

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ZONING BOARD OF APPEALS

**REPORT & RECOMMENDATION CERTIFYING THE FINAL PLANNED UNIT DEVELOPMENT PLAN
IS IN SUBSTANTIAL COMPLIANCE WITH THE PREVIOUSLY APPROVED PRELIMINARY PLANNED
UNIT DEVELOPMENT PLAN**

To the President and Board of Trustees of the Village of River Grove, Cook County, Illinois:

The Zoning Board of Appeals of the Village of River Grove, Cook County, Illinois ("ZBA"), convened on the 12th day of October, 2021, at 9:06 p.m. pursuant to notice published in the *Chicago Tribune*, in accordance with local ordinance and the Illinois Statutes, there being no newspaper published within the municipality, to consider the application of MB Belmont LLC, an Illinois limited liability company ("Developer" or "Applicant"), for final approval of its Planned Unit Development for the properties commonly known as 3000 North 80th Avenue, River Grove, Illinois (PINs 12-26-200-013-0000 and 12-26-200-014-0000), and 8001 Belmont Avenue, River Grove, Illinois (PIN 12-26-200-005-0000). The preliminary planned unit development was considered by the ZBA on the 20th day of July, 2021. The Developer's preliminary planned unit development proposed one hundred sixty-two (162) three (3) story luxury residential rental dwelling units within seventeen (17) buildings of various sizes along Belmont Avenue; one hundred twenty (120) age restricted residential rental dwelling units within three (3) three-story buildings each containing forty (40) dwelling units along O'Connor Drive; and one hundred seventy-two (172) privately owned, three (3) story townhouses centrally located upon the property (collectively "the Development"). Following that hearing, the ZBA recommended that the Corporate Authorities approve the special use permit for the preliminary planned unit development ("PUD") including certain variations and exceptions to the Zoning Code. The Corporate Authorities accepted the ZBA recommendation and approved

the Developer's preliminary PUD on August 19, 2021, pursuant to Ordinance No. 2021-28. The Developer now seeks approval of the final PUD.

Section 6-4-4(E) of the Village Code provides, in pertinent part:

2. Final Development Plan Procedure: Within one year following the approval of the preliminary plan the applicant shall file with the plan commission/zoning board of appeals a final development plan containing, in final, the information required for the preliminary plan. The final development plan shall also include the following:

(a) All Planned Unit Developments: All planned unit developments are required to submit the following as part of the final development plan:

(1) Final architectural plans.

(2) Final engineering drawings.

(3) Final development and construction schedule.

(4) Final agreements, bylaws, provisions and covenants which govern the use, maintenance and continued protection of the planned unit development, and any of its common open areas or other common facilities.

(5) An accurate legal description of the entire area within the planned unit development.

(b) Planned Unit Developments With Subdivision: In addition to the above requirements, any planned unit developments involving subdivision are required to submit the following as part of the final development plan:

(1) A final development plan suitable for recording with the county recorder of deeds.

(2) A subdivision plat of all subdivided lands in the same form of, and meeting all requirements for, a normal subdivision plat.

(3) Certificates, sales and signatures required for the dedication of land and recording the document.

(4) Tabulations of each separate unsubdivided area, including land area and number of dwelling units per gross acre.

3. Final Development Plan Approval: The final development plan shall be approved as follows:

(a) Conformance With Preliminary Plan: The plan commission/zoning board of appeals shall review the final development plan within thirty (30) days of its submission in full to the village and ***shall recommend approval if it is in substantial compliance with the preliminary development plan.*** The plan commission/zoning board of appeals shall certify to the village board that the final development plan is in conformance with the previously filed preliminary development plan. Within thirty (30) days of receipt of the plan commission/zoning board of appeals' recommendation, the village board shall review the final development plan and shall, if it is in conformity with the preliminary development plan, authorize the planned unit development and special use.

* * *

(c) Approval: After the approval of the final development plan, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this title.

Code of the Village of River Grove, Title 6, Chapter 4, Section 6-4-4(E) (emphasis added). The Developer has filed with the ZBA its application for final approval of the PUD within one year following the approval of its preliminary plan.

Upon Chairman Linda Snyder calling the hearing to order, Secretary Joseph Kosik called the roll. Members Linda Snyder, George Obrzut, Craig Matz, Donald L. McElhattan, Mario Novelli, Mabel Dieterle and Joseph Kosik were in attendance. Additionally, Bart Smith was present as attorney for the ZBA. The Chair declared that a quorum was present.

The chair then summarized the final PUD: Phase One consists of previously proposed 162 rental units divided into two 20-unit buildings, one 14-unit building, four 12-unit buildings, and ten 6-unit buildings along Belmont Avenue; and three 40-unit age restricted buildings along O'Connor Drive. Phase Two consists of the previously proposed 172 privately owned townhomes along with a recreation area and club house for these property owners. The development also maintains the proposed additional parking and other public improvements, all of which require certain variations and exceptions to the Village Code. All residential structures do not exceed three stories in height.

Before proceeding with the presentation of witnesses, the Chair directed that the attorneys place of record the following exhibits, the originals of which were admitted without objection and by stipulation:

Joint Exhibit 1 Affidavit of Compliance documenting the Posting of Notice on the subject properties; the Service of Notice to record owners by regular and certified mail; and the Publication and the Certificate of Publication of the Notice of Public Hearing by the *Chicago Tribune*

- Exhibit A Legal Description of Property
- Exhibit B Application for Zoning Special Use
- Exhibit C Proposed PUD and Associated Variations/Exceptions
- Exhibit D Proof of Ownership
- Exhibit E Names and Addresses for Surrounding Property Owners
- Exhibit F Notice Draft Notice of Public Hearing
- Exhibit G Boundary Line Survey
- Exhibit H Preliminary Site Plan
- Exhibit I Zoning Analysis
- Exhibit J Phasing Plan
- Exhibit K Utility Plan
- Exhibit L Environmental Issues
- Exhibit M Circulation Plan
- Exhibit N Revised Landscaping Plan
- Exhibit O Final Architectural Plans
- Exhibit P Final Engineering Drawings
- Exhibit Q Final Development and Construction Schedule
- Exhibit R Final Association Declaration and By-Laws
- Exhibit S Final Legal Description of Property
- Exhibit T Draft Final Development Plan (to be revised as needed pursuant to Discussion with the Village)
- Exhibit U Revised Subdivision Plats
- Exhibit V Tabulations
- Exhibit W-1 Final Traffic Impact Study
- Exhibit W-2 Lighting Plan
- Exhibit X Revised Notice of Public Hearing
- Exhibit Y-1 City of Chicago comments on sanitary sewer service
- Exhibit Y-2 Storm Water Management Report for MWRD

Exhibit Y-3 Elmwood Park comments on 80th Avenue entrances

Exhibit Y-4 Communication with IDOT regarding Belmont Avenue entrances

At that point, it was explained that Exhibits A-N were submitted during the hearing on the preliminary PUD while Exhibits O-Y set forth the required final plan documents of the Developer. Upon the admission of these exhibits, counsel for the ZBA stated that the board's jurisdiction over this matter was established, and the chair requested that the applicant proceed with its presentation.

Matthew Welch appeared on behalf of the Developer and identified three available witnesses to present testimony or answer any questions in support of the final PUD. Counsel stated that the final plans substantially comply with the preliminary plans previously approved by the ZBA and Corporate Authorities, and that any changes have been made based upon the comments made at the preliminary hearing or per discussions with Village staff. Benjamin Kanwischer, Architect, from Shive Hattery, was called and sworn as a witness for the Developer. Mr. Kanwischer summarized the changes to the final plans as follows:

(1) The 80th Avenue access to the Belmont Avenue residential units has been eliminated, and the Belmont Avenue units will be accessed from two points along Belmont Avenue only and these access points align with cross streets to the north. He also stated that nine (9) parking spaces were added to the Belmont section of the plan. There remain 454 residential units and now 1,009 parking spaces described as follows:

- (a) 162 residential units on Belmont Avenue with 319 parking spaces;
- (b) 172 townhomes in the central area of the development with 442 parking spaces; and
- (c) 120 age restricted units along O'Connor Drive with 248 parking spaces.

(2) The landscape plan identifies 6' wood privacy fencing on the west boundary; an 8' masonry wall surrounding the cell tower; 6' privacy fencing between the Belmont Avenue units and the townhomes; and security perimeter fencing on 80th Avenue and O'Connor Drive.

(3) With respect to density, there have been no changes. The higher density units are located on Belmont Avenue and O'Connor Drive, while the central area maintains its single family feel. The center unit on O'Connor Drive will include a roof deck

amenity. Additionally, there is 45' between O'Connor Drive and the age restricted units, with 28' of space between these buildings. The townhomes will maintain 42' of space between the units.

Upon Mr. Kanwischer concluding his presentation, the Chair confirmed with him that the streets within the development will be two-way streets. There were no further questions or comments from the members of the ZBA.

At that point, the Village Engineer, Mark D. Lucas, advised the ZBA that site plan review, and the fire, police and public works departments all concluded that the final PUD was in compliance with the preliminary PUD. Mr. Lucas emphasized that the Development provides greater water detention than is required by law, and provides water detention that prior development in the area did not provide. He further stated that the municipal utilities were sufficient to service the Development, which are aided by the City of Chicago allowing connection to the Chicago's sanitary sewer for the Belmont section of the Development. No further presentation was provided by the Village, and there were no questions presented to the Village by the members of the ZBA.

Public comments were then received by the ZBA:

- (a) Scott McFedries of Burr Ridge claimed that the final plans were not posted by the Village until the day before the hearing, and consist of a 36-page document and a 589-page document. He requested that the ZBA delay action on the matter.
- (b) Ryan Pietrzak of River Grove presented information that the Developer does not maintain safe job sites or proper safety measures, and recommends that the Village mandate proper safety practices and use only licensed and bonded plumbers. He believes there must be stipulations on safety and zero tolerance of any contractor violations, with strict rules and consequences.
- (c) Brian David of Elmwood Park repeated the comments of Mr. McFedries and requested that the ZBA delay action on the application. He further claimed the groundwater report was buried on page 579 and is not a reliable report due to a conflict of interest.
- (d) Paul Price of Forest Park commented upon the safety record of Developer, including references to subcontractor violations cited by OSHA.
- (e) Paul Fosco of Elmwood Park further commented on the Developer's safety record.

(f) Jeremy Esparza of Chicago and a business agent for the laborers' union provided additional information on the safety record of the Developer.

(g) Peter Pasula of River Grove questioned the density of the 454 units, and is concerned about an increase of 13% in the local population.

In addition to the public comments, two emailed comments were received: (1) Jeanine Bischoff of Elmwood Park did not believe the asbestos removal was completed, and asked whether the units are for rent or for sale; and (2) a Chicago Laborers' letter was summarized regarding compliance with the prevailing wage act, and the benefits of a project labor agreement. No comments were received via Zoom or via call-in options.

In rebuttal to these comments, Mr. Welch reminded the ZBA that the issue for the hearing was whether the final PUD was substantially in compliance with the preliminary PUD, and emphasized that the Developer is subject to and intends to comply with all applicable laws and regulations pertaining to the Development.

At the conclusion of the public comments, the Chair closed the public portion of the hearing and the members of the ZBA thereafter unanimously agreed that the final PUD plans are substantially in compliance with the approved preliminary PUD plans.

ACCORDINGLY, ON THE MOTION OF MEMBER OBRZUT, SECONDED BY MEMBER KOSIK, THE MEMBERS OF THE ZBA UNANIMOUSLY REPORT, RECOMMEND AND CERTIFY THAT THE FINAL PLANNED UNIT DEVELOPMENT PLAN OF MB BELMONT LLC IS IN SUBSTANTIAL COMPLIANCE WITH ITS PREVIOUSLY APPROVED PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN, AND THEREFORE RECOMMENDS THAT THE CORPORATE AUTHORITIES APPROVE THE FINAL PLANNED UNIT DEVELOPMENT OF MB BELMONT, LLC.

Dated: November 18, 2021.

Respectfully submitted,



Bart A. Smith, Attorney
Zoning Board of Appeals
Village of River Grove