# CONSENT AGENDA/ OMNIBUS VOTE

**MEETING:** 

HOFFMAN ESTATES VILLAGE BOARD

DATE:

**JUNE 1, 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 8:00 p.m. The Village Clerk called the roll. Trustees present: Karen Mills, Cary Collins, Jackie Green, Anna Newell, Gary Pilafas

Ray Kincaid had an excused absence.

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
- M. Du Charme, Finance Director
- D. Christensen, Emergency Management Coordinator
- J. Jorian, Asst. Fire Chief
- C. Herdegen, Police Chief
- K. Hari, Director Public Works
- A. Garner, H&HS Director
- B. Anderson, Cable TV Coordinator
- B. Suhajda, GG Intern
- G. Eaken, IS Director

# 2. PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge was led by Trustee Mills.

# 3. RECOGNITION OF AUDIENCE:

Ed Grouchowski, 995 Rosedale, commented on the amount and size of trucks parked on our residential streets.

Patricia Reyna, 391 Illinois, spoke about the resurfacing of her street and that she was told that she would have to have one of her driveways removed. Mark Koplin will follow up with her.

# 4. CONSENT AGENDA/OMNIBUS VOTE:

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

4.A. Approval of Agenda

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.B.1.

4.B. Approval of Minutes -

1) Approval of Minutes of May 4, 2009.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.B.2.

2) Approval of Minutes of May 11, 2009.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nav:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

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

**4.C.** Approval of the schedule of bills for June 1, 2009: \$3,258,926.16.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nav:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

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

**4.D.** Request Board approval of Ordinance No. 4114-2009, amending Chapter 10, Subdivision Code, of the Village of Hoffman Estates.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

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

- **4.E.** Request Board approval of Ordinance No. 41-2009, 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.

## Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.F.

**4.F.** Request Board approval to reject all bids received for the firing range equipment trade package for the new Police building.

# Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nav:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.G.

**4.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.

# Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.H.

**4.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.

# Roll Call:

Aye: Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Mills abstained.
Trustee Kincaid was absent.
Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.I.

**4.I.** Request Board authorization to participate in Northwest Municipal Conference Surburban Purchasing Cooperative for one-year contract extension with Texor Petroleum Company for joint purchase of diesel fuel and gasoline.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nav:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve Item 4.J.

**4.J.** Request Board authorization to award contract for replacement of seven (7) concrete street light poles to Elmund & Nelson Co., Elgin, Il (low bid) in an amount not to exceed \$15,740.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

## 5. REPORTS:

# 5.A. President's Report

1) Proclamation(s)

Trustee Collins read the following proclamation:

Motion by Trustee Mills, seconded by Trustee Pilafas, to concur with the proclamation proclaiming, Tuesday, June 2, 2009 as Daniel Dotlich Day in the Village of Hoffman Estates. Voice vote taken. All ayes. Motion carried.

Firefighter/Paramedic Dotlich accepted his proclamation.

Trustee Green read the following proclamation:

Motion by Trustee Collins, seconded by Trustee Mills, to concur with the proclamation proclaiming June 7-13, 2009 as National Headache Awareness Week in the Village of Hoffman Estates. Voice vote taken. All ayes. Motion carried.

Dr. Garner accepted the proclamation.

2) Presentation(s)

Mayor McLeod stated that he attended the Armstrong and Fairview Schools DARE graduations, the NWMC Transportation Committee meeting, Teacher Appreciation at The Palatine Public Library and the Chamber meeting.

Citizen Lifesaving Award (Fire Department)

Asst. Fire Chief Jorian spoke about an incident that happened on June 24, 2008 at the Hoffman Estates Park District Community Center and Ice Arena. While playing basketball a resident, Doug Watson, went into cardiac arrest. The following is a list of people that were recognized and given certificates for the successful treatment of Mr. Watson. Karen Schultz, Jon Tracey, Lloyd Cochran, David Bloom, Gary Gregory, Caleb Nelson, Wayne Lavigne, Lt. Don Richter, FF/PM Jeff Reich, FF/PM Mark Lauder, FF/PM Alan O' Brien, FF/PM Dan Dotlich, FF/PM Garrick Fetz and FF/PM Kraig Olsen. Mr. Watson introduced his family and thanked everyone involved.

Motion by Trustee Pilafas, seconded by Trustee Collins, to accept the resignation with regrets of Steven Bayer from the Arts Commission. Voice vote taken. All ayes. <u>Motion carried.</u>

Motion by Trustee Mills, seconded by Trustee Pilafas, to approve the appointment of Maarten Tonneyck to the Arts Commission. Voice vote taken. All ayes. <u>Motion carried.</u>

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the appointment of Khaja Ikramuddin to the Arts Commission and Stormwater Management Committee. Voice vote taken. All ayes. <u>Motion carried.</u>

## 5.B. Trustee Comments

Trustee Mills stated she attended the ICSC and thought that the meetings that were held were good.

Trustee Collins asked the Trustees and staff to get a hardware store in the Village and a food store out on the west side of town.

Trustee Pilafas stated that he attended the ICSC and that they had some good quality meetings and the Armstrong DARE graduation.

Trustee Newell talked about the memo that she passed out about the Township having a recycling program, she asked for the status on the rain barrels and she asked if we could get recycling containers at the fests and large gatherings.

Mr. Norris said that the rain barrels item was going to the Green Initiatives Commission.

Trustee Green stated that she attended the Veteran's Commission Memorial Day program.

## 5.C. Village Manager's Report

Mr. Norris had no report.

# 5.D. Village Clerk's Report

The Village Clerk stated that 42 passports were processed in the Clerk's office during the month of May and that she attended the IIMC Conference.

# 5.E. Committee Reports

1) Planning, Building & Zoning

Trustee Pilafas stated that they would be meeting to discuss a request by DeSchouw for approval of a Tax Increment Financing (TIF) Inducement Resolution for site and Improvements at Barrington Square Mall; 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; and request acceptance of Department of Development Services Monthly Reports for the Planning and Code Enforcement Divisions.

# 2) General Administration & Personnel

Trustee Mills stated that they would be meeting to have a discussion regarding the legislative update; request acceptance of Cable TV and Human Resources Management Monthly Reports; and item in review, revisions to the Board Policy Manual.

# 3) Transportation & Road Improvement

Trustee Pilafas stated that they would be meeting to request approval of a letter of intent with IDOT for Palatine Road; request approval of an agreement with Pace and Prairie Stone POA for bus shelters in Prairie Stone; discussion regarding annual review of Taxi Discount Program; request acceptance of Transportation Division Monthly Report; and item in review, discussion regarding lead agency for Barrington Road Interchange.

# 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 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, subject to the following condition:
  - 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.

# Discussion

Trustee Collins asked for this item to be sent back to the Plan Commission so that questions could be answered.

Mr. Norris explained that this was caught at a site plan review. If someone is at fault, then a fine will be issued.

Trustee Pilafas asked what failed here.

Mr. Norris said that someone could sell property that's not platted as long as you have a survey. The seller could request a plat, the purchaser cannot.

Mr. Janura stated that the process that is being done here tonight should have been done before the transaction.

Mr. Norris stated that this lot meets the requirements to be a lot, have the plat done. Afterwards if we need to issue a ticket, issue a ticket.

Trustee Pilafas stated that situation is similar to the police building property.

Trustee Collins asked why should we have ordinances if we don't enforce them.

Mayor McLeod and Chairman Stanton said that we are enforcing the ordinances.

Trustee Mills, trying to clarify the situation asked, we already have a building on this property, we are clarifying the subdivision into another lot, it meets the qualifications of a lot, there's no approval of a building, just making a subdivision and it meets code to be a lot.

Mr. Norris replied yes.

## Roll Call:

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

Trustee Kincaid was absent.

Motion carried.

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

- **6.A.2.** 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 7 conditions.
  - 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:

Aye: Mills, Green, Newell, Pilafas

Nay: Collins

Mayor McLeod voted aye.

Trustee Kincaid was absent.

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.

**6.B.1.** Request by Handelsen Productemaatschappij Deshouw BV (Owner) and America's Bar and Grill (Tenant) at 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. 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.

# **Discussion**

Trustee Collins asked Mr. Weaver how many people are on his commission, because of the low aye vote. Trustee Pilafas pointed out that a similar request was asked by National City Bank. Mr. Weaver said that the open area is wider for America's Bar.

# Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay: Collins

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

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

**6.B.2.** Request by Handelsen Productemaatschappij Deshouw BV (Owner) and Advance Preschool (Tenant) at 2320 W. Higgins Road in the Barrington Square Mall, 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). 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.

# **Discussion**

Trustee Green stated that the staff from Advanced Preschool always helps out at the 4th of July Festival.

# Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye

Trustee Collins voted present.

Trustee Kincaid was absent.

Motion carried.

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

- **6.B.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 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.

# Roll Call:

Aye: Collins, Green, Newell

Nay: Mills, Pilafas

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

See **8. Adjournment** for additional discussion on this item.

# 7. ADDITIONAL BUSINESS:

Motion by Trustee Pilafas, seconded by Trustee Mills, to approve Ordinance No. 4115-2009.

7.A. Ordinance 4115-2009 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.

# Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay: Collins

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Pilafas, seconded by Trustee Green, to approve Ordinance No. 4116-2009.

**7.B.** Ordinance No. 4116-2009 amending Chapter 7, Offenses and Punishments, of the Hoffman Estates Municipal Code, to provide for the abatement of abandoned vehicles within the Village.

Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay: Collins

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

# 8. ADJOURNMENT

Motion by Trustee Pilafas, seconded by Trustee Mills, to adjourn the meeting into Executive Session to discuss Litigation (5 ILCS 120/2-(c)-(11)) and Land Acquisition (5 ILCS 120/2-(c)-(5)).

Motion by Trustee Pilafas, seconded by Trustee Mills, to remove the motion for adjournment.

Motion by Trustee Collins, seconded by Trustee Mills to reconsider Zoning Board of Appeals Item 6.B.3.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Collins, seconded by Trustee Pilafas, to remand Zoning Board of Appeals Item 6.B.3 back to the Zoning Board of Appeals.

Roll Call:

Aye: Mills, Collins, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Pilafas, seconded by Trustee Mills, to adjourn the meeting into Executive Session to discuss Litigation (5 ILCS 120/2-(c)-(11)) and Land Acquisition (5 ILCS 120/2-(c)-(5)). Time 9:07 p.m.

Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay: Collins

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

Motion by Trustee Mills, seconded by Trustee Pilafas, to adjourn the meeting. Time 10:12 p.m.

Roll Call:

Aye: Mills, Green, Newell, Pilafas

Nay:

Mayor McLeod voted aye.

Trustee Kincaid was absent.

Motion carried.

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.

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

# VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE GRANTING A SPECIAL USE TO HANDELSEN PRODUCTEMAATSCHAPPIJ DESHOUW BV (OWNER) AND ADVANCE PRESCHOOL (TENANT) IN THE BARRINGTON SQUARE MALL, 2320 W. HIGGINS ROAD, HOFFMAN ESTATES, ILLINOIS

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law on May 19, 2009, considered the request by Handelsen Productemaatschappij Deshouw BV, the owner of record of property legally described on Exhibit "A" and attached hereto and made a part hereof, on behalf of Advance Preschool (tenant), for a special use from the Zoning Code to permit the expansion of a day care/preschool facility on the property located in the Barrington Square Mall at 2320 W. Higgins Road; and

WHEREAS, the Zoning Board of Appeals made certain Finding of Fact attached hereto and made a part hereof as Exhibit "B" and recommended approval of a variation to the Board of Trustees; and

WHEREAS, it appears that there are particular hardships and unique circumstances from the application of the strict letter of the Zoning Ordinance to the property in question and that the proposed variation has met the standards of 9-1-15-C of the Hoffman Estates Municipal Code; 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: There be granted a special use under Section 9-8-2-C-5 to Handelsen Productemaatschappij Deshouw BV (owner) and Advance Preschool (tenant) to permit a 4,950 square foot expansion of a daycare center/preschool (to 12,133 square feet) on the property located at 2320 W. Higgins Road.

Section 2: This special use is subject to the conditions that prior to issuance of a final certificate of occupancy for the expansion area, a copy of the Illinois DCFS occupancy approval be provided to the Village, and that 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.

Section 3: The Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

<u>Section 4</u>: 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. Kin	caid			
Trustee Jacquelyn Green				
Trustee Anna Newell				
Trustee Gary J. Pilafas				
Mayor William D. McLe	od		<del></del>	
APPROVED THIS	_ DAY OF _		_, 2009	
		Villag	e President	
ATTEST:				
Village Clerk				
_				2000
Dublished in namphlet for	rm thic	day of		2009

# **LEGAL DESCRIPTION:**

P.I.N.: 07-07-200-248

That part of the Northeast Quarter of Section 7, Township 41 North, Range 10, East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 7; thence S. 0 degrees, 08 feet, 06 inches West, along the West line of said Quarter Section, a distance of 439.43 feet, to the point of beginning; thence S. 89 degrees, 51 feet, 54 inches East, a distance of 415.00 feet; thence S. 64 degrees, 53 feet, 26 inches East, a distance of 729.02 feet, to a point on a curve having a radius of 1245.00 feet; thence Southwesterly, along said curve, a distance of 146.50 feet; thence South 86 degrees, 22 feet, 11 inches East, a distance of 25.00 feet, to a point on a curve having a radius of 1220.00 feet; thence Southwesterly along said curve, a distance of 143.18 feet; thence S. 86 degrees, 54 feet, 21 inches West, a distance of 25.00 feet; thence S. 03 degrees, 05 feet, 39 inches East, at right angles to the last described line, a distance of 50.00 feet: thence N. 86 degrees, 54 feet, 21 inches East, at right angles to the last described line, a distance of 25.00 feet; thence S. 03 degrees, 05 feet, 39 inches East, at right angles to the last described line, a distance of 192.61 feet, to a point on a curve having a radius of 785.00 feet; thence Southwesterly, along said curve, a distance of 197.14 feet, to a point on a curve, a distance of 197.14 feet, to a point on a curve having a radius of 415.00 feet; thence Southwesterly, along said curve, a distance of 148.48 feet; thence S. 22 degrees, 01 feet, 32 inches West, a distance of 148.48 feet; thence S. 22 degrees, 01 feet, 32 inches West, a distance of 128.96 feet, to a point on a curve having a radius of 9728.18 feet and also being the North Right-of-Way line of Higgins Road; thence along said curve, a distance of 967.19 feet; thence N. 0 degrees, 08 feet, 06 inches East, a distance of 122.70 feet; thence N. 89 degrees, 51 feet, 54 inches West, at right angles to the last described point, a distance of 80.00 feet; thence N. 0 degrees, 08 feet, 06 inches East, at right angles to the last described point a distance of 750.00 feet, to the point of beginning, and said line also being the West line of the Northeast Quarter of said Section 7, all in Cook County, Illinois.

# 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

<u>PETITION:</u> 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

<u>FINDING-OF-FACT</u>: 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.

<u>RECOMMENDATION:</u> 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

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

FINDING OF FACT WRITTEN BY CHAIRMAN WILLIAM WEAVER

<sup>\*</sup> IMMEDIATE AUTHORIZATION TO APPLY FOR PERMITS IS REQUESTED \*

ORDINANCE NO 2	2009
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#### VILLAGE OF HOFFMAN ESTATES

# AN ORDINANCE GRANTING A VARIATION TO HANDELSEN PRODUCTEMAATSCHAPPIJ DESHOUW BV (OWNER) AND AMERICA'S BAR AND GRILL (TENANT), IN THE BARRINGTON SQUARE MALL, 2308 W. HIGGINS ROAD, HOFFMAN ESTATES, ILLINOIS

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law on May 19, 2009, considered the request by Handelsen Productemaatschappij Deshouw BV, the owner of record of property legally described on Exhibit "A" and attached hereto and made a part hereof, on behalf of America's Bar and Grill (tenant), for a variation to permit signage on the property located in the Barrington Square Mall at 2308 W. Higgins Road; and

WHEREAS, the Zoning Board of Appeals made certain Finding of Fact attached hereto and made a part hereof as Exhibit "B" and recommended approval of a variation to the Board of Trustees; and

WHEREAS, it appears that there are particular hardships and unique circumstances from the application of the strict letter of the Zoning Ordinance to the property in question and that the proposed variation has met the standards of 9-1-15-C of the Hoffman Estates Municipal Code; 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 there be and is hereby granted to Handelsen Productemaatschappij Deshouw BV, owner, on behalf of America's Bar and Grill (tenant), a variation from the requirements of Section 9-3-8-M-10-a-4 to permit an additional (third) 132 square foot 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 on the property commonly known as 2308 W. Higgins Road.

Section 2: That this variation is subject to the condition that 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 permited awning sign shall not exceed 76 square feet.

Section 3: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

<u>Section 4</u>: That this Ordinance shall be in full force and effect immediately from and after its passage and approval.

<del></del>	
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.	

# **LEGAL DESCRIPTION**

P.I.N.: 07-07-200-248

THAT PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE S. 0 DEGREES, 08 FEET, 06 INCHES WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 439.43 FEET, TO THE POINT OF BEGINNING; THENCE S. 89 DEGREES, 51 FEET, 54 INCHES EAST, A DISTANCE OF 415.00 FEET; THENCE S. 64 DEGREES, 53 FEET, 26 INCHES EAST, A DISTANCE OF 729.02 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 1245.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 146.50 FEET; THENCE SOUTH 86 DEGREES, 22 FEET, 11 INCHES EAST, A DISTANCE OF 25.00 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 1220.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 143.18 FEET; THENCE S. 86 DEGREES, 54 FEET, 21 INCHES WEST, A DISTANCE OF 25.00 FEET; THENCE S. 03 DEGREES, 05 FEET, 39 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 50.00 FEET: THENCE N. 86 DEGREES, 54 FEET, 21 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 25.00 FEET; THENCE S. 03 DEGREES, 05 FEET, 39 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 192.61 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 785.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 197.14 FEET, TO A POINT ON A CURVE, A DISTANCE OF 197.14 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 415.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 148.48 FEET; THENCE S. 22 DEGREES, 01 FEET, 32 INCHES WEST, A DISTANCE OF 148.48 FEET; THENCE S. 22 DEGREES, 01 FEET, 32 INCHES WEST, A DISTANCE OF 128.96 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 9728.18 FEET AND ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF HIGGINS ROAD; THENCE ALONG SAID CURVE, A DISTANCE OF 967.19 FEET; THENCE N. 0 DEGREES, 08 FEET, 06 INCHES EAST, A DISTANCE OF 122.70 FEET; THENCE N. 89 DEGREES, 51 FEET, 54 INCHES WEST, AT RIGHT ANGLES TO THE LAST DESCRIBED POINT, A DISTANCE OF 80.00 FEET; THENCE N. 0 DEGREES, 08 FEET, 06 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED POINT A DISTANCE OF 750.00 FEET, TO THE POINT OF BEGINNING, AND SAID LINE ALSO BEING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, ALL IN COOK COUNTY, ILLINOIS.

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

P.I.N.: 07-07-200-248

THAT PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE S. 0 DEGREES, 08 FEET, 06 INCHES WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 439.43 FEET, TO THE POINT OF BEGINNING; THENCE S. 89 DEGREES, 51 FEET, 54 INCHES EAST, A DISTANCE OF 415.00 FEET; THENCE S. 64 DEGREES, 53 FEET, 26 INCHES EAST, A DISTANCE OF 729.02 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 1245.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 146.50 FEET; THENCE SOUTH 86 DEGREES, 22 FEET, 11 INCHES EAST, A DISTANCE OF 25.00 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 1220.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 143.18 FEET; THENCE S. 86 DEGREES, 54 FEET, 21 INCHES WEST, A DISTANCE OF 25.00 FEET; THENCE S. 03 DEGREES, 05 FEET, 39 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 50.00 FEET: THENCE N. 86 DEGREES, 54 FEET, 21 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 25.00 FEET; THENCE S. 03 DEGREES, 05 FEET, 39 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 192.61 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 785.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 197.14 FEET, TO A POINT ON A CURVE, A DISTANCE OF 197.14 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 415.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID CURVE, A DISTANCE OF 148.48 FEET; THENCE S. 22 DEGREES, 01 FEET, 32 INCHES WEST, A DISTANCE OF 148.48 FEET; THENCE S. 22 DEGREES, 01 FEET, 32 INCHES WEST, A DISTANCE OF 128.96 FEET, TO A POINT ON A CURVE HAVING A RADIUS OF 9728.18 FEET AND ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF HIGGINS ROAD; THENCE ALONG SAID CURVE, A DISTANCE OF 967.19 FEET; THENCE N. 0 DEGREES, 08 FEET, 06 INCHES EAST, A DISTANCE OF 122.70 FEET; THENCE N. 89 DEGREES, 51 FEET, 54 INCHES WEST, AT RIGHT ANGLES TO THE LAST DESCRIBED POINT, A DISTANCE OF 80.00 FEET; THENCE N. 0 DEGREES, 08 FEET, 06 INCHES EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED POINT A DISTANCE OF 750.00 FEET, TO THE POINT OF BEGINNING, AND SAID LINE ALSO BEING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, ALL IN COOK COUNTY, ILLINOIS.

# 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

<u>PETITION:</u> 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

<u>FINDING-OF-FACT</u>: 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.

<u>RECOMMENDATION</u>: 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

A RESOLUTION PROVIDING FOR AN ELIGIBILITY STUDY ON THE DESIGNATION OF A PORTION OF THE VILLAGE OF HOFFMAN ESTATES AS A REDEVELOPMENT PROJECT AREA AND TO INDUCE DEVELOPMENT INTEREST WITHIN SUCH AREA (BARRINGTON SQUARE MALL AREA)

WHEREAS, the Village of Hoffman Estates, Illinois (the "Village"), is authorized under the Tax Increment Allocation Redevelopment Act, 65 ILCS 11-74.4-1, et seq. (the "TIF Act") as supplemented and amended by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended, and as further supplemented and, where necessary, superseded, by the provisions of Section 6 of Article VII of the 1970 Constitution of the State of Illinois (collectively, the "Act" or "Acts"), to finance eligible and qualified redevelopment project costs in connection with redevelopment project areas designated in accordance with the conditions and requirements set forth in the TIF Act; and

WHEREAS, the Village hereby finds and determines that the assistance and financing requested herein will serve the public purposes of the Village; and

WHEREAS, pursuant to the TIF Act, to implement tax increment financing, it is necessary for the Village to approve a redevelopment plan and redevelopment project, designate a redevelopment project area by finding, inter alia, that the area qualifies pursuant to statutory requirements and that the redevelopment project area on the whole has not been subjected to growth and development through private enterprise and would not reasonably be anticipated to be developed without the adoption of a redevelopment plan and project (the "Redevelopment Plan" and "Project"), and adopt tax increment allocation financing for said redevelopment project area; and

WHEREAS, the Village desires to undertake an eligibility study to determine whether an area of the Village (herein referred to as the "Barrington Square Mall Redevelopment Project Area" or "BSM Redevelopment Area") may qualify as a blighted area, pursuant to the provisions of the TIF Act as a "conservation area" as specifically defined in Section 11.-74.4-3(b) of the TIF Act ("Conservation Area"), and to undertake additional research necessary to document a lack of growth and development through private enterprise, so that all or a portion of the BSM Redevelopment Area may be designated as a redevelopment project area; and

WHEREAS, the exact extent and boundaries of the BSM Redevelopment Area are generally delineated on Exhibit A attached hereto, and that the actual redevelopment project area to be established may contain more or less land than that shown on Exhibit A or may be amended or added to in the future; and

WHEREAS, the Village reasonably anticipates the property owners and/or developers ("Owners/Developers") will expend certain funds to determine eligibility of the proposed BSM Redevelopment Area and to prepare the required eligibility study and Redevelopment Plan, in the event the Village Corporate Authorities determine by formal action to implement tax increment financing for all or a portion of the proposed BSM Redevelopment Area; and

WHEREAS, the Village reasonably anticipates the Owners/Developers will expend other funds in furtherance of the objectives of the anticipated Redevelopment Plan; and

WHEREAS, it is the intent of the Village to reimburse itself and the Owners/Developers for such expenditures from incremental property taxes derived from the proposed BSM Redevelopment Area, if the BSM Redevelopment Area is designated under the TIF Act; and

WHEREAS, the Village wishes to encourage the Owners/Developers of the BSM Redevelopment Area to pursue plans for redevelopment, land preparation or building renovations and make such expenditures as are eligible and reasonably necessary in that regard (the "Expenditures") with confidence that said Expenditures as estimated and detailed on Exhibit B

attached hereto and made a part hereof may be allowable redevelopment project costs under the Redevelopment Plan that may be approved in one or more redevelopment agreements between the Village and the Owners/Developers; and

WHEREAS, the Owners/Developers of real property located within the BSM Redevelopment Area now contemplate that (i) they will use funds from sources, other than incremental property taxes, which are or will be available to them on a short-term basis, in order to pay such Expenditures, (ii) some or all of such Expenditures will constitute eligible "redevelopment project costs" (as defined in the TIF Act) prior to the designation of the redevelopment project area and execution of any redevelopment agreements with the Village and (iii) the Village may reimburse some or all of said Expenditures which constitute eligible redevelopment project costs with incremental property taxes to be derived from the redevelopment project area, in the event that the BSM Redevelopment Area is designated pursuant to the Act and secured by such incremental property taxes; and

WHEREAS, certain eligible redevelopment project costs, including such Expenditures and additional costs for the Project, may be incurred by the Owners/Developers and/or the Village on or after the passage of this Resolution but prior to the designation of the redevelopment project area and/or issuance by the Village of any obligations to pay or reimburse said costs; and

WHEREAS, the purpose of any proposed Redevelopment Plan and Project will be to generate private investment in the BSM Redevelopment Area, thereby eliminating conditions that may lead to blight and providing for the long-term sound growth of the Village:

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

<u>Section 1</u>: The recitals set forth above are material to this Resolution and are hereby incorporated as Section 1 of this Resolution as if fully set forth herein.

Section 2: The Village Corporate Authorities have reviewed the proposed BSM Redevelopment Area and its condition and circumstances and, at this time, concludes that it is reasonable to anticipate that a redevelopment plan may be approved for the BSM Redevelopment Area as a Conservation Area and that preliminary and other expenditures in furtherance of the redevelopment plan and project will be eligible "redevelopment project costs" under the TIF Act and in the redevelopment plan as approved, provided that this Resolution shall not be deemed to be a guarantee that any such Redevelopment Plan will be approved.

Section 3: This resolution is adopted for purposes of inducing the Owners/Developers of real property located in the BSM Redevelopment Area to proceed with the Project and to pay or incur Expenditures as estimated on Exhibit B, pending approval of a Redevelopment Plan, designation of a redevelopment project area, adoption of tax increment financing and execution of one or more redevelopment agreements.

Section 4: The Village reasonably anticipates to reimburse Project costs from incremental property tax revenues payable pursuant to a note properly approved by the Village and properly issued by the Village to the Owners/Developers ("Note") only in the event that a Redevelopment Plan is approved, and the maximum amount of the costs associated with the First Phase of the Project is Seven Million Dollars (\$7,000,000). This declaration of official intent is made pursuant to Treasury Regulations Section 1.150-2.

Section 5: This resolution or any adoption of an eligibility study, Redevelopment Plan or redevelopment project area shall not obligate the Village to reimburse any third party (including, without limitation, the Owners/Developers of real property located within the BSM Redevelopment Area) for any Expenditures or any eligible redevelopment project costs and shall not obligate the Village to finance eligible redevelopment project costs via a bond issuance or

other debt financing, further provided, that the Owners/Developers acknowledge and agree that the Village shall not issue any bonds or other form of debt financing in connection with the Project and eligible expenditures incurred for the First Phase of the Project and any and all reimbursements to Owners/Developers shall be solely from incremental property tax revenues derived from the BMS Redevelopment Area and payable to the Owners/Developers pursuant to a properly authorized and issued Note from the Village..

<u>Section 6</u>: Additional information regarding the proposed redevelopment project area can be obtained from:

James H. Norris, Village Manager 1900 Hassell Road Hoffman Estates, IL 60169 Telephone 847-781-2601

Any comments or suggestions regarding the Redevelopment Area should also be directed to the Village Manager.

<u>Section 7</u>: This Resolution 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. Kir	ncaid				
Trustee Jacquelyn Green					
Trustee Anna Newell					
Trustee Gary J. Pilafas					
Mayor William D. McLe	od				<del></del>
APPROVED THIS	DAY (	)F	, 2009		
		-	Village Presi	dent	<del></del>
ATTEST:					
Village Clerk		_			

# EXHIBIT A: TIF Study Area Boundary



# AGENDA FINANCE COMMITTEE Village of Hoffman Estates June 22, 2009

7:30 p.m.

Members: Cary Collins, Chairperson

Jacquelyn Green, Vice Chairperson

Anna Newell, Trustee

I. Roll Call

II. Approval of Minutes – May 26, 2009

# **OLD BUSINESS**

1. Continuation of discussion related to approval of a resolution designating Village depositories and the Investment and Cash Management Policy.

# **NEW BUSINESS**

- 1. Request authorization to declare \$594,821.36 as surplus funds in the Barrington-Higgins TIF Tax Allocation Fund and direct the Treasurer to remit said funds to the Cook County Treasurer for distribution.
- 2. 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. Request authorization to award contract for the purchase of a replacement water remittance processor from \_\_\_\_\_\_ in the amount of \$\_\_\_\_\_ (low bid).
- 4. Request acceptance of the Comprehensive Annual Financial Report for the year ended December 31, 2008.
- 5. Request acceptance of the Auditor's Management Letter for the year ended December 31, 2008.
- 6. Request acceptance of Finance Department Monthly Report.
- 7. Request acceptance of Information Systems Department Monthly Report.
- III. President's Report
- IV. Other
- V. Items in Review
- VI. Adjournment



# AGENDA PUBLIC WORKS & UTILITIES COMMITTEE Village of Hoffman Estates June 22, 2009

DRAFT #2

Immediately Following Finance

Members:

Jacquelyn Green, Chairperson Anna Newell, Vice Chairperson

Roll Call

Cary Collins, Trustee

I. Roll Call

II. Approval of Minutes – May 26, 2009

# **NEW BUSINESS**

- 1. Request authorization to award contract for Engineering Services to conduct study for utilizing Poplar Creek Wells #21 and #22 as a source of emergency water supply for the Western Development Area to ......, in an amount not to exceed .............. (Proposal award under review.)
- 2. Request acceptance of the Department of Public Works Monthly Report.
- 3. Request acceptance of the Department of Development Services Monthly Report for the Transportation and Engineering Division.
- III. President's Report
- IV. Other
- V. Items in Review
- 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 PUBLIC HEALTH AND SAFETY COMMITTEE Village of Hoffman Estates June 22, 2009

Immediately following Public Works & Utilities Committee.

Members: An

Anna Newell, Chairperson

Cary Collins, Vice Chairperson

Jacquelyn Green

- I. Roll Call
- II. Approval of Minutes May 26, 2009 Committee Meeting

# **NEW BUSINESS**

- 1. Discussion regarding mobile food vendor regulations.
- 2. Request approval to enter into an intergovernmental agreement with the County of Cook for a public safety interoperable communications radio loan.
- 3. Request acceptance of Police Department Monthly Report.
- 4. Request acceptance of Fire Department Monthly Report.
- 5. Request acceptance of Health & Human Services Monthly Report.
- 6. Request acceptance of Emergency Management Coordinator Monthly Report.
- III. President's Report
- IV. Other
- V. Items in Review
  - 1. Sprinkler Compliance Program September 2009.

# 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.

Please forward Agenda Item Summary Sheets and backup documentation to Bonnie Busse, Fire Department.

# VILLAGE OF HOFFMAN ESTATES ZONING BOARD OF APPEALS

# FINDING OF FACT

DATE OF PUBLIC HEARING: June 2, 2009

DATE OF PRESENTATION TO VILLAGE BOARD: June 15, 2009

<u>PETITION:</u> Hearing held at the request of Lewis and Susan Bosher to consider variations from the Zoning Code to permit the construction of a shed on the property located at 3720 Lexington Drive.

DISTRICT IN WHICH PROPERTY IS LOCATED: R-4, One Family Residential District

ZONING CODE SECTION(S) FOR VARIATION(S): 9-3-6-J

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

MOTION: Request to grant Lewis and Susan Bosher at 3720 Lexington Drive, a 10 square foot variation from Section 9-3-6-J to permit a storage shed to be 160 square feet instead of the maximum permitted 150 square feet.

<u>RECOMMENDATION:</u> The Zoning Board of Appeals (ZBA) recommends approval of this request.

Mr. Bosher stated that the house was purchased in 1987 and was built in 1971. Due to drainage problems the original subdivision plan was changed and where four homes were planned became the back yard. There are 13 lots that touch the property which measures .77 acres. Since this lot is much larger than the others he has a lot of yard equipment, including a riding lawn mower. There is an existing 10'8" wide by 21½' long concrete slab that restricts the shed size to be 10 foot wide. In order for it to look right he needs to have a shed that fills up the width of the concrete slab. The current shed is roughly 150 square feet. At Home Depot and Lowes the sheds come in 120 or 160 square feet, the Village limit is 150 square feet. Lumber comes in 4 by 8 foot sheets in 2 foot increments therefore companies offer 10 by 12 or 10 by 16 size sheds. In order to have a 10 by 15 foot shed you would have to buy the lumber for a 10 by 16 and cut off a foot and throw it away. Mr. Bosher works for the largest forest products company in the world, International Paper, and deals with Green Peace and Sierra Club forestry issues.

The chosen shed is attractive and goes with the color of the house. There is a line of evergreens on the north side of the property which blocks the view of the shed from that side.

Two variations in the R-4 District for over-sized sheds have been approved; one in 2006 for 192 square feet and one in 2002 for 192 square feet.

No objections have been received from the neighbors.

# **AUDIENCE COMMENTS**

None.

VOTE: 7 Ayes

**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 DENISE WILSON

# VILLAGE OF HOFFMAN ESTATES

# Memo

TO:

William Weaver, Zoning Board of Appeals Chairman

FROM:

Josh Edwards, Assistant Planner JAE

RE:

3720 LEXINGTON DRIVE - SIZE VARIATION FOR A STORAGE

**SHED** 

DATE:

May 28, 2009

HEARING DATE: June 2, 2009

# 1. REQUEST SUMMARY

Request by Lewis and Susan Bosher for a size variation to permit a storage shed.

# 2. PETITIONER PROPOSAL

The petitioner is requesting a 10 square foot variation to permit the replacement of an existing 148 square foot storage shed with a 160 square foot (10 feet wide by 16 feet long) shed. The shed would be placed on an existing concrete slab located in the side yard and behind the house.

The shed would meet the permitted height and required zoning setbacks.

Note: a circular extension of the driveway shown on the original plat of survey has since been removed.

# 3. <u>SITE CONDITIONS</u>

- a) The subject property is zoned R-4, One Family Residential District.
- b) The surrounding properties are also zoned R-4, One Family Residential District.
- c) The subject property is approximately 0.78 acres and is located in the Winston Knolls Unit 3 subdivision.

# 4. APPLICABLE REQUIREMENTS

Section 9-3-6-J (p. CD9:32) states that storage sheds shall not exceed 150 square feet in size.

# 5. ADJACENT OWNERS COMMENTS

- a) Standard notification letters have been mailed with no written comments received at the time of this writing.
- b) Statements of Awareness were received from several property owners with sight lines to the shed including: 3710, 3715, 3725, 3735, 3745, 3755, and 3770 Lexington Drive; 3701, 3711, 3715, and 3735 Firestone Drive; and 915 Patriot Lane.

# 6. <u>VARIATION HISTORY</u>

# Subject property

There is no variation history.

# Similar variations in the Village

- a) Ordinance No. 3433-2002 1080 Mayfield Lane A 42 square foot variation was granted to permit a storage shed to be **192** square feet instead of the maximum permitted 150 square feet. This property is zoned R-4, One Family Residential District.
- b) Ordinance No. 3919-2007 1355 Kingsdale Road A 42 square foot variation was granted to permit a storage shed to be 192 square feet instead of the maximum permitted 150 square feet. This property is zoned R-4, One Family Residential District.

# 7. ENGINEERING COMMENTS

The Engineering Division has reviewed the petitioner's proposal and has no comments.

# 8. IMMEDIATE AUTHORIZATION TO APPLY FOR PERMIT

The petitioner requests immediate authorization to apply for permits.

# 9. <u>DEVELOPMENT SERVICES COMMENTS</u>

The rear yard of the subject property is relatively expansive with limited landscaping and fences. The subject property is more than twice as large as the surrounding properties.

If the variation is denied, the shed could be replaced with a permitted shed of a maximum 150 square feet, or the existing shed could be retained.

# 10. MOTION

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

A 10 square foot variation from Section 9-3-6-J to permit a storage shed to be 160 square feet instead of the maximum permitted 150 square feet.

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

# VILLAGE OF HOFFMAN ESTATES ZONING BOARD OF APPEALS

# REQUEST FOR RESIDENTIAL VARIATION HEARING

FOR VILLAGE USE ONLY
Hearing Fee \$ 150.00 Date Paid 5/4/09 Received By A Monroe
Hearing Date: <u>6/2/09</u> Time: <u>7) 30 m</u> Legal Published <u>5/18/09</u>
Hearing Date: $6/3/09$ Time: $7/30$ M Legal Published $5/18/09$ Receipt Number $3/005$ Check No. $1/086$ Zoning District $R-4$
PLEASE PRINT OR TYPE
Use additional sheets as necessary
1. Property Owner(s) Name* <u> </u>
E-Mail Address LEWISBSH @ AOL Fax
Owner's Address 3720 LEXINGTON DR Phone 847 358-7895
City <u>HOFFMA) ESTATES</u> State 12 Zip <u>60192</u>
Subject Property's Address (if different):
SAME
2. Person applying if other than owner*:
Name Company
E-Mail Address Fax
AddressPhone
City
3. Property Index Number (PIN) 02-30-213-010-0000
4. Zoning District R-4
5. Briefly describe the improvement that needs a variation.
REPLACE EXISTING SHED WITH STANDARD
OFFERING 160 SOFT (CODE LIMIT 150 SOFT

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

6. Other options that would not require a variation?
HOME DEPOT + LOWES OFFER A 120 SOFT
SHED AND A 160 SQFT SHED, MY CURRENT
SHED IS 148 SOFT AND CUSTOM BUILT. IT
COULD BE REPAIRED, BUT A NEW SHED
WOULD BE MUCH PREFERABLE
7. Is the applicant the original owner? Do How long has the applicant resided at this address? Did the condition that instituted this request for a variation exist at the time the applicant purchased this property? If yes, please describe.
YES, THE SHED AND CONCRETE SLAB WAS
THERE WHEN I BOUGHT THE PROPERTY N 1987,
THE SHED HAS BEEN REPAIRED PAINTED BY
HE, BUT NEEDS TO BE REPLACED (ROTTED)
8. Describe existing materials and proposed construction materials indicating if proposed construction will match or blend with the existing structure.
THE MATERIALS WILL DE ECCENTUALLY
THE SAME, BUT THE WALLS AND ROOF PITCH
WILL BE MORE CONTEMPORARY, COLORS
TO MATCH HOUSE (SEE PHOTOS)
9. Estimated total project cost_~#4090
10. Removal/ relocation of trees, driveway approaches, utilities required? Will the proposed construction require removal/ relocation of trees, driveway apron, utilities, other? If yes, please describe.
NO, EXISTING SHED IS ON A CONCRETE
SLAB. NEW SHED - SAME PLACE

En add Au bv	Immediate Authorizati forcement Division to begi option of the Ordinance thorization makes it possil approximately two weeks 7/781-2631 to discuss the	n the building pe e by the Villa ble for you to ex s. Contact the	ermit review proce ge Board. The cpedite the plan re Code Enforceme	ess prior to the ne Immediate eview process ent Division at							
Ple	ase check one of the foll	owing									
<u>t</u>	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 Imme	diate Authorization	n to Apply for Perm	nits.							
12. Exi	sting Conditions	TOGRAPHS P	ROVIDED								
Front, Setbac Variati	ck, Height, or Other	Present Condition	Required	Proposed							
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accurat requirin	the undersigned, certify ely represent the curre g a variation.	nt conditions a	and proposed ir	ions provided nprovement(s)							
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Applica	nt's Signature <u>Ju</u>	12) C T	Sosher								
Name (	Please Print) LE	WIS C	BOSHER	<del>7</del>							

# **Request for Zoning Variance May 19, 2008**

Address

3720 Lexington Drive, Hoffman Estates, IL 60192

Property Index Number

02-30-213-010-0000

Volume

150

Code

29079

**Property Classification** 

2-34

# **Reason for Variance Request**

As shown in the enclosed photographs of my property and the Plat of Survey, there is a concrete slab measuring 12.6 feet by 10.9 feet designed to support a yard shed. The existing shed was repaired and enlarged about 10 years ago and is in poor condition once again. The existing shed is approximately 148 square feet and fits the concrete slab fairly well. The zoning limits are 150 square feet, but the manufacturers who supply Home Depot and Lowe's do not offer a model with a 10 foot width and a 15 foot length. The product offerings are 10x12 or 10x16.

As you can see, my lot is substantially larger than any other lot in the neighborhood. My request is for a variance of just 10 square feet above code and 12 square feet above the existing shed. In addition, it would be far most aesthetically pleasing to have the new shed fit the concrete slab widthwise. Because I need as much storage space as possible, the best solution is to purchase the 10x16 product offering.

I have obtained the approval of all of my neighbors who have a line of sight view of the shed.

Thank you for your consideration,

Lewis and Susan Bosher

# **Contractor Information**

Michael Ames

312-607-4048

**Tuff Shed** 

1141 West Melrose Ave

Franklin Park, IL 60131

**Tuff Shed Manager** 

Colin Ralphs

847-455-2618

# Request for Zoning Variance 3720 Lexington Drive

# To the Zoning Board of Appeals:

I have reviewed the request for a residential variance for the property located at 3720 Lexington Drive, Hoffman Estates, IL 60192. My review included a photograph of the proposed building and its dimensions relative to the Hoffman Estates code. The "Tuff Shed" brand is offered by Home Depot in a 160 sq ft model with a height of 9 ft 2 in.. The Hoffman Estates code limits the dimensions of a yard shed to 150 sq ft. and a height of 12 ft.

NAME	ADDRESS	APPROVE	DISAPPROVE
Don Wilkinson	3745 Lexington Dr.	\ <u>\</u>	
Hewher Ji	3715 Leainston Dr.	X	
GEORGE ALBIG	3770 LEXINGTON DR.	X	
Roger A. Kalisiale	915 Patriot LN.	X	
Lorna Bargiel	3755 Patreol EXNGTON	X	
WAYNE SILLDORF	3735 LEXINGTON	X	
Enc Jester	3711 N. Fivestone Dr	X	
FRANK KORONA	3715 N FIRESTONA	X	
Ron Nakai	3725 N. Firestone	X	
sam BONDI	3701 W FIRESTONE	X	
Jay Inco	3710 Lexington	$\lambda$	
Day A Juneth	3725 LEXING TON De	$\times$	
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Product Assortment FRIE Delivery\* & Installation





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	TOTAL TOTAL			1000							Modeled after the original TUSE SHED' struck style	building, the SR-600 is our most popular storage	building. It's also the most affordable standard	model in the Sundance Series", and combines six- foot sidewalls with endwall door placement.

	W/PAII	\$1,38	\$1,56	\$1,74	\$1,649	\$1,859	\$2,065	\$2,269	\$2,479	\$2,22	\$2,46	\$2,93	\$3,52	\$2,85	\$3,439	
	BASE	\$1,239	\$1,419	\$1,599	\$1,449	\$1,659	\$1,869	\$2,069	\$2,279	\$1,939	\$2,179	\$2,649	\$3,239	\$2,499	\$3,079	
;	W×L×H	"9, <u>/</u> x,8x,9	.9./×01×,9	6'x12'x7'6"	8′x8′x7′10″	8'×10'×7'10"	8′×12′×7′10″	8'x14'x7'10"	8'x16'x7"10"	10×10′×8′2″	10'x12'x8'2"	10'x16'x8'2"	10'x20'x8'2"	12'x12'x8'6"	12'x16'x8'6"	
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W/PAINT	\$1,384	\$1,564	\$1,744	\$1,649	\$1,859	\$2,069	\$2,269	\$2,479	\$2,224	\$2,464	\$2,934	\$3,524	\$2,859	\$3 439
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The TR-700 is a taller version of the SR-600, with this ranch style building featuring seven-foot
sidewalls. One of our more popular models, this
versatile, good-looking building can accommodate
door placement on sidewalls or endwalls.

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W/ PAINT	\$2,134	\$2,384	\$2,604	\$2,824	\$2,529	\$2,799	\$3,319	\$3,849	\$3,309	\$3,909	\$4,519	\$5,129	\$5,979	\$6,779
BASE	\$1,899	\$2,149	\$2,369	\$2,589	\$2,199	\$2,469	\$2,989	\$3,519	\$2,879	\$3,479	\$4,089	\$4,699	\$5,399	\$6,199
W×L×H	8'x10'x8'10"	8'x12'x8'10"	8'x14'x8'10"	8'x16'x8'10"	10'×10'×9'2"	10'x12'x9'2"	10'x16'x9'2"	10'x20'x9'2"	12'x12'x9'6"	12'x16'x9'6"	12'x20'x9'6"	12'x24'x9'6"	16'x20'x10'2"	16'x24'x10'2"
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12'x20'x10'6" \$4,499

12'x24'x10'6"

16'×20'×11'2'

\$3,199 \$3,299 \$3,879 \$3,849

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10'x16'x10'2" 10'x20'x10'2"

- W×L×H

IR-800

\$5,169

leed another foot of height on a ranch style fullding? The R:200 is a great fit. Toller, eight-foot dewalls can accommodate a small everhead loft, and talter standard doors which can be placed on ther the sidewalls or endwalls.

W PAIN

V×L×H

TB-700

22	W×L×	8'×10'×8'	8'x12'x8'	8'x14'x8'	8'x16'x8'	10'x10'x9	10'x12'x9	10'x16'x9	10'x20'x9	12×12×9	12'x16'x9	120
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\$4,649 \$5,349

\$4,899

6'x20'x15'8" \$7,519

sidewalls a foot taller. This provides more headroom and overhead storage. Seven-foot sidewalls on

The TB-700 is identical to the TB-600, but with

\$3,969

12'x12'x12'6" \$3,519

12×16/x12'6" \$3,829 2'x20'x12'6" \$4,479

The TB-600 model features classic born style. The

gambrel roof line provides room for additional overhead storage. The TB-600 features six-foot sidewalls, and endwall door placement.

\$3,259 \$3,799

10'x16'x11'6" 10'×10'×11'6" 10'x12'x11'6"

0'x20'x11'6"

\$3,044

\$2,499 \$2,429 \$2,689

8'x14'x10'6"

8'x12'x10'6" 8'x16'x10'6"

/ W×L×H

**TB-600** 

sidewalls. This style building is also available as a TB-800, with eight-foot sidewalls and taller door. the TB-700 accommodate doors on endwolls or

12'x24'x13'6'

\$4,339 \$4,594

> \$3,889 \$4,199 \$5,579 \$8,669

12'x16'x13'6"

\$3,619 \$4,239

10'x16'x12'6

\$2,999

10'x12'x12'6"

\$2,789

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12'x24'x9'6"



# Low Monthly Payments Available.

With credit approval on The Home Depot consumer credit card. See store for details.

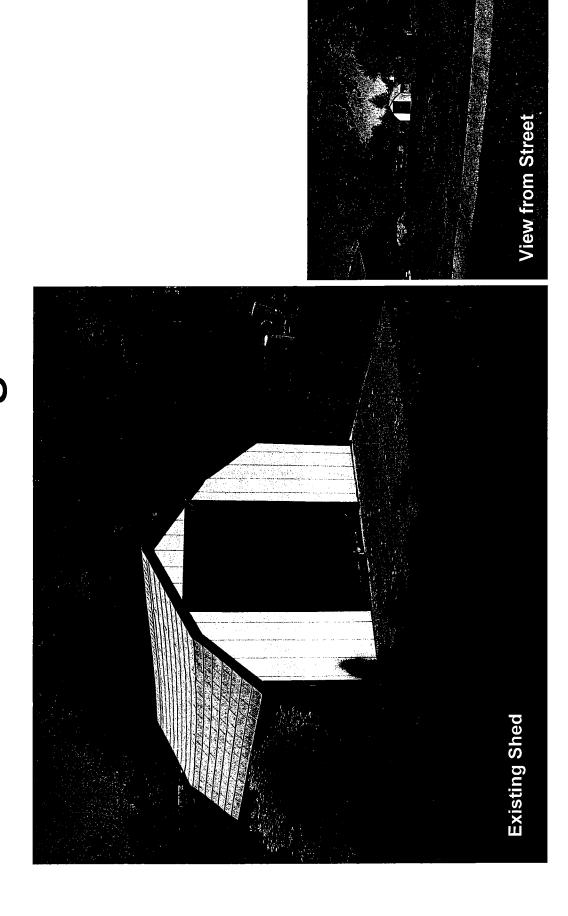
See the Special Services Desk or Call

See the Special Services Desk or Call

1234 5578

8-TUFF SHED to Order Today!

# 3720 Lexington Drive



# 3720 Lexington Drive

