAL USE WILL EXPIRE UNLESS ACTED UPON WITHIN  
ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

FINDING OF FACT WRITTEN BY CHAIRMAN WILLIAM WEAVER

# VILLAGE OF HOFFMAN ESTATES

## Memo

TO: William Weaver, Zoning Board of Appeals Chairman  
FROM: Josh Edwards, Assistant Planner *JAE*  
RE: 2320 W. HIGGINS ROAD - ADVANCE PRESCHOOL/DAYCARE -  
SPECIAL USE AMENDMENT FOR EXPANSION  
DATE: May 13, 2009  
HEARING DATE: May 19, 2009

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### 1. REQUEST SUMMARY

Handelsen Productemaatschappij Deshouw BV (Deshouw; property owner) and Advance Preschool Inc. (tenant) request approval of a special use amendment to permit expansion of a daycare center/preschool in the Barrington Square Mall Shopping Center at 2320 W. Higgins Road.

### 2. PETITIONER PROPOSAL

The petitioner currently operates a 7,183 square foot daycare center that serves children mostly between nine months and four years of age. The petitioner is proposing to expand the center by adding 4,950 square feet including two new infant classrooms, two new toddler classrooms, parent resource area and conference area, and a storage room. The school would be expanding into the tenant space formerly occupied by The Pediatric Place. The expansion will bring the total square footage to 12,133 square feet. The previous expansion approved the school to have, at its peak, 116 children on site. Currently the school typically has around 100 students at its peak. With the proposed expansion, this number is expected to rise to 200 - 220 children. An additional 10 to 12 staff would be added to meet State regulations. The number of children and staff will depend on the age ranges in the new classrooms, since the number of children allowed in a given space and the state mandated ratio of staff-to-child varies by the child's age.

The entrance to the daycare center will be moving from a doorway at the southern end of the existing space in the shopping mall courtyard to the doorway in the proposed expansion area facing the rear northern parking lot. Please see the enclosed staff exhibits.

The general operation of the daycare center is proposed to remain consistent with the original approval. Hours of operation are from 6:30 a.m. to 6:00 p.m. Children must be signed in and out by a parent or guardian. The petitioner has added an upgraded security system to the facility since it opened.

An expansion and upgrade in equipment is proposed to the outdoor play area to accommodate more children. The play area expansion is included in a Site Plan Amendment proposed separately by the property owner, which includes the demolition of the vacant Menard's tenant space. The Plan Commission will consider that proposal at their May 20, 2009 meeting. The rear service area of the Menard's east of the play area will be demolished. Please see the enclosed staff photos.

A copy of the Finding of Fact is attached from the original special use hearing in 1998 and from 2004 and 2006 expansions.

### 3. SITE CONDITIONS

- a) The Barrington Square Mall Shopping Center site is zoned B-2, Community Business District.
- b) The tenant is located in the interior area of the shopping center.
- c) The required outdoor play area is located to the rear (northeast side) of the facility and is separated from rear service activities by a fence and landscaping.
- d) Properties located north, west, and south of the Barrington Square Shopping Center are zoned B-2 (Community Business District). The properties to the east of the shopping center are zoned A-1 (Apartment District).

### 4. APPLICABLE REQUIREMENTS

Section 9-8-2-C-5 (page CD9:126) states that a nursery school or daycare center may be allowed as a special use.

### 5. RELEVANT SPECIAL USE HISTORY

- a) Ordinance 3037-1998 granted Advance Preschool, Inc. special use approval to operate a daycare center at 2320 West Higgins Road.
- b) Ordinance 3638-2004 granted Advance Preschool, Inc. a special use amendment for an expansion at 2320 W. Higgins Road (to 4,505 square feet).
- c) Ordinance 3838-2006 granted Advance Preschool, Inc. a special use amendment for an expansion at 2320 W. Higgins Road (to 7,183 square feet).

## 6. ADJACENT OWNER COMMENTS

Standard notification letters have been mailed. As of this writing, no comments have been received.

## 7. IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT(S)

The petitioner has requested an Immediate Authorization to Apply for Permits.

## 8. DEVELOPMENT SERVICES COMMENTS

### Parking

No parking-related problems have been identified with the operation of the existing facility since it opened in 1998, including the recent expansion to more than 100 students. However, this expansion would essentially double the parking demand of the existing school as the peak number of children would double. An increase in employee parking demand of 10 to 12 cars could also be anticipated with this expansion. Several new parking spaces will be created east of the school in the rear service area after the demolition of Menard's. These spaces are expected to be used by employees, although most employees would continue to use the front or rear customer parking lots.

There are 70 spaces in the parking lot immediately adjacent to Advance Preschool in the rear of the shopping center. There are several hundred spaces in the main parking lot. This expansion will relocate the customer entrance of the school north toward the rear parking lot, making the rear parking lot more convenient (in terms of walking distance) than the front parking lot.

Staff observed the rear parking lot during the morning and evening hours. In the morning, between 7 and 15 cars were parked in the rear lot between 7:30-8:30 p.m. In the evening, between 14 and 18 cars were parked in the rear lot prior to 5:00 p.m. and the peak number of cars reached approximately 25 cars between 5:00-6:00 p.m. The period of time that any given parent is parked is typically 3-10 minutes, which helps to lower the total number of cars.

If the number of cars parked in the rear parking lot were to double at the peak time, the number of cars would reach approximately 50 cars in the 70 spaces. The tenant will need to monitor and manage where their customers and employees park to ensure that no customers stop/stand along the curb in the fire lanes when picking up/dropping off. Condition #2 below will require the tenant to do so.

Nearby tenant vacancies in the courtyard could also be filled, which would fill additional parking spaces in the rear parking lot. The parking supply would be reviewed again at such time as these vacancies are filled.

As part of any redevelopment of the shopping center, the property owner will need to analyze parking on the entire site to ensure adequate spaces exist in necessary locations. This parking review will occur as part of the site plan process.

Condition #1 recommended below was included in the original approval and the expansions of the business in 2004 and 2006.

9. **MOTION**

Should the Zoning Board find that the Standards for a Special Use are met, the following motion is provided with two conditions:

A special use amendment under Section 9-8-2-C-5 of the Zoning Code to permit a 4,950 square foot expansion of a daycare center/preschool (to 12,133 sq. ft.) at 2320 W. Higgins Road in the Barrington Square Mall Shopping Center.

The following conditions are recommended:

1. *Prior to issuance of a final certificate of occupancy for the expansion area, a copy of the Illinois DCFS occupancy approval shall be provided to the Village.*
2. *No drop-off or pick-up of children in traffic aisles within the shopping center shall be permitted. Adults dropping off and picking up a child shall park legally and accompany the child to and from the daycare center / preschool. The tenant shall monitor and manage where their customers and employees park to ensure that no customers stop/stand along the curb in the fire lanes when dropping off/picking up.*

cc: Corporation Counsel, D. O'Malley, D. Plass, R. Norton, Petitioner

VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

**COPY**

FINDING OF FACT

DATE OF PUBLIC HEARINGS: May 18, 2004

DATE OF PRESENTATION TO VILLAGE BOARD: June 7, 2004

PETITION: Hearing held at the request of Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant) to consider a special use amendment under the Zoning Code to permit the expansion of a day care/preschool facility on the property located on the north side of Higgins Road approximately 2,640 feet east of Barrington Road, commonly known as 2320 W. Higgins Road in the Barrington Square Mall.

DISTRICT IN WHICH PROPERTY IS LOCATED: B-2, Community Business District

ZONING CODE SECTION(S) FOR SPECIAL USE: 9-8-2-C-6

FINDING-OF-FACT: The Zoning Board of Appeals (ZBA) found that the Standards for a Special Use (9-1-18-I) were met.

MOTION: Request to grant Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant), *a special use amendment under Section 9-8-2-C-6 of the Zoning Code to permit the expansion of a day care center/preschool located at 2320W. Higgins Road in the Barrington Square Mall.* The following conditions shall apply:

1. Prior to issuance of a final certificate of occupancy for the expansion area, a copy of the Illinois DCFS occupancy approval shall be provided to the Village.
2. No drop-off or pick-up of children in traffic aisles within the shopping center shall be permitted. Adults dropping off and picking up a child shall accompany the child to and from the day care center/preschool.

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends approval of this request.

Kimberly Bianchini, one of the owners of Advance Preschool, was present. They are the tenants of the space requesting the special use. Handelsen Productemaatschappij Deshouw BV are the owners of the Barrington Square Mall. Caruso Real Estate is their agent/broker. Caruso provided staff a letter allowing representatives of Advance Preschool permission to speak at the hearing on the behalf of the owner of the mall.

Advance Preschool has been operating a child care facility from this location since 1998 at which time they applied for and received a special use permit to operate a nursery school/day care. They are currently occupying 3,400 square feet of leased space and are proposing to expand the facility an additional 1,105 square feet. The existing facility currently serves up to 56 children aged 2 years of age to 8 years old. The expansion will allow Advance Preschool to provide day care for children aged 15 months to 24 months in age.

Advance Preschool is currently licensed by the Department of Children and Family Services (DCFS) for the current facility and will be seeking an occupancy approval and expansion of their license from DCFS to care for the 15 month to 24 month old children. The additional 1,105 square feet will allow them to care for 14 children in this age group.

As part of the expansion, Advance Preschool will be revising the existing floor plan. This revision will give them exclusive control of the hallway leading to the play area that was constructed with the initial build-out.

Ms. Bianchini stated that Advance Preschool has been a recipient of "Quality Count" grants two years in a row. According to Ms. Bianchini about 1/3 of the patrons from her facility use government vouchers and many of them are residents of Hoffman Estates. The facility charges current market rates for day care and also accepts government vouchers for the care.

**AUDIENCE PARTICIPATION/COMMENTS**

None.

**VOTING**

7 Ayes

**ZONING BOARD OF APPEALS**

Vice-Chairman Joel Koenig

Jerome Lewandowski

William Weaver

Ronald Jehlik

Denise Wilson

Jackie Green

Michael Ciffone

**\* IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT IS REQUESTED \***

**THIS SPECIAL USE WILL EXPIRE UNLESS ACTED UPON WITHIN  
ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

**FINDING OF FACT WRITTEN BY VICE-CHAIRMAN JOEL KOENIG**



VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

**COPY**

FINDING OF FACT

DATE OF PUBLIC HEARING: June 6, 2006

DATE OF PRESENTATION TO VILLAGE BOARD: June 19, 2006

PETITION: Hearing held at the request of Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant) to consider a special use amendment under the Zoning Code to permit the expansion of a day care/preschool facility on the property located on the north side of Higgins Road approximately 2,640 feet east of Barrington Road, commonly known as 2320 W. Higgins Road in the Barrington Square Mall.

DISTRICT IN WHICH PROPERTY IS LOCATED: B-2, Community Business District

ZONING CODE SECTION(S) FOR SPECIAL USE: 9-8-2-C-6

FINDING-OF-FACT: The Zoning Board of Appeals (ZBA) found that the Standards for a Special Use (9-1-18-I) were met.

MOTION: Request to grant Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant), *a special use amendment under Section 9-8-2-C-6 of the Zoning Code to permit the expansion of a day care center/preschool located at 2320 W. Higgins Road in the Barrington Square Mall.* The following conditions shall apply:

1. Prior to issuance of a final certificate of occupancy for the expansion area, a copy of the Illinois DCFS occupancy approval shall be provided to the Village.
2. No drop-off or pick-up of children in traffic aisles within the shopping center shall be permitted. Adults dropping off and picking up a child shall accompany the child to and from the day care center/preschool.

**The petitioner was agreeable to the above listed conditions.**

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends approval of this request.

Kimberly Bianchini, owner of Advance Preschool was present. She is proposing an expansion to the existing facility. The school currently serves 71 children ages 15 months to 8 years old with four fully operational classrooms. The proposed expansion will be broken into two classrooms. One will be for 30 school-age children before and after school during the school year and full day on holidays and summer breaks. The other will hold 15 toddlers, ages 9 months to 24 months old. Additional space will be for a corridor, a waiting area and a conference room. A survey was sent to the surrounding community as to what they feel the needs of the community are and a before and after school program is definitely a high priority.

The capacity will increase to 116 children, ages 9 months to 12 years old. Three new full time staff members will be hired and a total of six new employees due to the fact that they are open 11½ hours during the day. They currently have a waiting list of approximately 15 students of various ages that are interested in the facility.

The hours of operation will remain at 6:30 a.m. to 6:00 p.m. Parents are required to escort their children to and from the facility and sign them in and out.

The school has been in operation for over seven years. The facility has maintained a spotless record with the Department of Children and Family Services. DCFS sent a letter to follow up on their most recent inspection of the facility and DCFS commended Ms. Bianchini for doing a fine job with the school and the children. The school has won the Quality Counts Grant for three years in a row. This grant recognizes facilities in Illinois for quality in education. The expansion of the facility will allow them to participate in Governor Blagojevich's Preschool for All Program since they are one of the facilities chosen for that funding.

Ms Bianchini, as the director of the school, has been selected to receive the Illinois Director Credential which currently has only six participants in the program.

#### **AUDIENCE COMMENTS**

None.

#### **VOTING**

7 Ayes

#### **ZONING BOARD OF APPEALS**

Chairman Joel Koenig  
Vice-Chairman William Weaver  
Ronald Jehlik  
Denise Wilson  
Jackie Green  
Michael Ciffone  
Masoom Ali

**\* IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT IS REQUESTED \***

**THIS SPECIAL USE WILL EXPIRE UNLESS ACTED UPON WITHIN  
ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

**FINDING OF FACT WRITTEN BY JACKIE GREEN**

VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

REQUEST FOR SPECIAL USE HEARING

FOR VILLAGE USE ONLY

Hearing Fee \$ 400.00 Date Paid 4/24/09 Received By J. EDWARDS  
Hearing Date: 5/19/09 Time: 1:40pm Legal Published  
5/14/09  
Receipt Number 290507 Check No. 1887 Zoning District B-2

PLEASE PRINT OR TYPE

1. Name of Property Owner(s)\* DE SCHOUW B.V.  
E-Mail Address OFFICE@CARUSODEVELOPMENT.COM Fax 866-690-5836  
Owner's Address 2314 W. HIGGINS RD Phone (847)885-4160  
City HOFFMAN ESTATES State IL Zip 60194

Subject Property's Address (if different than #1): \_\_\_\_\_

2. Person applying if other than owner:\*

Name Kimberly Bianchini Company Advance Preschool  
E-Mail Address Advancepreschool@spcglobal.net Fax 847-885-4984  
Address 2320 W. Higgins Phone 847-885-4983  
City Hoffman Estates State IL Zip 60169

3. Property Index Number (PIN) 07-07-200-259-0000

5. Please describe the proposed use, or attach a letter.

Please see attached letter.

\* If "owner" is an entity other than an individual(s), then an Economic Disclosure Statement must also be filed.

6. **An Immediate Authorization to Apply for Permits** allows the Code Enforcement Division to begin the building permit review process prior to the adoption of the Ordinance by the Village Board. The Immediate Authorization makes it possible for you to expedite the plan review process by approximately two weeks. Contact the Code Enforcement Division at 847/781-2631 to discuss the building permit application and review process.

Please check one of the following

Yes, I request Immediate Authorization to Apply for Permits upon approval of my application by the Village Board, allowing me to begin the building permit review process prior to adoption of the Ordinance approving my special use.

Or

No, I do not request Immediate Authorization to Apply for Permits.

7. **I, the undersigned**, certify the information and submissions provided accurately represent the current conditions and proposed improvement(s) requiring a special use.

Owner's Signature Joseph A Caruso (dd) (AS AGENT FOR OWNERS)

Name (Please Print) JOSEPH A CARUSO

Applicant's Signature Kimberly Bianchini

Name (Please Print) Kimberly Bianchini

All requests for a hearing must be accompanied by the items required according to the nature of the request. All fees must be paid before Zoning Board can hear any case. Any additional fees must be paid before any findings or reports are given to the Village Board.

ADVANCE PRESCHOOL, INC.  
2320 W. HIGGINS ROAD  
HOFFMAN ESTATES, IL 60169  
847-885-4983

April 20, 2009

Village of Hoffman Estates  
Zoning Board of Appeals  
Municipal Center  
1900 Hassell Rd.  
Hoffman Estates, IL 60195

Dear Sir or Madame,

After extensive preparation Advance Preschool Inc. would like to formally request an approval for expansion. At this time our facility is prepared to incorporate an additional 4950 square feet into our current floor plan. This square footage will accommodate two infant classrooms as well as two toddler classrooms. It will also be used to develop a parent resource area a parent conference room and a children's clothing closet. Please review the attached floor plan to become familiar with our goals.

As you know Advance Preschool Inc. has successfully completed four expansions and has been in operation for 10 years. During that time our program has won many State accolades and services 120 families by providing them with quality childcare at affordable pricing. Current programming does include Preschool for All, Early Childhood Developmental Education Center Classes and Early Intervention Curriculum.

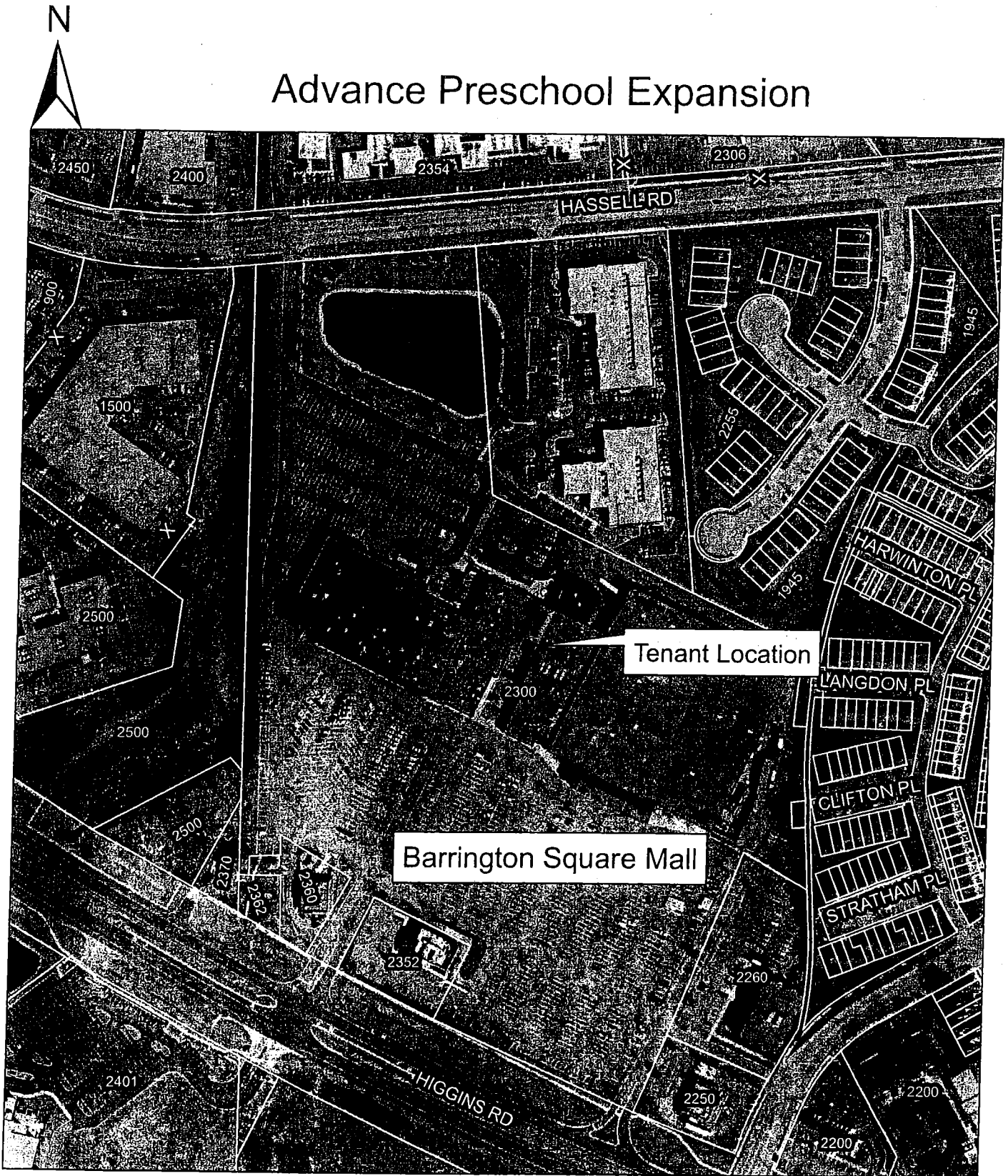
At this time we have initiated CEDA Services as well to expand the services our facility will be able to provide.

We hope that our previous projects will reflect positively on your decision to approve this proposal and we look forward to continued growth in the Village of Hoffman Estates.

Sincerely

Kimberly A. Bianchini  
Director

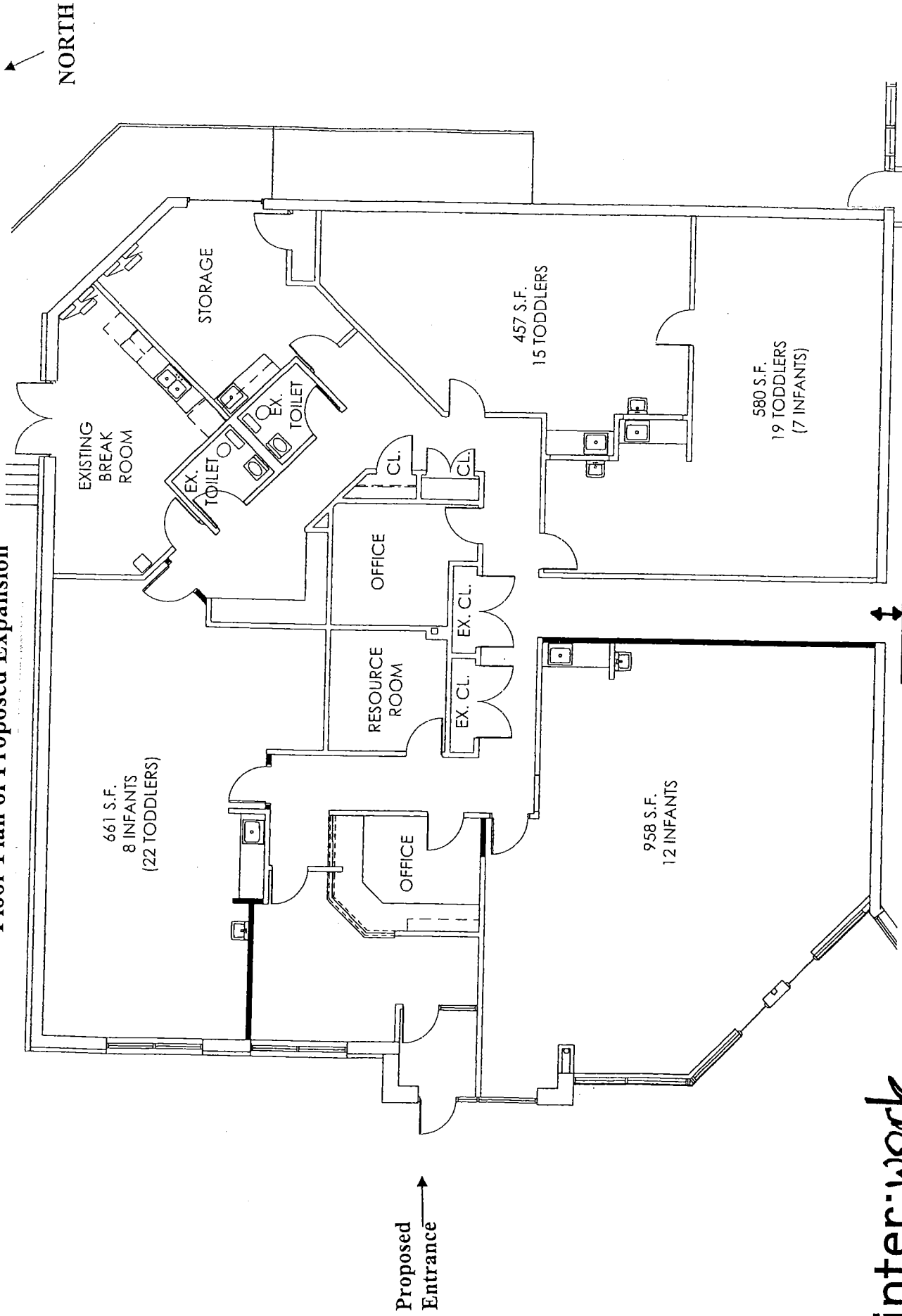
# Advance Preschool Expansion



1 inch equals 250 feet

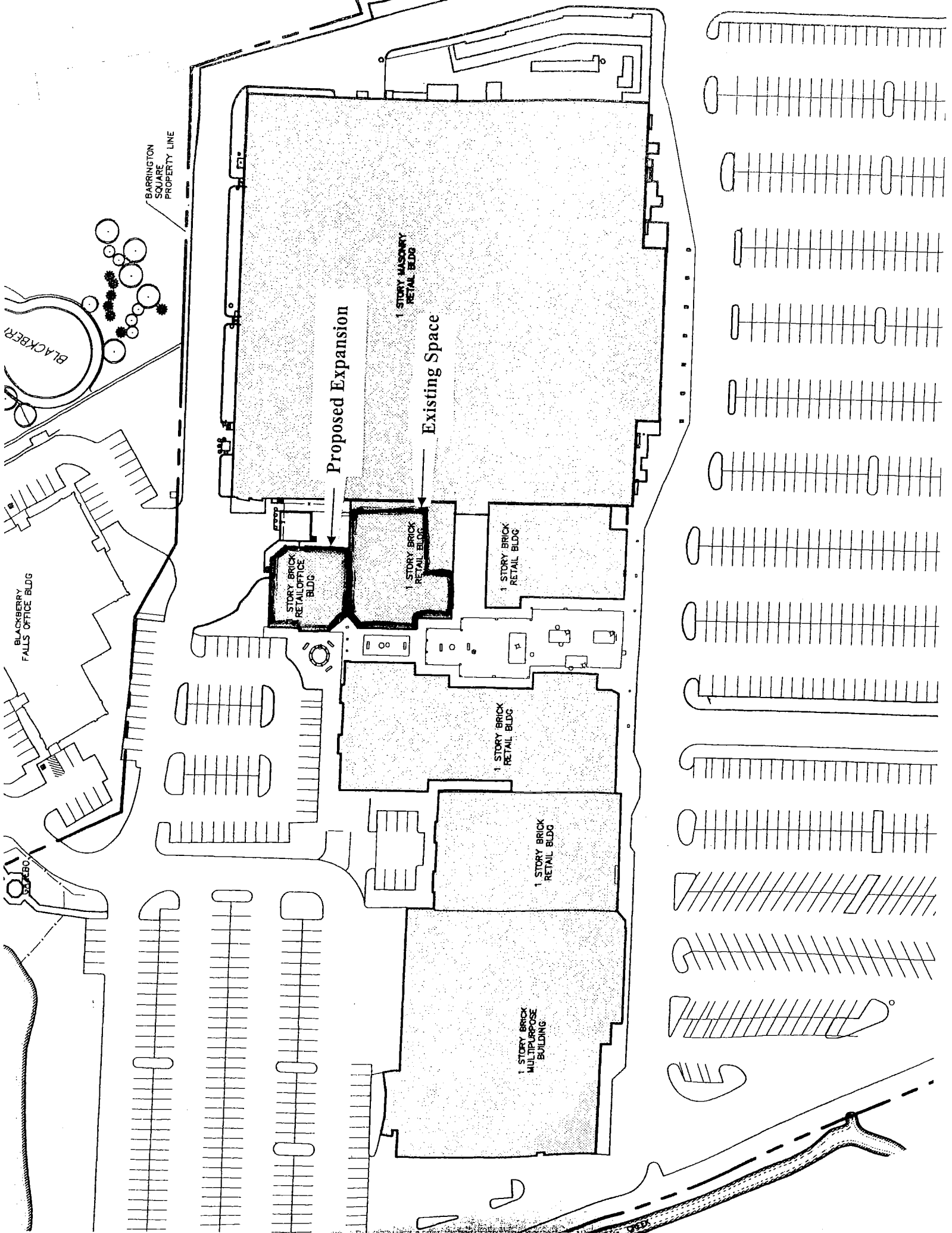
Planning Division  
Village of Hoffman Estates  
June 2006

# Floor Plan of Proposed Expansion



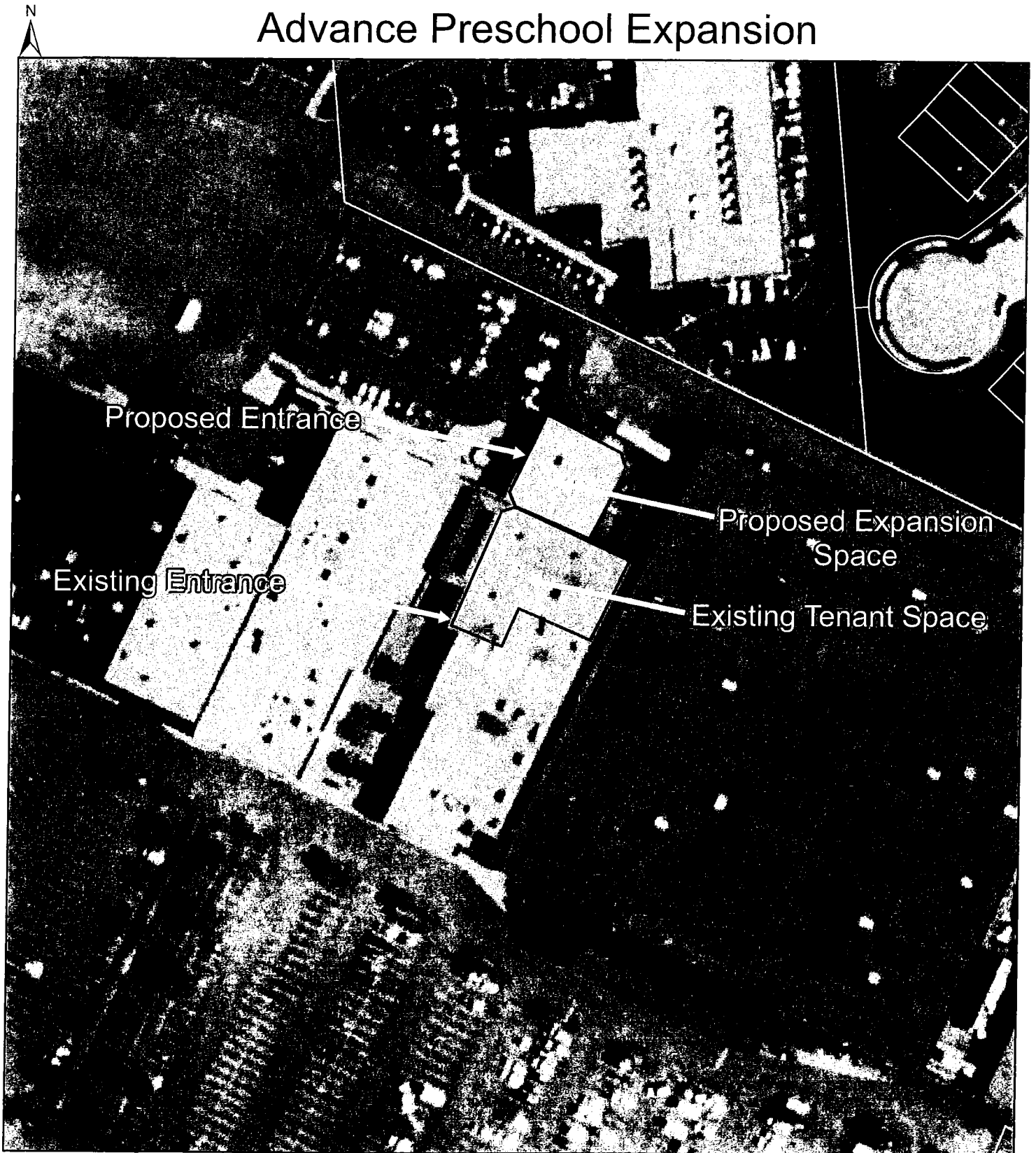
**inter:work**  
 architects  
 interwork architects incorporated  
 1200 sherner rd. northbrook, il 60062  
 t: 847.509.4070 f: 847.509.7604  
 www.interworkarchitects.com

PROJECT ADVANCE PRESCHOOL EXPANSION @ BARRINGTON SQUARE  
 TITLE SPACE PLAN DATE 04.23.09  
 PROJ NO 9705.017.002 REV 1 SHEET SK-1.1





# Advance Preschool Expansion

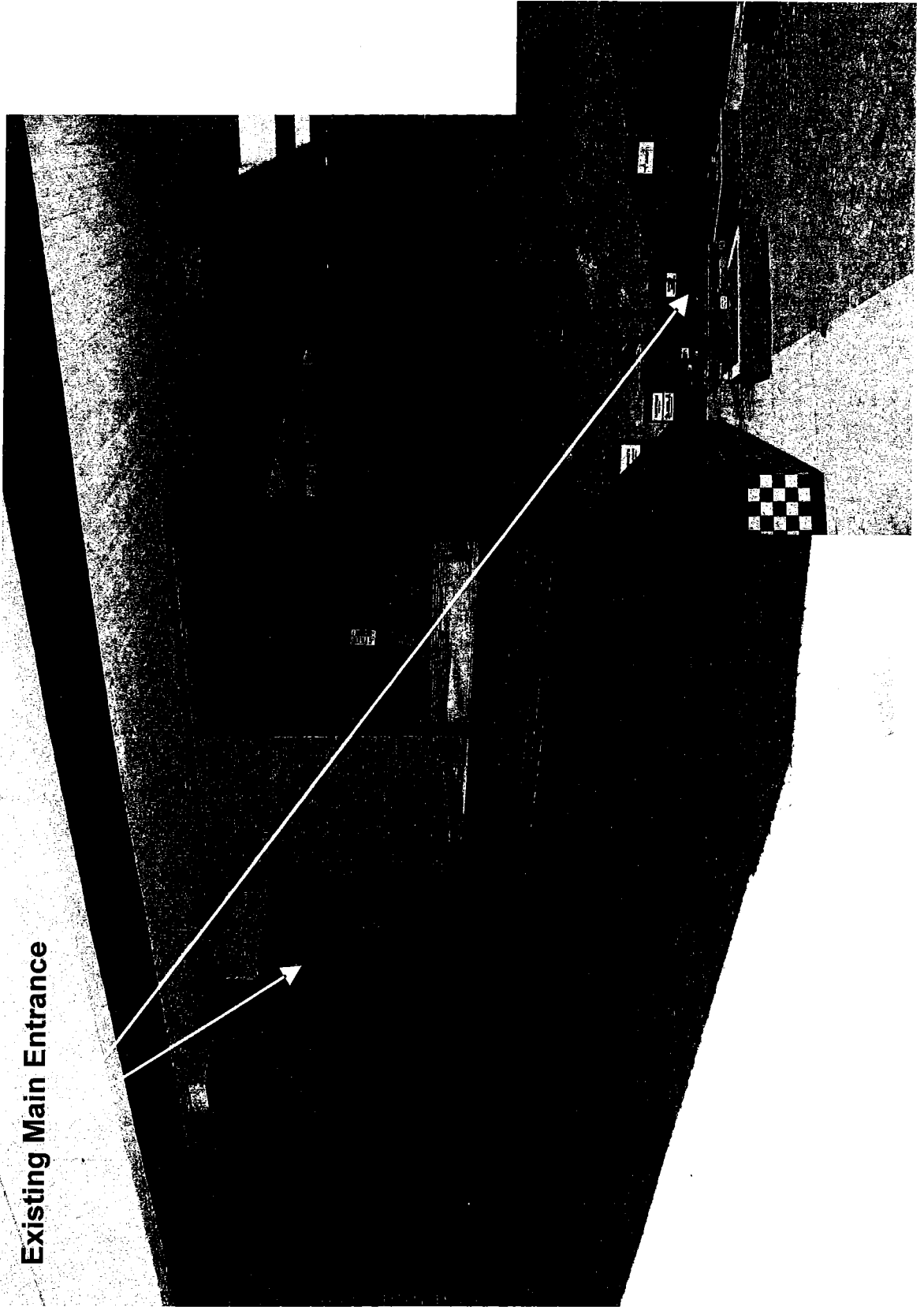


1 inch = 100 feet

Planning Division  
Village of Hoffman Estates  
May 2009

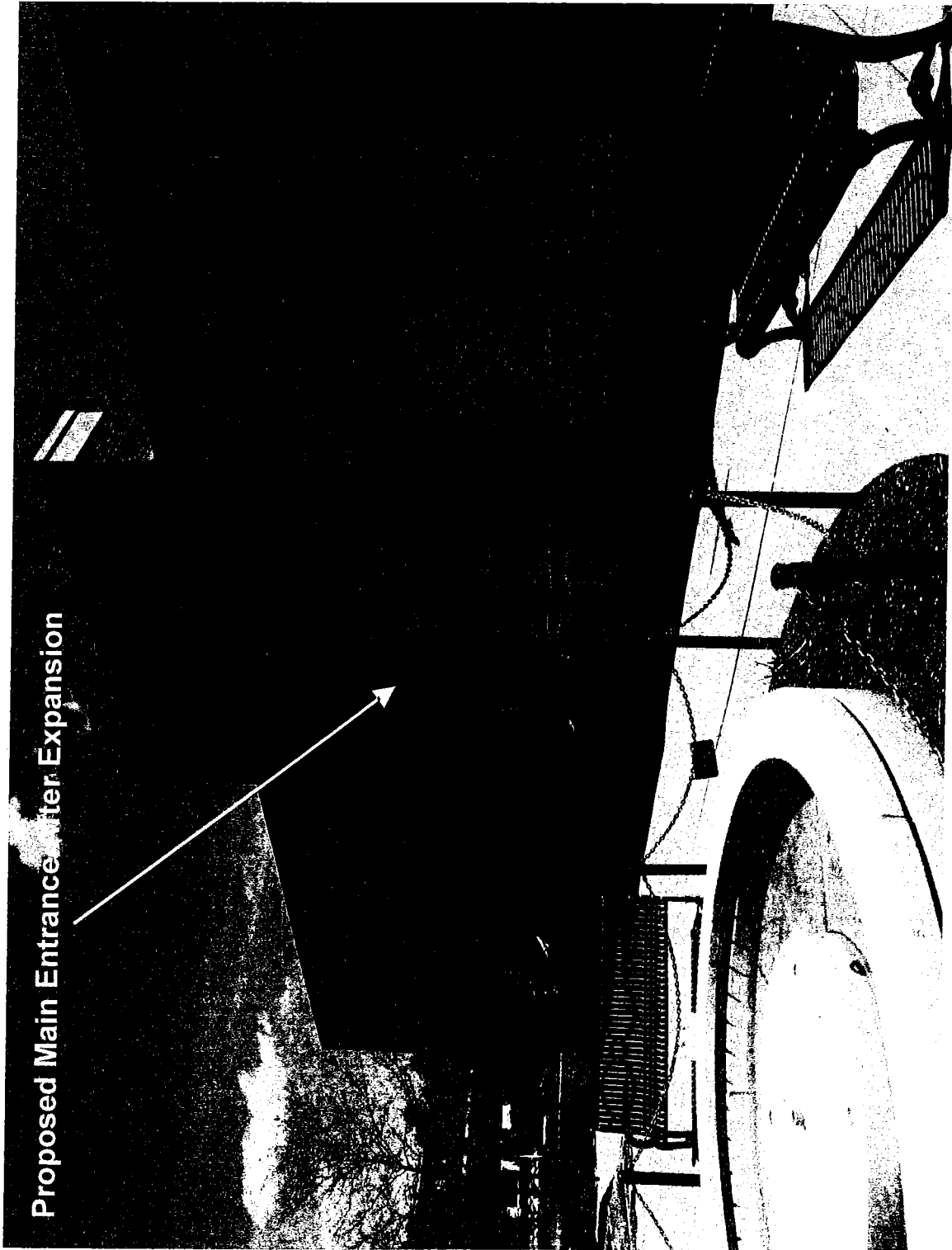
# Advance Preschool

Existing Main Entrance

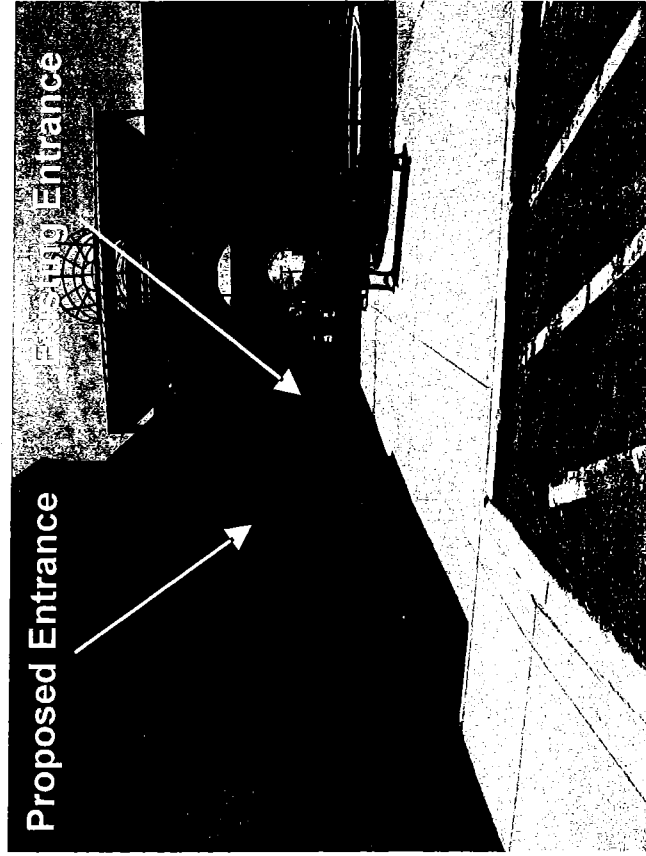


# Advance Preschool

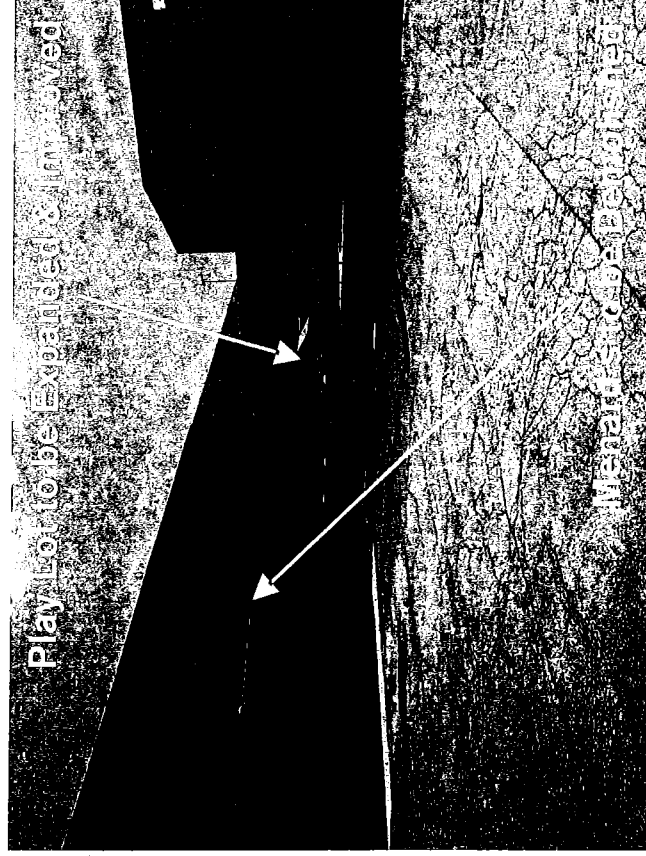
Proposed Main Entrance After Expansion



# Advance Preschool



Looking South



Looking South

VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS

FINDING OF FACT

DATE OF PUBLIC HEARING: May 19, 2009

DATE OF PRESENTATION TO VILLAGE BOARD: June 1, 2009

PETITION: Hearing held at the request of Canterbury Fields Condo Association to consider variations from the Zoning Code to permit signage on the property located at the northwest corner of Shoe Factory Road and Delaney Drive.

DISTRICT IN WHICH PROPERTY IS LOCATED: R-10, Attached Single Family Residential District

ZONING CODE SECTION(S) FOR VARIATION(S): 9-3-8-L-4

FINDING-OF-FACT: The Zoning Board of Appeals (ZBA) found that the Standards for a Variation (9-1-15-C) were **not** met.

MOTION: Request to grant Canterbury Fields Condo Association *a variation from Section 9-3-8-L-4 to permit a one-sided residential subdivision identification sign ("Canterbury Fields of Hoffman Estates") to be installed on the northwest corner of Shoe Factory Road and Delaney Drive and for the sign to be illuminated.* The following conditions shall apply:

1. As part of the final Village inspection of the sign illumination, at the direction of Code Enforcement staff, the petitioner shall adjust the lights to ensure glare will not be evident on surrounding property and/or adjacent streets.
2. The sign illumination shall be turned off and not operated between the hours of 11:00 p.m. and 6:00 a.m.

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends **denial** of this request.

The petitioner, Mr. Quattrochi (property manager for Canterbury Fields Condominium Association) is requesting to add a monument sign on the west side of Delaney Drive and Shoe Factory Road. There are two existing illuminated signs for Canterbury Fields Condominium Association at the main entrance of Maureen Drive and Shoe Factory Road and both signs are very attractive. The petitioner claims there is a safety issue; the traffic traveling the speed limit on Shoe Factory Road comes over a hill quickly and the entrance to Delaney Drive is right there. The ZBA noted that this sign will direct subdivision traffic away from the main entrance which is not desirable.

The Zoning Code permits a sign at two separate entrances when there is an 80 foot right-of-way. In this case, Delaney Drive is only a 66 foot right-of-way.

The ZBA did not support this request.

AUDIENCE COMMENTS

None.

VOTE:

2 Ayes (Ali, Weaver)  
2 Nays (Ciffone, Gaeta)  
3 Absent (Boomgarden, Wilson Jehlik)

ZONING BOARD OF APPEALS

Chairman William Weaver  
Vice-Chairman Ronald Jehlik  
Denise Wilson  
Michael Ciffone  
Masoom Ali  
Donna Boomgarden  
Michael Gaeta

**\* IMMEDIATE AUTHORIZATION TO APPLY FOR PERMITS IS REQUESTED \***

**THIS VARIATION WILL EXPIRE UNLESS ACTED UPON WITHIN  
ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

FINDING OF FACT WRITTEN BY MICHAEL GAETA

# VILLAGE OF HOFFMAN ESTATES

## Memo

TO: William Weaver, Zoning Board of Appeals Chairman  
FROM: Josh Edwards, Assistant Planner JAE  
RE: REQUEST BY CANTERBURY FIELDS CONDO ASSOCIATION FOR  
SIGN VARIATIONS FOR A ONE-SIDED SUBDIVISION  
IDENTIFICATION SIGN AT THE DELANEY DRIVE ENTRANCE TO  
THE CANTERBURY FIELDS SUBDIVISION

DATE: May 13, 2009  
HEARING DATE: May 19, 2009

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### 1. REQUEST SUMMARY

The petitioner requests approval of variations to permit the installation of a one-sided subdivision identification sign at the Delaney Drive entrance to the Canterbury Fields subdivision and for the sign to be illuminated.

### 2. BACKGROUND

The Canterbury Fields subdivision was approved by the Village Board in 2001 and includes 55 condominium buildings and 271 units. Canterbury Fields has two entrances from Shoe Factory Road; one at Maureen Drive and the other at Delaney Drive. Two subdivision signs exist at the Maureen Drive entrance and no signs exist at the Delaney Drive entrance.

### 3. PETITIONER PROPOSAL

The petitioner is proposing to install a one-sided subdivision identification sign at the northwest corner of Shoe Factory Road and Delaney Drive to identify this intersection as an entrance to the Canterbury Fields subdivision. The Zoning Code does not permit a sign at this location because the Delaney Drive right-of-way is less than the minimum required 80 feet.

The proposed wood panel sign is 18.7 square feet (7 feet wide by 2 feet 8 inches high) and would be mounted to two wooden posts. The posts are narrow enough to not be included in the sign surface area. The sign is approximately 5 feet high at the top of the posts and would be set back approximately 20 feet from the property line along

Delaney Drive. The sign size, height, and zoning setback comply with the zoning requirements. The petitioner is requesting a variation to allow the sign to be illuminated.

4. **SITE CONDITIONS**

- a) The subject property is zoned R-10, Attached Single Family Residential District, and is approximately 47 acres.
- b) To the west of Canterbury Fields are single family houses in the City of Elgin. To the north is an undeveloped parcel and future park zoned R-1, One Family Residential District, beyond which is a ComEd substation. To the east is Haverford Place zoned RAA, Residential Active Adult. To the south across Shoe Factory Road is Canterbury Farms zoned R-6, One Family Residential District.

5. **APPLICABLE REQUIREMENTS**

Section 9-3-8-L-4 *Residential Subdivision Identification Sign* (p. CD9:47) states that the property may have one permanent identification sign at a maximum of two entrances, one each at the entrances at Maureen Drive and Delaney Drive. However, a sign is permitted only at the intersection of two rights-of-way each of which is 80 feet or more in width. The Delaney Drive right-of-way is less than 80 feet in width, therefore a subdivision identification sign in this location requires a variation. A subdivision identification sign shall be a maximum of 96 square feet, a maximum six feet in height, set back a minimum 10 feet from any property line, and shall not be illuminated.

6. **VARIATION HISTORY**

**Subject Property Variations**

Ordinance 3325-2001 – Shoe Factory Road & Maureen Drive – Ryland Homes – The Village Board approved a variation to permit a second residential subdivision identification sign where one is permitted and approved a 222 square foot variation to allow a 270 square foot monument sign with a text area not greater than 43 square feet. This ordinance also approved a decorative fence in a front yard to be 112 feet long instead of the maximum permitted 8 feet and to allow a decorative fence in a front yard to be 76 feet long instead of the maximum permitted 8 feet.

**Similar Variations**

**Approved**

- a) Ordinance 3286-2001 – Canterbury Farms (Shoe Factory Road & Maureen Drive) – Ryland Homes – The Village Board approved a variation to permit a second residential subdivision identification sign where one is permitted and approved a 222 square foot variation to allow a 270 square foot monument sign with a text area not greater than 43 square feet.



- b) Ordinance 3324-2001 – Highland Woods (Algonquin Road & Ela Road) – Highland Woods Homeowners Association – The Village Board approved a variation to illuminate a residential subdivision identification sign previously permitted by Ordinance 1903-1987.
- c) Ordinance 3442-2002 – 1658 Foltz Drive, Hilldale Green (Huntington Boulevard & Della Drive) – Homeowners Association – The Village Board approved a variation to permit a residential subdivision monument sign where one right-of-way is 66 feet in width instead of the required 80 feet in width.
- d) Ordinance 3528-2003 - Haverford Place (Shoe Factory Road & Eaton Road; Essex Drive & Haverford Way) – Ryland Homes – The Village Board approved variations to permit two signs at each intersection to be located at rights-of-way where one of which is not 80 feet or more in width, and to allow the two signs to be 144.66 square feet each, (96 square feet permitted), with a text area not to exceed 36.5 square feet and to allow a 1 foot height variation to permit the signs to be 7 feet high instead of the maximum allowed 6 feet.
- e) Ordinance 3690-2004 – Yorkshire Woods Subdivision (McDonough Road & Nicholson Drive; McDonough Road & Heron Way) - Dartmoor Homes – The Village Board approved variations to permit four (4) residential subdivision identification signs instead of one (1) at intersections where the right-of-way is 66 feet (minimum 80 feet required) and to allow the signs to be 115 square feet each (96 square feet permitted) with the text area not to exceed 11 square feet.
- f) Ordinance 3920-2007 & 3921-2007 – Beacon Pointe Subdivision (Essex Drive & Beacon Pointe Drive; Essex Drive & Chatham Drive) – Ryland Homes – The Village Board approved variations to permit four (4) residential subdivision identification signs instead of one (1) at intersections where the right-of-way is 66 feet (minimum 80 feet required) and to allow the signs to be 152 square feet each (96 square feet permitted), 9 feet 8 inches in height (maximum 6 feet permitted), with the text area not to exceed 6 square feet. The signs at the Beacon Pointe Drive entrance were granted variations to be set back 2 feet 6 inches, and the signs at the Chatham Drive entrance were granted variations to be set back 7 feet (minimum 10 feet required).

No Action by Village Board

Kimball Hill Homes – 2004 – White Oak (Shoe Factory Road & Rohrsen Road) – The Village Board denied a site plan amendment request, which included residential subdivision identification signs; therefore, no action was taken on the zoning variations for the signs. The request was for the number of signs (3 instead of 1), their location, size, illumination and to permit the company logo on the signs.

7. **ADJACENT OWNER COMMENTS**

Standard notification letters have been sent and no comments have been received.

8. **IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT(S)**

The petitioner has requested an Immediate Authorization to Apply for Permits.

9. **DEVELOPMENT SERVICES COMMENTS**

The Village Board has granted variations for identification signs at several subdivisions, including the nearby Canterbury Farms and Haverford Place.

10. **MOTION**

Should the Zoning Board find that the Standards for a Variation are met, the following motion is provided with two conditions:

**A variation from Section 9-3-8-L-4 to permit a one-sided residential subdivision identification sign ("Canterbury Fields of Hoffman Estates") to be installed on the northwest corner of Shoe Factory Road and Delaney Drive and for the sign to be illuminated.**

1. As part of the final Village inspection of the sign illumination, at the direction of Code Enforcement staff, the petitioner shall adjust the lights to ensure glare will not be evident on surrounding property and/or adjacent streets.
2. The sign illumination shall be turned off and not operated between the hours of 11:00 p.m. and 6:00 a.m.

cc: Corporation Counsel, D. O'Malley, D. Plass, R. Norton, Petitioner

**VILLAGE OF HOFFMAN ESTATES  
ZONING BOARD OF APPEALS**

**REQUEST FOR SIGN VARIATION HEARING**

**FOR VILLAGE USE ONLY**

Hearing Fee \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By \_\_\_\_\_

Hearing Date: 5/29/09 Time: 7:35 Legal Published 5/4/09

Receipt Number \_\_\_\_\_ Check No. \_\_\_\_\_ Zoning District R-10

Height, Surface Area, Setback, Quantity or Other Variation	Existing Sign	Requirements	Proposed Sign

**APPLICANT (PLEASE PRINT OR TYPE)**

Use additional sheets as necessary

1. Name of Property Owner(s)\* CANTERBURY FIELDS CONDO ASSN

E-Mail Address jeremy@stellar-properties-inc.com Fax 630-876-0153

Owner's Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Subject Property's Address (if different): Northwest Bern at Delaney + Shoe Factory Rd

2. Person applying if other than owner:\* Agent

Name Jeremy Quattrochi Company Stellar Properties

E-Mail Address jeremy@stellar-properties-inc.com Fax 630-876-0153

Address 1269 Bison Trail Phone 630-876-5328

City Carol Stream State IL Zip 60188

3. Property Index Number (PIN) N/A

\* If "owner" is an entity other than an individual(s), then an Economic Disclosure Statement must also be filed.

4. Will any trees or landscaping be removed? If yes, please describe.

NO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Describe the sign(s) and the reasons a variation would be appropriate using the Standards for Variation (attached) as a guide. (e.g. An existing sign requires a 5-foot setback variation. A hardship was caused by a street-widening project that reduced the front yard by 10 feet.)

Sign will be 1-sided Canterbury Fields of Hoffman Estates  
7' wide 2'8" tall, 18 inches above ground mounted on 6x6  
treated (black) timbers / Background sandblasted wood weathered  
gray, Border + lettering raised (black) see Attached

6. An Immediate Authorization to Apply for Permits allows the Code Enforcement Division to begin the building permit review process prior to the adoption of the Ordinance by the Village Board. The Immediate Authorization makes it possible for you to expedite the plan review process by approximately two weeks. Contact the Code Enforcement Division at 847/781-2631 to discuss the building permit application and review process.

Please check one of the following

Yes, I request Immediate Authorization to Apply for Permits upon approval of my application by the Village Board, allowing me to begin the building permit review process prior to adoption of the Ordinance approving my variation.

Or

No, I do not request Immediate Authorization to Apply for Permits.

7. I, the undersigned, certify the information and submissions provided accurately represent the current conditions and proposed improvement(s) requiring a variation.

Applicant's Signature Jeremy Quattrochi

Name (Please Print) Jeremy Quattrochi

April 23, 2009

Zoning Board of Appeals

Via: Josh Edwards, Assistant Planner

Dear Board,

I am the property manager of Canterbury Fields Condominium Association in Hoffman Estates. Canterbury Fields is a community of 271 townhome style homes. The "main" entrance is on Maureen off of Shoe Factory, however the more popular entrance is actually .20 mile east on Delaney and Shoe Factory. The Board of Directors is requesting a wood blasted sign with the same script as the two existing "signs" carved into the monuments on Maureen preferably illuminated if possible. It will have a grey color with Black letters to again match the walls.

The two existing "signs" are set back from Shoe Factory and are not very visible or clearly identify the community. This new sign would be only one side angled towards Shoe Factory Rd on the berm 29 feet from the roads, which well behind the necessary setback requirements. It would be 7 feet long by 1.5 feet tall mounted on 2- 4x4 posts. Delaney only permits a west exit so there is no hazard with any site lines plus the fact it is on a berm. The sign would greatly assist guests and visitors the fact they are entering *Canterbury Fields of Hoffman Estates*. There would be no negative impact but would assist with identifying Canterbury Fields which is essential since Maureen comes up very fast from down the hill on Shoe Factory. The width of Shoe Factory is adequate for the code but Delaney is not wide enough. This request is similar to our neighbors at Haverford and a number of other communities in Hoffman Estates.

I will be on hand at the meeting on May 19<sup>th</sup> for further explanation and questions.

Thank you in advance for your cooperation.

Sincerely,

Jeremy Quattrochi and the Board of Directors for Canterbury Fields Condominium Association

SHAWFORD WAY

SIGN LOCATION

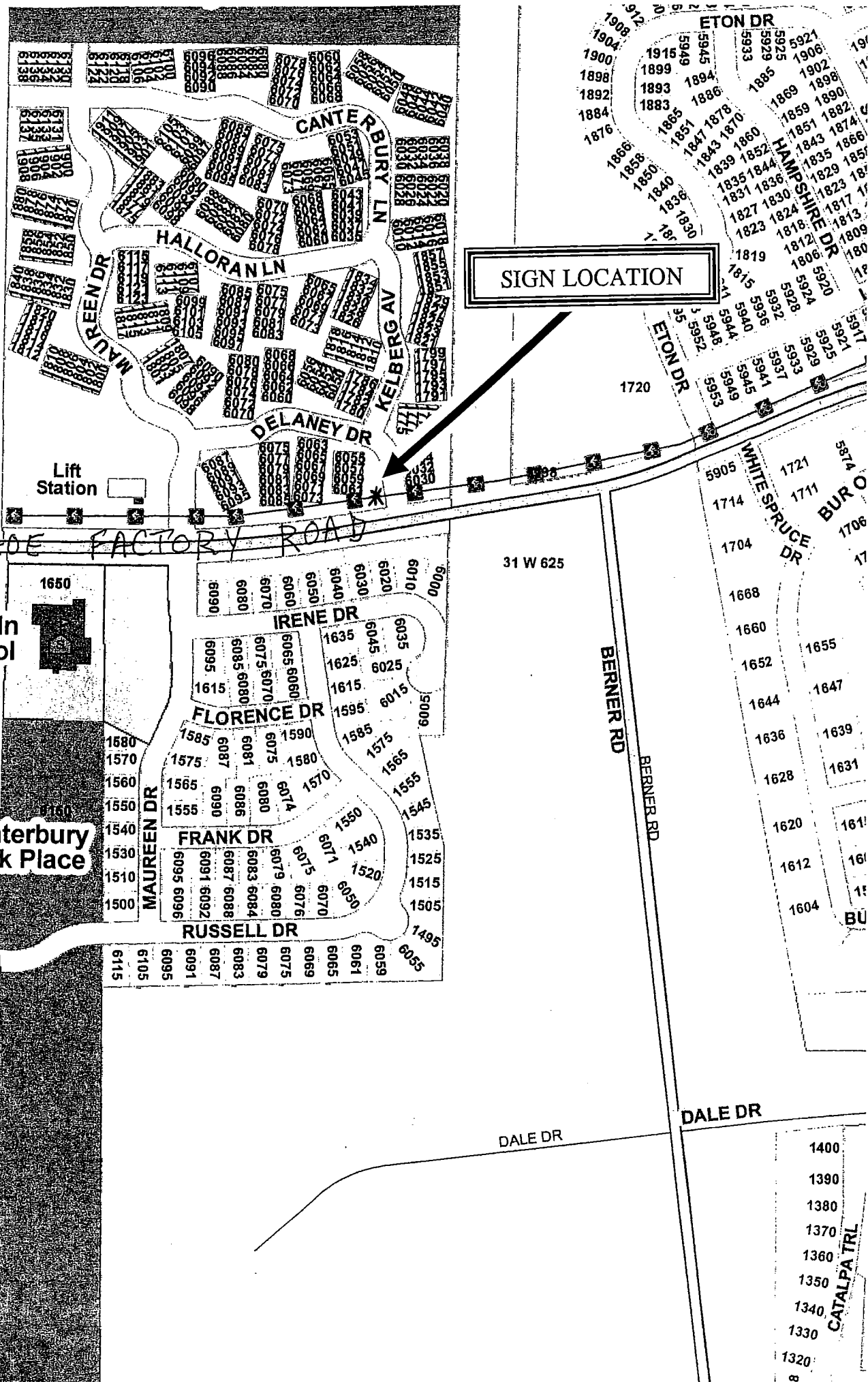
Lift Station

SHOE FACTORY ROAD

Lincoln School

Canterbury Park Place

STOCKBRIDGE PL



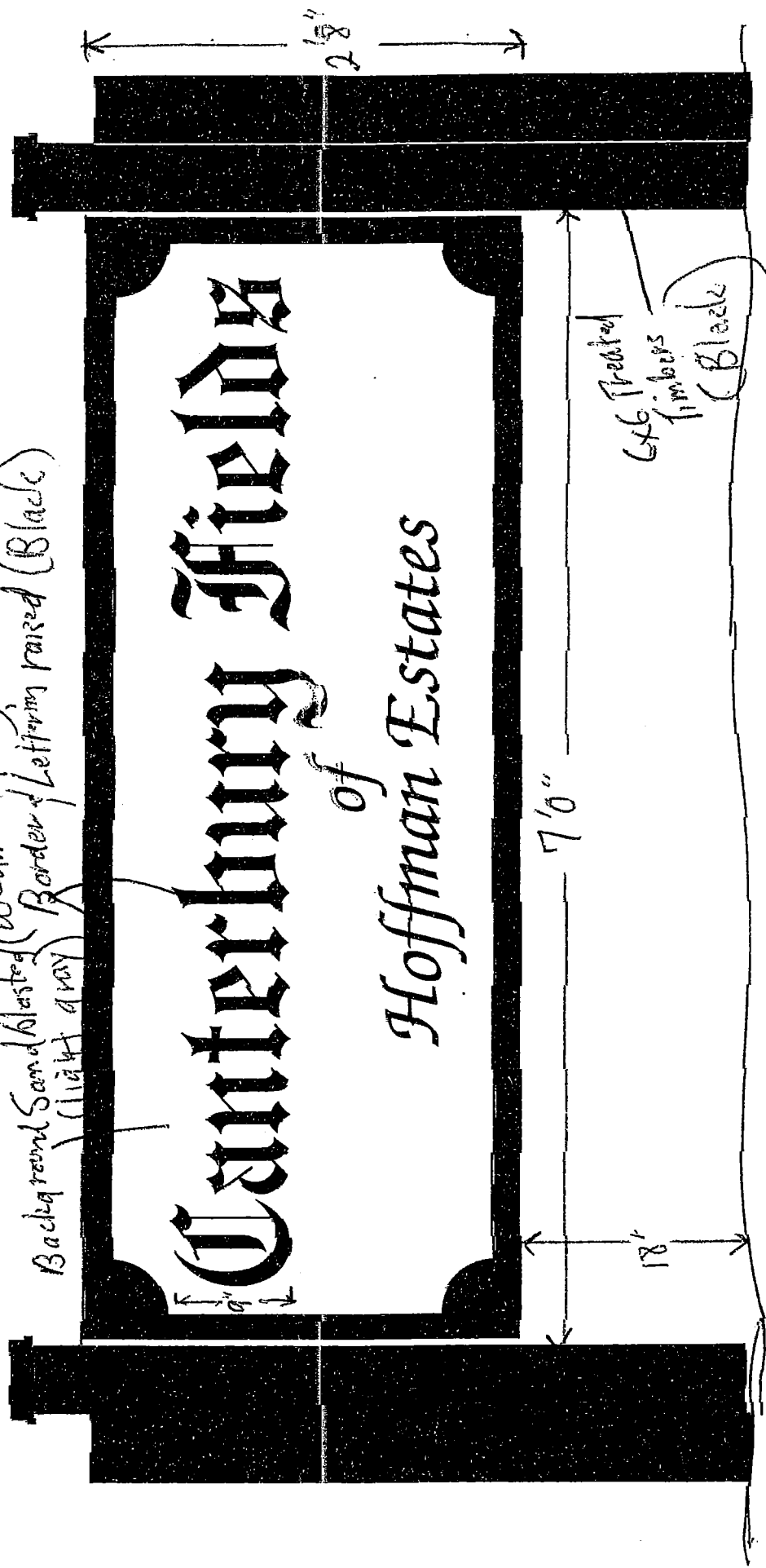
1720

31 W 625

1650

160

Background Sand Blasted (Weathered gray)  
(Light gray)  
Border & Lettering Painted (Black)



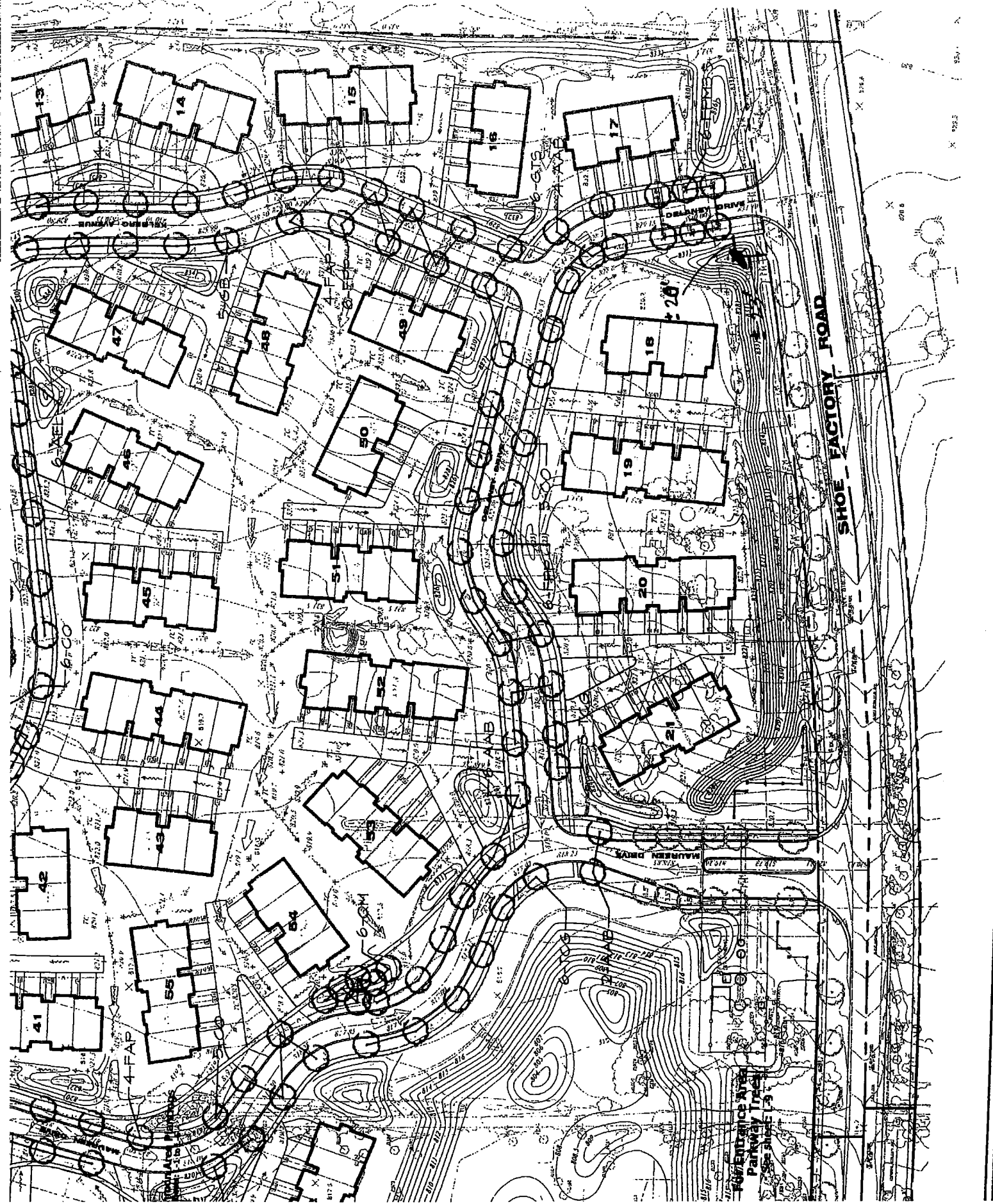
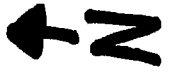
Canterbury Fields  
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7'0"

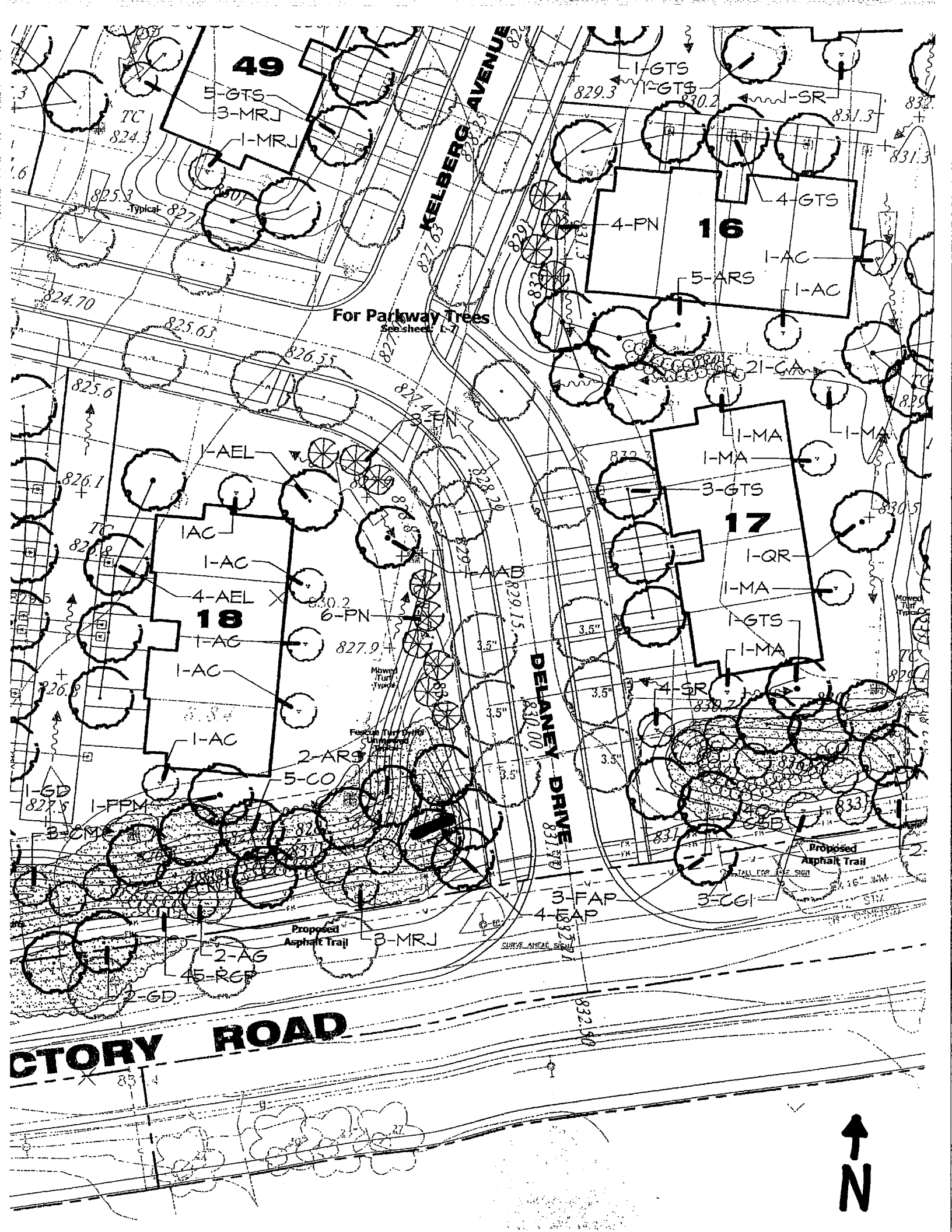
18"

6x6 Treated  
Timbers  
(Black)

2'8"







**49**

5-GTS  
3-MRJ  
1-MRJ

**16**

4-GTS  
1-AC  
1-AC  
5-ARS  
4-PN

**17**

1-MA  
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1-MA  
4-SR

**18**

1-AEL  
1-AC  
4-AEL  
1-AC  
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1-AC  
1-AC  
1-FFM  
2-AR  
5-CO

**KELBERG AVENUE**

**DELANEY DRIVE**

**CTORY ROAD**

For Parkway Trees  
See sheet L-7

Proposed Asphalt Trail

Proposed Asphalt Trail



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Typical 827

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# Canterbury Fields



1 inch = 300 feet

Planning Division  
Village of Hoffman Estates  
April 2009

**ADDITIONAL  
BUSINESS**

ORDINANCE NO. \_\_\_\_\_ - 2009

VILLAGE OF HOFFMAN ESTATES

**AN ORDINANCE AMENDING CHAPTER 6,  
TRAFFIC CODE, OF THE HOFFMAN ESTATES MUNICIPAL CODE  
TO PROVIDE FOR AN AUTOMATED TRAFFIC LAW ENFORCEMENT  
SYSTEM FOR RED LIGHT VIOLATIONS WITHIN THE VILLAGE**

WHEREAS, the Village of Hoffman Estates (hereinafter referred to as "Village") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village is a home rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois of 1970, and, subject to the specific limitations of Illinois law, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village, pursuant to P.A. 94-795, which amends the Illinois Vehicle Code, 625 ILCS 5/1-100, *et seq.*, is vested with authority to implement an automated traffic enforcement system in order to monitor motorist compliance with traffic control signals at intersections and to devise a system of administrative adjudication to enforce the same; and

WHEREAS, the Village, pursuant to 625 ILCS 5/11-208.6, may enact an ordinance providing for an automated traffic law enforcement system to enforce State and local traffic control signal laws and regulations through the use of electronic monitoring devices and by imposing liability on registered vehicle owners violating such State laws and local provisions; and

WHEREAS, the Village, pursuant to 625 ILCS 5/11-208.3 and 65 ILCS 5/1-2.2-1, *et seq.*, may enact a system of administrative adjudication to adjudicate violations of regulations related to automated traffic law violations; and

WHEREAS, the Village is desirous of providing a fair and efficient method of enforcing certain Village regulations through administrative adjudication of automated traffic law violations; and

WHEREAS, the Village, pursuant to 625 ILCS 5/11-208(a)(2), may regulate traffic through the use of traffic control signals; and

WHEREAS, the Village, pursuant to 625 ILCS 5/11-208(a)(15), may adopt traffic regulations as authorized by the Illinois Vehicle Code; and

WHEREAS, the Village believes that instituting a system of administrative adjudication to adjudicate contested matters with respect to the automated traffic law enforcement system will facilitate prompt and just resolution of disputes; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Article 6-5, AUTOMATED RED LIGHT TRAFFIC LAW ENFORCEMENT SYSTEM, of the Hoffman Estates Municipal Code be added to read as follows:

Article 5

**AUTOMATED RED LIGHT TRAFFIC LAW ENFORCEMENT SYSTEM**

Section 6-5-1. DEFINITIONS

In construing the provisions of this ordinance, except where otherwise plainly declared or clearly apparent from the context, words used herein shall be given their common and ordinary meaning. In addition, the following definitions shall apply:

A. *Automated traffic law enforcement system* means a device within the Village of Hoffman Estates with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code ("Code"), 625 ILCS 5/11-306, or similar violation of the Village of Hoffman Estates Municipal Code.

B. *Disregarding a traffic control device* means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

C. *No turn on red* means failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating "No turn on red," or other similar language, and a red signal as provided for in the Village of Hoffman Estates Municipal Code or State Statute.

D. *Recorded images* means images produced by the automated traffic law enforcement system, which consist of either two (2) or more photographs; two (2) or more microphotographs; two (2) or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

E. *Traffic Compliance Administrator* means the person appointed as such pursuant to Section 11-208.3 of the Illinois Vehicle Code and, Chapter 6 of the Hoffman Estates Municipal Code and shall have the following additional powers: adopt, distribute and process automated traffic law violation notices and other notices required by this Article, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the Secretary of State as required by this Article.

Section 6-5-2. VIOLATIONS

It shall be a violation of this Article for a vehicle to disregard a traffic control device or turn on red in violation of Section 11-306 of the Illinois Vehicle Code or similar Village ordinance.

Section 6-5-3. DEFENSES

The following may be considered defenses by the Hearing Officer for a violation of this Section:

A. That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation. To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

B. That the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle; or (ii) as part of a funeral procession.

Section 6-5-4. NOTICE OF VIOLATION

When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of this Section, the Village shall issue a written Notice of Violation via first class mail postage prepaid to the registered owner or lessee of the vehicle within 30 days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The Village shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the lessee information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle.

The second notice shall be made by first class mail postage prepaid.

Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by a Village of Hoffman Estates employee, who shall inspect the image and determine whether the motor vehicle was being operated in violation of this Section, or whether one of the defenses enumerated above is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in this Article.

The Notice of Violation shall include the following information:

1. The make (only if discernable) and registration number of the motor vehicle involved in the violation;
2. The violation charged;
3. The location where the violation occurred;
4. The date and time of the violation;
5. A copy of the recorded images;
6. The amount of the civil penalty, the date by which the penalty should be paid;
7. A statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
8. The amount of the late fee;
9. A statement that the failure to pay by the date specified or request a hearing is an admission of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
10. A statement that the recorded images constitute *prima facie* evidence of a violation;
11. A statement that the person may elect to proceed by paying the fine or challenging the charge by mail or by administrative hearing; and
12. A statement of how an administrative hearing may be requested.
13. A statement that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation.

Section 6-5-5. HEARING

The owner of a vehicle being operated in violation of this Section may request a hearing to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of this Section. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established herein.

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Default, Findings or Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

Section 6-5-6. ADJUDICATION BY MAIL/PROCEDURE

Where the registered owner or lessee of the cited vehicle wishes to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may

submit any and all documentary evidence to the Traffic Compliance Administrator no later than five (5) days prior to the due date, together with a written statement reflecting that they are requesting a hearing via mail. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

Section 6-5-7. SECOND NOTICE OF VIOLATION

Upon the failure of the registered owner of the cited vehicle to pay the appropriate fine prior to the due date, or on the hearing date, if one was requested, or request an adjudication by mail, the Traffic Compliance Administrator shall send out a second notice of violation which shall contain the following:

1. The make (only if discernable) and registration number of the motor vehicle involved in the violation;
2. The violation charged;
3. The location where the violation occurred;
4. The date and time of the violation;
5. The amount of the civil penalty, the date by which the penalty should be paid;
6. The amount of the late fee;
7. A statement that the failure to pay by the date specified is an admission of liability and may result in the suspension of driving privileges for the registered owner of the vehicle; and
8. A statement that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation.

Section 6-5-8. HEARING; DETERMINATION OF LIABILITY; PETITION TO SET ASIDE

- A. Upon conclusion of a hearing under this chapter, the hearing officer shall issue a determination of no liability or of a liability in the amount of the fine as provided in the Village Code.
- B. If a person fails to respond to the violation notice and the second notice of violation, and notice of final determination or who has requested an administrative hearing and fails to appear, a determination of liability shall be entered against the respondent pursuant to this chapter. Such determination shall become final for purposes of judicial review under the administrative review law of Illinois upon the denial or the expiration of the time in which to file a timely petition to set aside the determination as provided in this chapter.
- C. The registered owner, lessee/lessor owing an unpaid fine or penalty has the right to file a petition in a timely manner to set aside the determination. The petition shall be filed with and ruled upon by the Traffic Compliance Administrator in a timely manner. The grounds for the petition are limited to:



1. The person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued;
  2. An excusable failure, as determined by the Traffic Compliance Administrator, to appear at or request a hearing date based on an exigent circumstance or emergency.
- D. After the determination of a violation has been set aside upon a showing of just case, the registered owner shall be provided with a hearing on the merits for that violation.

Section 6-5-9. FINAL DETERMINATION

A final determination of violation liability shall occur following failure to pay the fine after a hearing officer's determination of violation liability, and the exhaustion of or failure to exhaust any administrative review procedures, including denial or a timely petition to set aside.

Section 6-5-10. NOTICE OF FINAL DETERMINATION

- A. If any fine is owing and unpaid after a determination of liability under this chapter has become final, and the respondent has exhausted or failed to exhaust judicial procedures for review, the Village Traffic Compliance Administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with this chapter.
- B. Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the village which may be enforced in any legal manner consistent with 625 Illinois Compiled Statutes 5/11-208.3. Failure of the respondent to pay such fine or penalty may result in the suspension of the person's driver's license for failure to pay fine or penalties for five (5) or more red light violations.

Section 6-5-11. NOTICE OF IMPENDING DRIVERS LICENSE SUSPENSION

- A. A Notice of Impending Drivers License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on 5 or more violations of this Article. The Notice of Impending Drivers License Suspension shall state the following information:
1. The failure to pay the fine owing within 45 days of the notice's date will result in the Village of Hoffman Estates notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;
  2. A statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the Village of Hoffman Estates along with a request for the copy.

B. The Notice of Impending Drivers License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

Section 6-5-12. DRIVERS LICENSE SUSPENSION

A. The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be certified and contain the following:

1. The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Article is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;
2. The name of the municipality making the report pursuant to this section; and
3. A statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

B. The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

C. Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within 7 days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the five (5) or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report.

Section 6-5-13. VIOLATION--PENALTY

A. The fines and penalties which shall be imposed for vehicles violating the automated traffic law enforcement system for red light violations shall be as follows:

1. Initial Fine:

Upon service of violation notice and at the First Hearing  
Date: \$100.00

Upon Default or Failure to Request Adjudication: \$200.00

Section 2: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 3: That this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Cary J. Collins	_____	_____	_____	_____
Trustee Raymond M. Kincaid	_____	_____	_____	_____
Trustee Jacquelyn Green	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ORDINANCE NO. \_\_\_\_\_ - 2009

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING CHAPTER 7,  
OFFENSES AND PUNISHMENTS, OF THE HOFFMAN ESTATES  
MUNICIPAL CODE TO PROVIDE FOR THE ABATEMENT OF  
ABANDONED VEHICLES WITHIN THE VILLAGE

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Article 10, MISCELLANEOUS OFFENSES, of the Hoffman Estates Municipal Code be amended to read as follows:

Article 10

MISCELLANEOUS OFFENSES

Section 7-10-3. ABANDONED VEHICLES

A. *Definitions.* Whenever the following terms are used in this Article they shall have the meaning respectively ascribed to them in this section.

1. *Abandoned vehicle* means any vehicle as defined in 625 ILCS 5/1-217 as amended which:

a. is in a state of disrepair rendering the vehicle incapable of being driven in its condition or unable to be operated legally on a public road or a vehicle that is inoperable or derelict as defined in Chapter 11, BUILDING REQUIREMENTS, Section 11-1-2, Additions, Insertions and Deletions, sub-section D-6 or;

b. any vehicle that has not been moved for 7 consecutive days or more and is apparently deserted

B. *Location or Presence of Abandoned Vehicles Within Village Deemed Public Nuisance; Exceptions.* The location or presence of any abandoned vehicle or abandoned vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the Village shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on the property of another or to suffer, permit, or allow the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer; or (3) unlicensed or inoperable vehicles stored on private property provided, however, that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public and private view by means of a six-foot opaque fence.

C. *Abatement or Removal Order; Contents; Service.*

1. Whenever such public nuisance exists in the Village in violation hereof, the Chief of Police and/or his employees, who shall administer this code shall give notice to the owner of the vehicle and the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance on private property and that it must be removed and abated within ten days from the date on the notice and further that a request for a hearing must be made before expiration of said ten-day period by the aggrieved person. Such notice shall be, made via personal service or first class mail postage prepaid to the registered owner, or to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall commence after the expiration of the ten-day notice period.

2. Whenever such public nuisance exists in the Village in violation hereof, the Chief of Police and/or his employees, shall give notice to the owner of the vehicle stating the nature of the public nuisance on the public property or on a public right-of-way and that it must be removed and abated within ten days from the date on the notice and further that a request for a hearing must be made before expiration of said ten-day period. Such notice shall be made via personal service or first class mail postage prepaid, to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall commence after the expiration of ten-day notice period.

3. The owner or occupant of the public or private premises shall have the right to request a hearing prior to the removal of the vehicle or part thereof as a public nuisance before the Village Manager or his designee to contest the removal of the vehicle. When such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, within ten days after service of notice to abate the nuisance, any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

D. *Removal with Permission of Owner or Occupant.* If within ten days after receipt of notice from the Chief of Police and/or his employees, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the

premises shall give his written permission to the Chief of Police and/or his employees, or his duly authorized agent for removal of the junked motor vehicle from the premises, at the expense of said owner or occupant of the premises. The giving of such permission shall be considered compliance with the provisions of Section 7-10-3-C.

E. *Disposal of Abandoned Vehicles.* If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this Code, official action shall be taken by the Village to abate such nuisance. Abandoned vehicles or parts thereof may be disposed of by removal to a scrapyard or demolishers for processing as scrap or salvage.

F. *Authority to Enforce.* The Chief of Police and/or his employees, or his agent, may enter upon private property for the purposes specified in this Code to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Code but shall comply with the Fourth Amendment of the United States Constitution.

G. *Application.* Nothing in this Article shall effect statutes or ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Section 2: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 3: That this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Cary J. Collins	_____	_____	_____	_____
Trustee Raymond M. Kincaid	_____	_____	_____	_____
Trustee Jacquelyn Green	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk  
Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2009.