

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ZONING BOARD OF APPEALS

In the matter of:)
)
MB BELMONT LLC, an Illinois limited) Case No. 2021-ZBA-001
liability company,)
Applicant.)

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.

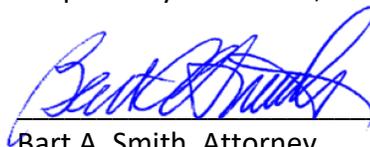
In rebuttal to these comments, Mr. Welch reminded the ZBA that the issue for the hearing was whether the final PUD was substantially in compliance with the preliminary PUD, and emphasized that the Developer is subject to and intends to comply with all applicable laws and regulations pertaining to the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

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ZONING BOARD OF APPEALS

In the matter of:)
)
MB BELMONT LLC, an Illinois limited liability company,) Case No. 2021-ZBA-001
)
Applicant.)

**REPORT & RECOMMENDATION
(Map Amendment Changing a G/E District to a R-3 Residential District and
A Preliminary Plan for a Planned Unit Development)**

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 20th day of July, 2021, at 7:00 p.m. pursuant to notice published in the *Chicago Sun-Times*, in accordance with local ordinance and the Illinois Statutes, there being no newspaper published within the municipality, to consider two (2) applications filed by the applicant, MB BELMONT LLC, an Illinois limited liability company (“Developer” or “Applicant”). The Developer’s Preliminary Planned Unit Development proposes one hundred sixty-two (162) three story luxury residential rental dwelling units within seventeen (17) buildings of various sizes along Belmont Avenue; one hundred twenty (120) three story age restricted residential rental dwelling units with three (3) buildings each containing 40 dwelling units along O’Connor Drive; and one hundred seventy-two privately owned, three story townhouses centrally located upon the property (collectively “the Development”). In order to proceed with the Development, the Applicants filed two zoning applications, “An Application for Zoning Text and Map Amendment” seeking a map amendment to change the zoning of 3000 North 80th Avenue, River Grove, Illinois, and 8001 Belmont Avenue, River Grove, Illinois from the G/E Government Education District to the R-3 Single and Multi-Unit Dwelling Residential District (“Map Amendment Application”); and secondly, a special use permit for a Planned Unit Development including certain variations and exceptions to the Village of River Grove Zoning Code.

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, and Joseph Kosik, and were in attendance, with the seventh board seat being vacant at this time. Additionally, Bart Smith was present as attorney for the ZBA. The Chair declared that a quorum was present.

The chair then summarized the properties owned by MB Belmont LLC, namely 8001 Belmont Avenue, River Grove, Illinois and 3000 North 80th Avenue, River Grove, Illinois (collectively "the Property"); the Developer's proposed Planned Unit Development for the properties; and the Applicant's two zoning applications, namely the Map Amendment and Special Use for the Planned Unit Development and Variations related thereto. 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:

1. Exhibit A – Subject Property Addresses, Property Identification Numbers and Legal Description of Properties;
2. Exhibit B – Proposed Map Amendment;
3. Exhibit C – Special Use Permit for Planned Unit Development with Requested Variances set forth;
4. Exhibit D – Proof of Ownership – Deed, dated 9/28/2020, and recorded 11/17/2020 as Document 2032028114, and Title Insurance Policy CCHI903339LD issued by Chicago Title Insurance Company;
5. Exhibit E - List of Names and Last Known Addresses for the surrounding property owners entitled to notice as identified and provided by the Leyden Township Assessor's Office;
6. Exhibit F – Notice of Public Hearing
7. Exhibit G - Boundary and Topographic Survey as prepared by Gremley & Biedermann ("G&B") dated September 30, 2020
8. Exhibit H – Preliminary Site Plan and Site Renderings as prepared by ShiveHattery, dated July 1, 2021
9. Exhibit I – Zoning Analysis
10. Exhibit J – Phasing Plan
11. Exhibit K – Utility Plan
12. Exhibit L – Environmental Issues

13. Exhibit M – Circulation Plan (Traffic Impact Study)
14. Exhibit N – Landscaping Plan prepared by ShiveHattery, dated July 1, 2021
15. Exhibit O – Alternative Preliminary Site Plan as prepared by ShiveHattery, dated July 13, 2021
16. Exhibit P – Certificate of Publication of Notice of Public Hearing
17. Exhibit Q - Affidavit of Service of Notice to record owners by regular and certified mail.
18. Exhibit R - Affidavit of Posting of Notice on properties or photograph of notice posted on property.

Upon the admission of the joint 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, counsel for the Applicant, appeared on behalf of the Developer and then identified three witnesses to present testimony in support of the Applications. Counsel for the ZBA sworn-in collectively all individuals who were to present testimony on behalf of the Applicants, namely: (1) Benjamin Kanwischer, Architect, from Shive Hattery; (2) Paul Leder, Engineer, from RWG Engineering, LLC; and (3) Michael Werthmann, Traffic Consultant, from Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA, Inc.). Before calling any witnesses, Counsel Welch reviewed the thirteen factors to consider when determining whether to grant a map amendment:

1. The existing use and zoning of nearby property.

Within the Village, the properties surrounding the Property are all zoned R-3. This is the same designation requested for the Property by the Developer. Similarly, the properties outside the jurisdictional boundaries of the Village are also residential in nature, including both single and multi-unit dwelling units.

2. The extent to which property values of the subject property are diminished by the existing zoning.

The Property is currently zoned “G/E Government and education district.” This designation limits the potential uses and/or users of the Property. This limitation diminishes the value of the Property if it retains its current zoning designation.

3. The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.

The Village has determined that maintenance of the current zoning district is counter to the progressive demands of orderly development of the Property as well as the surrounding area.

Furthermore, residential development on the Property is in furtherance of the Village's future growth plans and transit oriented planning.

4/10. The relative gain of the public, as compared to the hardship imposed upon the applicant; and that the proposed amendment will benefit the residents as a whole, and not just the applicant.

The Property under its current zoning designation has resulted in a "blighted property." The Property has been vacant, lacks community planning, contains obsolete improvements and structures, contains inadequate utilities, and requires environmental remediation due to asbestos and lead. The rezoning of the Property to the R3 designation will make it permissible for private enterprise to remedy these deleterious impacts upon the surrounding area.

5. The suitability of the property for the purposes for which it is presently zoned.

As stated above, the properties surrounding the Property are all currently zoned R3. The G/E zoning designation has resulted in "blight" and maintenance of the current designation will prohibit private investment in the Property.

6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.

Guerin Prep ceased operations on June 30, 2020. The Property has been vacant since that time. Guerin Prep is one of many institutional uses that the Chicago Archdiocese has shuttered over the past few years. Maintenance of a G/E zoning designation will cause the Property to remain vacant and blighted within a strategic location of the Village. As evidenced by other long vacant Archdiocese properties across the Chicago region, institutional reuse is rare and unlikely.

7. The evidence, or lack of evidence, of community need for the use proposed by the applicant.

The community need for the proposed development is evidenced and supported by the Village of River Grove Northeast TIF District Redevelopment Plan and Project.

8. The consistency of the proposed amendment with the comprehensive plan.

The Village has determined that residential use of the Property will conform to the Area Land Use Plan.

9. The consistency of the proposed amendment with the intent and general regulations of [the Zoning Ordinance].

The purpose of the Village of River Grove Zoning Ordinance is to ensure orderly development of the Village and secure the public health, safety, convenience, comfort and general welfare of its residents. Rezoning of the Property to R3 will promote the public health and welfare by permitting private investment in the Property and thereby eliminating the blight that currently exist at the Property.

11. The extent to which the proposed amendment creates nonconformities.

The proposed map amendment will not create nonconformities. To the contrary, the map amendment will permit private investment in the Property and thereby the demolition of the existing structures and redevelopment in compliance with the Zoning Ordinance.

12. The trend of development, if any, in the general area of the property in question.

The preliminary plan is supported by and in conformance with the Village of River Grove Northeast TIF District Redevelopment Plan and Project.

13. Whether adequate facilities are available.

The proposed map amendment will permit private investment and eliminate blighting factors within the Property and surrounding area. The plan includes the installation of sanitary sewer lines, storm sewer lines, water lines, roads, and other necessary public facilities.

At that conclusion of Counsel's presentation in support of the requested Map Amendment, the chair asked for public comments on the proposed map amendment and the following public comments were received:

- (a) Mr. Thomas stated that he just received notice via the certified mail, and believes the current condominium owners in the area were left out of the process.
- (b) Cheryl Meschewski asked about and was informed that the rental properties are being rented at market rates and there is no plan for subsidized housing in this development. She further commented that she was concerned about the lack of green space and potential flooding created by the development. Counsel Welch advised that the presentation on the planned unit development would address the water management and other concerns of this individual.

Based upon the public comments addressing the proposed development as opposed to the map amendment specifically, Counsel proceeded with the presentation on the preliminary plan of the Planned Unit Development. Three witnesses called by Counsel for the Developer presented the preliminary plan:

First, Benjamin Kanwischer, an architect with Shive Hattery, provided the following information on the proposed PUD. First, he advised that certain minor changes were made to the overall plan presented in the application documents, but that the plan still consisted of three zones. One, along Belmont Avenue, the plan calls for 162 rental apartments divided

among various sized buildings and appearances; two, the center area includes 172 townhomes with a private recreation building and park area; and third, the back area will be three 40-unit age restricted buildings with a roof deck amenity. All improvements will be 3 stories in height. He further stated that the density on ends of the site fits well with the other surrounding properties. He emphasized that the south development will be 45 feet off of O'Connor Drive to provide more green space, and that the plan added diagonal public parking on O'Connor Drive while preserving the existing trees along this street.

With respect to parking, Mr. Kanwischer summarized that the 162 units will have 326 parking spaces (280 garage stalls and 46 outside guest stalls); the 172 units will be serviced by 426 parking spaces (2 car garage per townhome, with 82 exterior guest spaces); and the 120 units will be serviced by 248 parking stalls. Overall, the 454 dwelling units will be serviced by a total of 1,000 on-site parking spaces. He further stated that the access to the Belmont units is limited to Belmont Avenue, but that the current plan allows townhome residents to exist through to Belmont Avenue, but this does not permit access to the townhomes from Belmont Avenue.

With respect to the buildings, Mr. Kanwischer stated the building elevations on Belmont will vary, and buildings will contain various numbers of dwelling units and three façade looks will be used. He also summarized the three buildings on O'Connor Drive and the townhome layout. He also mentioned that the townhomes are designed to include sufficient green space between the buildings, a dog run and a recreation center for the owners.

Before concluding, Mr. Kanwischer summarized the needed variances for the PUD as follows:

- A. Vary the 15' set back to a 10' set back to create more parking, and create architectural uniformity in the area.
- B. Vary the rear yard open space requirement by 40% to accommodate the parking servicing the apartment development on Belmont Avenue.
- C. Allow a 10' variance on height along Belmont Avenue as all buildings will remain three stories, but varying the parapet heights will create more interest. Additionally, the age restricted buildings will no longer include a fourth story roof top deck, but rather a third floor open space in the middle building.

- D. Vary the code to allow the front of the townhomes to face each other while their garages will face each other. This allows for green space of approximately 45' between units.

Counsel Welch then called Paul Leder, an engineer with RWG Engineering, LLC, who made the following points:

- A. The development will continue to use the Chicago sanitary sewer except for the O'Connor development which will use the River Grove sanitary sewer.
- B. The River Grove Water system will service the development by connecting to mains located at Paris and Belmont, and 80th and O'Connor.
- C. The plan includes significant storm water management improvements including use of underground basins and greatly restricted flows before entering the village storm sewers. The chances of flooding will be greatly reduced by this development.

Counsel Welch then called his third witness, Michael Werthmann, a Traffic Consultant with Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.). Mr. Werthmann reviewed the five access points servicing the development; the additional public parking along O'Connor Drive; the widening of the intersection at 80th and Belmont avenues and the addition of a north bound left turn lane; and the alignment of the access points with existing Elmwood Park and Chicago streets. Overall, he stated that the streets have the capacity to handle excess traffic based upon how the plan distributes traffic among the five access points. He also noted that the volume of traffic should be reduced by public transportation available in the area; the addition of the age restricted housing; the elimination of the two schools; and internal regulation of traffic within the development.

Counsel Welch concluded by referencing the eight factors to consider in approving a planned unit development, which he referenced in Exhibit I as follows:

1. PUDs must be a minimum of twenty thousand (20,000) square feet in area.

The Property is 22.5 acres, or 980,100 square feet.

2. PUDs shall be compatible with the purpose and intent of [the Zoning Ordinance] and the Village's comprehensive plan. A PUD shall exercise no detrimental influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of those properties by present owners.

The long-term development plan of the Village is that the Property be utilized for residential purposes similar to the surrounding properties. As stated earlier, the Village has determined that the Property is currently blighted and is having a negative effect on the surrounding environs. The proposed PUD will likely increase the market valuation of surrounding properties and eliminate the blighting factors. Further, as part of the proposed PUD, MB Belmont will commit itself to construct sufficient public facilities, as set forth in the enclosed plans, to ensure surrounding properties are not impaired by the new use of the Property.

3. Petitioner shall make a showing of favorable economic impact on the Village.

Upon substantial completion of the Project, MB Belmont projects the EAV of the development to be approximately \$31,539,896.00, which result in annual property taxes in the amount of \$3,391,170.00. Further, the residents occupying the development will undoubtedly have a positive effect on the commercial businesses in and around the Village.

4. Petitioner must show that the proposed PUD will be in no way detrimental to, or adversely affect, the environment.

MB Belmont, as evidenced by the plans, is committed to developing a unique and first-class residential development at the Property. Accordingly, MB Belmont is committed to utilizing first rate materials. Finally, as part of the demolition of the current structures, MB Belmont shall ensure all asbestos is removed in compliance with the highest industry standards.

5. Harmonious design, including a variety of building types, shall be encouraged.

As part of its negotiations with the Economic Development Committee, MB Belmont has committed to developing a variety of building types. Further, the driving need for a variance to the height limitation is to permit a variety of building types.

6. Developer shall provide for and establish an organization for the ownership and maintenance of any common open space designated within a PUD.

Common area open space will be provided for the townhomes, and a homeowner organization will own and maintain the common open space.

7. Development shall not impose an undue burden on public services and facilities.

As part of its negotiations with the Economic Development Committee, MB Belmont has committed to constructing and installing all public facilities necessitated by the proposed development. Further, in order to minimize demands upon the school districts, MB Belmont has committed to age restrictions on the three 40-unit apartment buildings.

8. The site shall be accessible from dedicated public roads to carry traffic generated by the PUD.

As evidenced by the site plans, dedicated public roads currently exist around the Property; further, MB Belmont shall construct all necessary interior roads and traffic controls to ensure efficient movement of traffic.

Upon concluding his presentation, Counselor Welch was asked by Chair Snyder about the impact upon the school districts. Counsel identified the age restricted units and luxury one bedroom units as an effort to minimize the impact of the schools, while also mentioning the additional property taxes that will be generated to assist the schools in absorbing any additional students. He also explained to member Kosik that the townhomes have been reduced in size to create more green space in that part of the development; and advised member Matz that there is no driveway extending from the townhome garages. At that point, Chair Snyder asked for public comments which are summarized as follows:

Mr. Pasula from O'Connor Drive believes the plan ignores safety concerns after referencing the previous fire on Paris Avenue, and that the plan will be a *ghetto*. Ray Casali was called by Counselor Welch who explained that the rental units will rent for between \$1,800 and \$2,100 per month, and townhomes will sell for between \$489,000 and \$529,000. Based upon the sale and rental experiences in River Grove, Elmwood Park and Forest Park, Mr. Casali is confident that this project will not lead to a *ghetto*. It was further explained that the townhomes will be built to code and include 2-hour fire separation between each unit and all units will include fire suppression systems.

Mr. Wajda from Paris appeared many times. He first suggested permeable parking, gated access to the Paris Alley, and that the park be open to all in the area. The engineer explained that permeable parking not likely due to the use of underground vaults. Additionally, it was noted that the Paris alley is private property and not an access point for development.

Mrs. Thomas from Paris repeatedly complained of Belmont traffic cutting through the Paris residents' private parking lot, and suggested that the developer install gates, fencing, etc. for the safety of the Paris residents.

Mr. Khamis from Chicago offered a handout on safety violations which was not accepted as not being relevant to the zoning board hearing. He commented about the safety records of and OSHA citations issued to two subcontractors of Noah Builders.

Ralph Meschewski of Elmwood Park asked about storm water and was advised that storm waters would be managed by the River Grove storm water sewers and not the Elmwood Park storm water sewers.

Marty Egan of Elmwood Park expressed concern about the fire and police services for this new area due to the number of units and the location compared to the railroad tracks.

Paul Price of Forest Park stated that the documents on the village website are not the same as the documents presented at the hearing; modifications have been made and the traffic study does not reflect the changes; and concluded that the hearing should be delayed because the public was provided incorrect information. Counselor Welch explained that changes have been made, but that this is a collaborative process and simply a preliminary plan that is subject to final plan approval. The traffic study engineer elaborated that site access points changed but density and numbers did not change, and the streets have sufficient capacity to handle additional traffic.

Olha Oleksyk from Paris, upon questioning, was advised that the additional parking on O'Connor is public parking, but preserving the existing trees limited how much additional parking was created; and that all buildings are three stories. She then recommended speed bumps be installed on Paris. Finally, she was advised that water services to the area will not be impacted, and that a privacy fence will be installed between the Paris Alley and the development.

Greg Gunderson of Elmwood Park asked about the parkway trees being saved, and the amount of green space between 80th Avenue and the townhomes.

Fernando Rojas than appeared on behalf of laborers. Once again, a proposed handout on claimed safety violations was found not relevant and he was advised to present his information to the building department.

Jeremy Esparza also pursued the argument that worker safety is relevant and offered a handout. The handout was once again deemed not relevant.

Mr Wajda of Paris reappeared and made various comments on the public parking on O'Connor, and the parking on-site being assigned as tenant spaces and guest spaces. He also claimed the traffic study is flawed, and the impact on the schools is a great concern. He publicly stated that he lives in a one-bedroom unit with two children, and therefore a one-bedroom unit does not necessarily lessen the impact on schools.

Mr. Pasula commented that the traffic is a nightmare, to which the traffic engineer stated that every effort is being made to mitigate traffic and parking issues.

Steve Todero asked about why there is no park space that everyone can use, and inquired as to whether the development will be fenced. It was explained that the development will not be fenced in except for the privacy fence between the development and the Paris Avenue apartments and parking area.

Mr. Wajda again appeared and commented that 454 units will generate 1135 additional residents, and this increase is a concern for fire and police services. He believes the plan should be downsized for better public safety services, more green space, less burden on the schools, a park for everyone in that area.

Olha Oleksyk from Paris reappeared and was concerned that the dog run and barking would bother the residents on Paris. It was explained that the cell tower area and dog run area will be surrounded by block fencing 12' in height.

Paul Price of Forest Park reappeared and asked about the PUD approval process.

At that point, individuals participating by Zoom or call-in were allowed to make public comment as follows:

Sharon Capparelli of Elmwood Park expressed concern about the traffic that will be generated by the development.

Laura Freidin emailed and called in, and asked about street configurations, lane closures during construction, and what environmental and pest control measures were taken. Village Engineer Mark Lucas explained that these issues were addressed in the demolition permitting process.

Conrad Skiba questioned if the rentals were market rate or subsidized housing, and was advised that there are 1000 on-site parking spots, and there are no plans to convert the rentals into condominiums.

Margo Prenta also emailed in questions concerning traffic control, market rate rentals, and the impact on Thatcher Woods Mall.

Upon review of the application documents, hearing from the Applicant, all individuals in attendance in-person and by teleconference or Zoom, and there being no other requests to be recognized, the public portion of the hearing was concluded.

RECOMMENDATIONS

Based upon the foregoing and in consideration of the application and exhibits presented, with respect to the Application for Zoning Text and Map Amendment seeking a map amendment to change the zoning of the property from G/E to R-3 ("Map Amendment Application"), upon the motion of Member Kosik, seconded by Member Matz, the members unanimously agreed to recommend that the requested Map Amendment be approved by the President and Board of Trustees as the Applicants met the standards for the Map Amendment as follows:

- a. The proposed residential uses are compatible with existing R-3 uses and the zoning of nearby properties.

- b. The property values of the project parcels are diminished by the existing zoning, and the proposed development will enhance the values of the development and surrounding properties.
- c. The proposed residential uses of the development will promote the public health, safety, comfort, convenience and general welfare of the village.
- d. The development includes significant public and quasi-public improvements that are not feasible or possible if the Applicant is not provided the necessary amendment to proceed with the development.
- e. The suitability of the properties for the purposes for which they are presently zoned has not generated any interest in these properties, and the amendment allows for the development of separate residential improvements in conformance with the R-3 District zoning standards.
- f. The property has been vacant as presently zoned, and development of this project will support surrounding existing residential and commercial improvements and spur further development or redevelopment in the area.
- g. The planning documents of the Village evidence the community's need for the proposed Development.
- h. The proposed development is consistent with 2021 Northeast Tax Increment Financing District and Redevelopment Plan, as well as the 2005 and 2014 comprehensive plans of the Village.
- i. The proposed amendment will benefit the residents of the Village as a whole, as vacant, contaminated and obsolete properties will be redeveloped in accordance with the planning documents of the Village.
- j. Although the proposed development creates nonconformities, those nonconformities are due to the unique characteristics of the property, and the improvements being required by the Village.
- k. The proposed development will support other development in the general area, including the neighboring shopping centers and restaurants.
- l. Adequate public facilities are available for the project including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines.

With respect to the Application for Zoning Special Use seeking a special use permit for the Planned Unit Development, upon the motion of Member McElhatten, seconded by Member Obrzut, the Board voted unanimously to recommend that the Preliminary Planned Unit

Development be approved by the President and Board of Trustees. In making the recommendation for approving the Preliminary Planned Unit Development, the Board found:

- a. The preliminary plan presents a creative approach in the use of former school campus which is not permitted under the current Zoning Ordinance. The proposed plan includes various luxury residential developments that include both market rate rental units along with privately owned townhomes.
- b. The property is 22.5 acres, or 980,100 square feet.
- c. The plan comports with the long-term development plan of the Village in that the property will be utilized for residential purposes similar to the surrounding properties, while eliminating the current blighted improvements that have had a negative effect on the surrounding community. The proposed PUD will likely increase the market valuation of surrounding properties and eliminate the blight; and the additional public facilities should ensure that surrounding properties are not impaired by the new use of the property.
- d. The developer projects the EAV of the development to be approximately \$31,539,896.00, which result in annual property taxes in the amount of \$3,391,170.00. Additionally, the residents occupying the development will undoubtedly have a positive effect on the commercial businesses in and around the Village.
- e. The preliminary plan proposes first-class residential developments at the property, while remediating environmental concerns at the property including lead and asbestos.
- f. The preliminary plan offers a variety of residential building types, that require a variance from height limitations within the Zoning Code, but none of the buildings will be more than three stories.
- g. Another variance, a 5' variance to the minimum 15' front yard setbacks for the multi-unit dwellings adjacent to Belmont Avenue, resulting in 10' front yard setbacks. This variance maintains the character along Belmont Avenue, and allows for additional on-site parking.
- h. A 40% variance to the 30% limitation on detached accessory buildings in the rear yard is to meet the Village's requirement that sufficient parking exists on-site
- i. Next, a 10' variance to the maximum 38' height restrictions for the buildings constituting Phase I in order to permit variation in facades. This variation is being driven solely by the aesthetic goals of the Village to ensure variety in the construction of the buildings.

- j. Lastly, the townhomes will not be designed with the front façade facing the street; rather, the front façade will be facing the front façade of other townhomes in the development. This variation is to ensure a neighborhood feel within the townhome development. The front facades of the townhomes will be facing each other with landscaping between them. The applicable roads, parking spaces, and garages will all be on the rear of the townhomes
- k. The preliminary plan proposes common area open space for the townhomes, and will include a homeowner organization for the ownership and maintenance of common open space.
- l. The plan includes the construction and installation of all public facilities necessitated by the proposed development.
- m. In order to minimize demands upon the school districts, the plan includes age restricted rental properties, one-bedroom rental units, and reduced sized townhomes.
- n. Dedicated public roads currently exist around the property, and the plan includes the construction of all necessary interior roads and traffic controls to ensure efficient movement of traffic.
- o. The proposed development is consistent with 2021 Northeast Tax Increment Financing District and Redevelopment Plan, as well as the 2005 and 2014 comprehensive plans of the Village.

ACCORDINGLY, IT IS THE RECOMMENDATION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF RIVER GROVE, COOK COUNTY, ILLINOIS, THAT THE PRESIDENT AND BOARD OF TRUSTEES APPROVE AND GRANT THE MAP AMENDMENT AND CHANGE THE ZONING CLASSIFICATION FOR THE SUBJECT PROPERTIES FROM THE G/E GOVERNMENT AND EDUCATION DISTRICT TO THE R-3 SINGLE AND MULTI-UNIT DWELLING RESIDENTIAL DISTRICT.

IT IS THE FURTHER RECOMMENDATION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF RIVER GROVE, COOK COUNTY, ILLINOIS, THAT THE PRESIDENT AND BOARD OF TRUSTEES APPROVE THE PRELIMINARY PLANNED UNIT DEVELOPMENT AND AUTHORIZE THE APPLICANT TO SUBMIT A FINAL DEVELOPMENT PLAN FOR THE PLANNED UNIT DEVELOPMENT.

Dated: August 19, 2021.

Respectfully submitted,



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

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ZONING BOARD OF APPEALS

In the matter of:)
)
MB THATCHER LLC, an Illinois limited) Case No. 2021-ZBA-02
liability company,)
)
Applicant.)

REPORT & RECOMMENDATION

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 7:04 p.m. pursuant to notice published in the *Chicago Tribune Media Group Elm Leaves*, in accordance with local ordinance and the Illinois Statutes, there being no newspaper published within the municipality, to consider an application filed by MB THATCHER LLC, an Illinois limited liability company (“Applicant”). Pursuant to a Redevelopment Agreement between the Applicant, approved by the Village of River Grove pursuant to Ordinance No. 2020-12, on May 7, 2020, the Applicant’s Planned Unit Development included, among other items, a commercial restaurant site. The commercial site proposed a restaurant building footprint of approximately 2,900 square feet with a drive-through facility.

Since that time, the Applicant has secured the right to purchase the property commonly known as Triton Towers located at 2725 Thatcher Avenue, and has submitted a proposed Phase 2 of the Applicant’s redevelopment of properties between Center Avenue and the railroad tracks, along Thatcher Avenue. The Phase 2 project proposes to repurpose two commercial pieces of property into mixed used buildings. More specifically, the Phase 2 Planned Unit Development (“Phase 2 PUD”) includes: (i) one 18-unit apartment building, with 4,453 square feet of commercial space on the ground floor, on the northeast corner of Thatcher Avenue and Center Avenue (“2801 Thatcher Avenue”); (ii) one 40-unit apartment building with 4,483 square

feet of office space on the ground floor, converted from the current office building on the southeast corner of Thatcher Avenue and Center Avenue ("2725 Thatcher Avenue"); and (iii) two pre-existing parking lots (one adjacent to 2725 Thatcher Avenue, and one located at 2722 Marwood Street) (collectively, the "Subject Property"). The applicant seeks approval of both the preliminary and final approval of the Phase 2 PUD, which would remove from the previously approved Planned Unit Development the drive-through restaurant on the northeast corner of Thatcher Avenue and Center Avenue. To proceed with the Phase 2 PUD, the Applicant seeks a special use permit for the planned unit development and necessary exceptions/variations to applicable bulk standards within the C-2 Zoning District.

More specifically, under Section 6-4-4(C) of the Village of River Grove Zoning Ordinance, the Phase 2 PUD requires the following exceptions/variations to the applicable standards:

1. Section 6-6-3 requires a 3' variance to the maximum 45' building height for 2801 Thatcher, resulting in a building height of 48' or, if the roof stairwell is included, the variance is 13' (58' height at top of stairs buildout);
2. Section 6-6-3 requires an 11' variance to the maximum 45' building height for 2725 Thatcher, resulting in a building height of 56', or if the roof stairs are included, a variance of 20' is needed (65' height at top of stairs buildout);
3. Section 6-12-13(A) requires a variance of 79 parking spaces to the required 154 off-street parking spaces for the proposed multi-unit dwellings, offices, and restaurant;
4. Section 6-12-6(A) requires relief from the requirement that all required parking spaces for the residential uses be located on the same lot as the buildings served, but the proposal includes on-street/on-right-of-way parking spaces allowances;
5. Section 6-12-13(C) requires permission for 8 on-street/on-right-of-way parking spaces which are not located along the front or side property lines;
6. Section 3-1-1(A) requires a 4" variance to the required 5'4" width of a sidewalk;
7. Section 6-12-8(A) requires a 3'8" variance to the required 18' length of parking spaces;
8. Section 6-12-8(B)(2) requires a 4' variance to the required 16' one-way traffic aisles in the currently non-conforming 2725 Thatcher parking lot;
9. Section 6-14-5(B)(1) requires a 31-tree variance from the minimum 51 shade trees required for the proposed Phase 2 Planned Unit Development;
10. Section 6-14-6 requires relief from the required parkway trees along Thatcher Avenue;

11. Section 6-14-7 requires a variance as there is no landscaping for the pre-existing parking lot adjacent to 2725 Thatcher included in the proposed Phase 2 Planned Unit Development;
12. Section 6-14-8 requires a variance for the pre-existing 2725 Thatcher parking lot as it does not have a perimeter landscape yard;
13. Section 6-14-9 requires a variance from the requirement that every row of parking in the 2725 Thatcher lot contain a parking lot island;
14. Section 6-14-10(C) requires a variance that the 2725 Thatcher parking lot abutting the building immediately south of it provides no space for a buffer yard;
15. Section 6-14-11(B)/Section 6-12-15(F) requires relief to permit that the loading berth be visible from the street and adjacent properties, and that it not be screened;
16. Section 6-12-15(A)(1) requires relief to permit off-street loading space located within the right-of-way;
17. Section 6-12-15(A)(3) requires relief to permit off-street loading space located within the right-of-way adjacent to the corner side yard;
18. Section 6-12-15(A)(4) requires relief to permit off-street loading space located within 50' from the lot line of 2801 Thatcher, although such lot is part of the proposed Planned Unit Development;
19. Section 6-11-4 requires relief to permit the Center Avenue balconies encroach over the property line.

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

The Chair then summarized the application, the properties owned by the Applicant and Triton Towers LLC; the Applicant's proposed Phase 2 PUD; and the necessary variations and exceptions to the zoning code. 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 Ex 1 | Affidavit of Compliance of Publication of Notice of Hearing and Certificate of Publication of the <i>Chicago Tribune Media Group</i> , Certification of Posted Notice on the Subject Properties; and the Certificate of Addresses |
|------------|---|

and Certified Mailing to all property owners with 250' of the Subject Properties.

Exhibit A	Legal Description of Property and PINs;
Exhibit B	Proposed PUD and Associated Variations/Exceptions;
Exhibit C	Proof of Ownership;
Exhibit D	Letter of Authorization of Triton Towers LLC
Exhibit E	Names and Addresses for Surrounding Property Owner Notice;
Exhibit F	Draft Notice of Public Hearing;
Exhibit G-1	2801 Thatcher Boundary Line Survey;
Exhibit G-2	2725 Thatcher Boundary Line Survey;
Exhibit H	Site Plan;
Exhibit I-1	2801 Thatcher Architectural Plans
Exhibit I-2	2725 Thatcher Architectural Plans
Exhibit J	PUD Analysis;
Exhibit K-1	2801 Thatcher Utility Plan
Exhibit K-2	2725 Thatcher Utility Plan;
Exhibit L-1	2801 Thatcher Engineering Drawings;
Exhibit L-2	2725 Thatcher Engineering Drawings;
Exhibit M-1	2801 Thatcher Landscaping Plan;
Exhibit M-2	2725 Thatcher Landscaping Plan;
Exhibit N	Circulation Plan
Exhibit O	Phasing Plan
Exhibit P	Construction Schedule
Exhibit Q	Environmental Issues
Exhibit R	Traffic Analysis

Upon the admission of the exhibits, Ryan Morton, counsel for the Applicant, summarized the Applicant's Planned Unit Development Phase 1 previously approved by the Village. Phase 1 included a drive-through commercial facility, and under the proposed Phase 2 PUD, this portion of the property would change to a mixed-use residential and commercial building. In addition to this change to Phase 1, the Phase 2 PUD adds the property at 2725

Thatcher Avenue. Counsel then identified a number of witnesses to present testimony in support of the Application at which time counsel for the ZBA swore-in collectively all individuals who were to present testimony on behalf of the Applicant.

Initially, Architect Jonathan D. Splitt explained the proposed change to the 2801 Thatcher Avenue property from a drive-through commercial building to a four-story residential commercial mixed-use building; and the redevelopment of the existing building at 2725 Thatcher Avenue and its adjacent parking lot and remote parking lot at 2722 Marwood Street. He explained that most of the variances relate to the existing building at 2725 Thatcher. He also reviewed the ground floor office space and commercial space offered by the two buildings, along with the residential units above the ground floors. He confirmed that the 2725 Thatcher building would offer balcony open space for residents, while the 2801 Thatcher building would offer roof-top open space. His presentation included a review of the architectural renderings for the proposed Phase 2 PUD.

Upon completion of Architect Splitt's presentation, Attorney Morton stated that the required variances could be divided into five categories, and summarized the requested variances as follows:

1. Roof Heights. The requested roof height variances are less if you do not include the stairways that consist of a small portion of the roof area of each proposed building. Additionally, the proposal does not change the 2725 Thatcher roof, but there will not be any rooftop amenity. A new stairwell is being constructed for fire safety reasons and to allow the owner to service the building's mechanicals. Counsel lastly confirmed that there is no cellular or other third party equipment planned for the 2725 Thatcher roof.
2. Parking. Counsel explained that 154 spaces are required by code, but only 58 residential and 17 commercial parking spaces are included in the plan. Therefore, a variance of 79 parking spaces is necessary. Counsel explained that this transit-oriented development provides sufficient parking in that the residential units are provided parking on a 1:1 ratio, and 17 commercial spaces are set forth in the plan. He further explained that not all parking is located on the same lot but adjacent to the buildings; that 8 residential parking spaces are located in the right of way; certain sidewalk is 5' in width, and not 5'4" but this allows for added parking while allowing for a 3' pedestrian passageway. Additionally, certain planned parking spaces comply with the required width but overhang into street. This parking exists already. Lastly, relief is needed from the required width of 16' for one-way aisles in a parking lot by 4", but this allows the development to maintain and preserve existing parking spaces.

3. Landscaping. The Code requires 51 shade trees but with the existing 2725 Thatcher building and parking lots, only 20 shade trees are possible. The plan adds trees and islands wherever possible without reducing available parking or impairing safety sight lines for traffic. Lastly, there is no room for parkway trees on Thatcher Avenue.
4. Loading in Right of Way. The architects explained the need variances for the loading area for both residential and commercial uses, and noted this concept was previously approved in the Phase 1 PUD. The architects opined that keeping the loading area off the streets and in a location that does not impair residential parking areas is most beneficial.
5. Balcony. The planned balconies at 2725 Thatcher provide open space for these residential units, and the extent of the encroachment on Center Avenue and the adjacent 2725 Thatcher parking area is *de minimis*. There are no planned balconies encroaching upon Thatcher Avenue or east Thatcher Avenue alley, and counsel stated that the planned balconies blend in well with the Phase 1 PUD buildings.

At that point, Chair Snyder questioned the Applicant as to whether a commercial tenant was secured for the 2801 Thatcher location, and what marketing efforts had been made to lease the planned commercial space. The Applicant called real estate broker Renato Casali who was sworn, to respond.

Realtor Casali explained that the current tenants at 2725 Thatcher have indicated a desire to stay in the building and move to the first floor, and that the building is only 15% occupied at this time. As for 2801 Thatcher, he stated that different restaurant concepts have been discussed but that it was difficult to market an empty lot. He claimed that he needs the building to “spark interest” in the location. He also stated that a drive-through at this location was a “tough pitch” due to the location of the train tracks and the traffic congestion caused by the train. He concluded by stating that the new plan was to market a “destination location” as opposed to a “drive-through,” which is a much “easier pitch” due to the train tracks.

The Applicant next called Michael Werthmann, its professional traffic consultant, who explained that the Phase 2 PUD proposes 58 residential units, approximately 4,400 square feet of restaurant space, and 4,500 square feet of office space. He stated that these proposed uses are less intensive than the currently allowed drive-through restaurant and office building, and should generate less traffic for the area. He also noted that the access points to the properties will remain the same.

Following Mr. Werthmann's testimony, Counsel Morton then summarized how the proposed Phase 2 PUD meets the standards for a PUD, and how the requested variances meet the standards set forth in the Code. The summary is also set forth in Exhibit J of the Applicant's application which is attached hereto and incorporated by reference as Exhibit A. The members of the Zoning Board of Appeals accepted the presentation and conclusions without questions for the Applicant.

At that point, the Chair asked for any presentation by the Village of River Grove. Village Engineer Mark D. Lucas advised the ZBA that the Site Plan Review Committee and staff of the Village reviewed and supported the application. Engineer Lucas noted that: (a) existing conditions at 2725 Thatcher necessitate the requested variations and the plan adds plantings where possible; (b) the requested variances were logical based upon the existing conditions; (c) the requested height variances are compatible with existing variances and in conformance with past variances granted by the Village; and (d) the residential balconies are not a concern due to the height of balconies and the fact the building will be fully sprinklered. He further stated that adhering to the Zone C-2 requirement of having commercial use on the first floor for both structures was important and the proposal includes these uses. Finally, Engineer Lucas confirmed that the existing infrastructure is sufficient to serve the proposed development of the Phase 2 PUD. No further comment or presentation was received from the Village.

The Chair then opened the hearing for public comment which included the following:

William Johns of Marwood was advised that the proposed residential units were rental units. Mr. Johns later commented that he moved to River Grove after retiring as a Chicago police officer because River Grove was a safe community where he could leave his doors open without concern.

Sean Allen of Palatine, stated he was a bricklayer union representative and that 16 bricklayers resided in River Grove. He then read from the Redevelopment Agreement (RDA) and claimed the Applicant was in breach of the RDA and questioned why the Village has not enforced the RDA and why the ZBA would grant additional zoning relief to this Applicant.

James Stebbins of Marwood, commented that public safety issues will be created by transient tenants in the neighborhood, and that owners of the single-family homes are being invaded by transient tenants. He asked about public safety measures being taken, and upon a second appearance, he restated his safety concerns with the development, and asked that cameras and better lighting be required to address public safety issues.

Lorita Hare of Marwood disapproves of the zoning and proposed development. She states that renters are transient and the Village should mandate condominiums. She then reviewed three other developments by the Applicant, and opined that River Grove residents do not want more apartments. During a second appearance, she reviewed the property at 2640 Marwood Street and criticized the planned public parking for Grand Avenue businesses, and claimed these businesses do not need additional parking.

Rocco Carrozza of Thatcher Avenue stated he owns the building south of 2725 Thatcher Avenue, where he operated a plumbing business before his son opened a law office. He has concerns that the current infrastructure is not sufficient for the proposed development, and further commented that parking is a concern as is relocating snow from the properties.

Phil Harris of Budd Street appeared twice. Initially he stated that the parking analysis is overly optimistic because "these people still have cars" even if they take train. He also stated that this is overdevelopment and right next to the current redevelopment. He indicated that the first redevelopment project was 18 months of hell for him. He complained that the "construction army" does whatever its wants, and that resident complaints were ignored, such as concerns about dust, parking, and hours of construction. He suggested that the Village mandate staged construction of the Phase 2 PUD, and address parking, staged worked, weekend hours, dry cutting bricks all day long, etc. as these residents are now being asked to go through it all again. He claimed this is not fair. He later concluded that the Village should address the available vacant commercial space in the area because you can only shoehorn some much into an area.

Ryan Pietrzak of Elm Street reviewed various OSHA violations cited during the Phase 1 redevelopment, and then reviewed the violations light of the RDA.

Counsel for the ZBA then confirmed that there were no email or call-in comments on this matter.

At that point, the Chair declared the public portion of the hearing closed, and members of the board openly discussed various issues. Member Kosik expressed concern about the parking variance now that commuting is down. Chair Snyder stated that the Applicant failed to adequately explain why a commercial tenant has not been located for the 2801 Thatcher property or alternatively, its marketing of the property. Member Obrzut commented that the proposed change at 2801 Thatcher will generate less traffic and that it is tough to market the commercial space until it is built. Member Dieterle emphasized that her concerns were the concerns expressed by the neighbors relating to the construction site, compliance with code and proper consideration for the residents and their homes. Lastly, Member McElhattan expressed concern over the history of this developer, its non-compliance with OSHA related matters, and parking being insufficient for the proposed development.

Following these comments, Matt Welch, counsel for the Applicant reviewed various issues and concluded that the neighbors' concerns are legitimate and the Applicant will work with Village on staging plan, as the Applicant wants to be a good neighbor.

At that point, Member Kosik stated the board did not have any issues with granting the variances, but that the neighbors' concerns need to be addressed. Member Kosik then made a motion that the board recommend that the President and Board of Trustees grant the special use permit for the MB Thatcher Phase 2 Planned Unit Development and necessary exceptions/variances, on the condition that the Applicant agree with the Village as part of the Redevelopment Agreement on a staging plan addressing the concerns of the residents as raised during the public comment portion of the hearing. Member Matz seconded the motion. On a roll call vote, the members voted as follows:

Yes - Craig Matz, Mario Novelli, Joseph Kosik, George Obrzut and Mabel Dieterle

No – Donald McElhattan and Linda Snyder

Therefore the motion to recommend that the Corporate Authorities approve the Applicant's requested special use permit for the planned unit development and the requested variances and exceptions passed.

RECOMMENDATION

With respect to the Application for Zoning Special Use seeking a special use permit for the MB Phase 2 Planned Unit Development ("MB Phase 2 PUD"), a majority of the board voted to recommend that the requested Special Use Permit for the MB Phase 2 PUD be approved by the President and Board of Trustees. In making this recommendation, a majority of the Board did not question the following presentation of the Applicant:

- a. The proposed special uses within the MB Phase 2 PUD are, in fact, authorized uses in the C-2 zoning district.
- b. The proposed special uses of the MB Phase 2 PUD are necessary for the public convenience at the Subject Properties.
- c. The MB Phase 2 PUD does not create any excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.

- d. The proposed MB Phase 2 PUD is in conformance with the goals and policies of the comprehensive plans of the Village.
- e. The proposed MB Phase 2 PUD is designed and located so as to be harmonious and compatible in use and appearance with the existing and intended character of the general vicinity.
- f. The proposed MB Phase 2 PUD will not diminish the safety, use, enjoyment, and value of other property in the neighborhood, but should increase the safety, use, enjoyment, and value of the other properties.
- g. The proposed MB Phase 2 PUD is compatible with the development and use of adjacent properties.
- h. The proposed MB Phase 2 PUD minimizes potentially dangerous traffic movements, and provides adequate and safe access to the Subject Property.
- i. The proposed MB Phase 2 PUD provides a sufficient number of parking spaces.
- j. The proposed MB Phase 2 PUD is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.
- k. The proposed MB Phase 2 PUD otherwise conforms with the requirements of the Village Code and other applicable regulations.

With respect to the requested variations or exceptions, in making this recommendation, a majority of the ZBA further agreed without question on the following presentation of the Applicant:

- a. The Applicant established that carrying out the strict letter of the provisions of the Zoning Code would create a practical difficulty or particular hardship and preclude the Applicant from proceeding with the MB Phase 2 PUD.
- b. The properties hosting the proposed MB Phase 2 PUD are exceptional due to their proximity to the railroad right-of-way and the fact that 2725 Thatcher is pre-existing.
- c. The aforesaid unique physical conditions of the properties hosting the MB Phase 2 PUD are not the result of any action or inaction of the Applicant, but rather these conditions have existed since the enactment of the current Zoning Code from which the variations and exceptions are sought, or from the requirements imposed upon the Applicant by the Village.
- d. The carrying out of the strict letter of the provisions from which the variations are sought would deprive the Applicant of substantial rights commonly enjoyed by owners of other properties subject to the same provisions, as the properties are

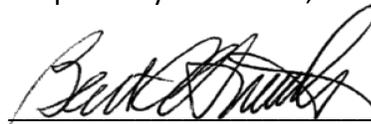
fixed, have remained vacant or under-utilized for many years, and the MB Phase 2 PUD cannot proceed without the granting of the requested variances and exceptions.

- e. The hardship or difficulty in developing the properties is neither merely the inability of the Applicant to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the Applicant to gain a greater financial return from the use of the Subject Properties.
- f. The requested variations and exceptions do not result in a use that is not in harmony with the general and specific purposes of the Zoning Code or the general purposes and intent of the Village's comprehensive and transit-oriented plans.
- g. There are no means, other than granting the requested variations and exceptions, by which the alleged hardships or difficulties may be avoided or remedied to a degree sufficient to permit the proposed MB Phase 2 PUD.
- h. The requested variations are the minimum measures of relief necessary to alleviate the hardship or difficulty presented by the strict application of the Zoning Code, and are necessary for the completion of the proposed MB Phase 2 PUD and its collateral public and quasi-public benefits.

ACCORDINGLY, IT IS THE RECOMMENDATION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF RIVER GROVE, COOK COUNTY, ILLINOIS, THAT THE PRESIDENT AND BOARD OF TRUSTEES APPROVE AND GRANT THE SPECIAL USE PERMIT FOR THE MB THATCHER PHASE 2 PLANNED UNIT DEVELOPMENT, AND THE VARIANCES AND EXCEPTIONS REQUESTED BY MB THATCHER LLC, ALL STANDARDS FOR SUCH RELIEF HAVING BEEN MET; PROVIDED HOWEVER, THE ZONING BOARD OF APPEALS MAKES SUCH RECOMMENDATION ON THE CONDITION THAT THE VILLAGE OF RIVER GROVE AND MB THATCHER LLC SET FORTH CERTAIN CONDITIONS IN ANY REDEVELOPMENT AGREEMENT ADDRESSING AND MINIMIZING THE ADVERSE IMPACTS THE CONSTRUCTION HAS UPON NEIGHBORING RESIDENTS, INCLUDING WITHOUT LIMITATION DUST CONTROL, DESIGNATED PARKING FOR CONSTRUCTION WORKERS, AND PERMITTED HOURS OF CONSTRUCTION.

Dated: November 1, 2021.

Respectfully submitted,



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

EXHIBIT J

Planned Unit Development Analysis

A. Introduction.

In 2020, MB Thatcher LLC (“*MB Thatcher*”) came before the Village’s Plan Commission/Zoning Board of Appeals with an application for a planned unit development and associated zoning changes/variances (“*Thatcher Phase #1*”) on property located east of Thatcher Avenue and north of Center Avenue. Thatcher Phase #1 was intended to consist of five luxury high-end transit oriented rental multi-unit dwellings (“*Phase #1 - Lot 1*”), and a commercial/retail building with a drive-through facility on a vacant lot, which was formerly Quasthoff’s Flower (“*Phase #1 - Lot 2*” or “*2801 Thatcher*”). The Plan Commission/Zoning Board of Appeals recommended approval of Thatcher Phase #1 on June 9, 2020 and the Village Board of Trustees approved the applicable ordinances on June 18, 2020.

MB Thatcher has constructed residential buildings in completion of Phase #1. However, upon further review of market conditions, which have changed significantly since last year, MB Thatcher has determined that another residential building on Phase #1 – Lot 2, with solely commercial/retail space on the ground floor, would better meet the needs of the community. Thus, this second application for a planned unit development and associated variances (“*Thatcher Phase #2*”) is being submitted by MB Thatcher for consideration by the Plan Commission/Zoning Board of Appeals. In addition to an 18-unit residential building with commercial space on the first floor of 2801 Thatcher, Thatcher Phase #2 also includes the renovation of Triton Towers into a 40-unit apartment building with office space on the first floor (“*2725 Thatcher*”), along with two pre-existing parking lots. The only overlap between Thatcher Phase #1 and Thatcher Phase #2 is the vacant property at 2801 Thatcher.

The Village has studied the public health, safety, and general welfare needs and opportunities for the community. In particular, the general area east of Thatcher Avenue, north and south of Center Avenue, was studied and considered well-qualified for planning objectives and redevelopment tools. This study and planning effort culminated in the approval of several important Village-approved incentive and economic development tools and objectives, including:

- The River Grove Comprehensive Plan
- The River Grove March 2005 Grand Avenue Village Center Plan;
- The River Grove March 2014 Thatcher Avenue Transit Oriented Development Plan;
- The River Grove 2016 Grand Thatcher Tax Increment Financing Ordinance; and
- The River Grove August 12, 2019 Request for Qualifications for the Thatcher Avenue Development Property.
- Ordinance No. 2020-12 Authorizing a Redevelopment Agreement by and between River Grove and MB Thatcher LLC

Approval of Thatcher Phase #2, along with the prior approval of Thatcher Phase #1, will help to redevelop the area in question by bringing it back to its highest and best use.

The Village has recognized that the Property currently lacks community planning, the current buildings on the Property are obsolete and deteriorating, and that the public utilities in and around the Property area are inadequate for modern demands. Although significant development challenges exist, the redevelopment of the Property presents an opportunity to the Village and its residents to foster a major project in a responsible manner. Accordingly, the Village has proactively sought adaptive reuse of the Property in a coordinated and planned basis.

After months of extensive discussions with the Village Economic Development Committee, MB Thatcher is pleased to submit the enclosed development proposal for consideration in furtherance of the redevelopment goals for the Property identified by the Village.

The Property is currently zoned “C2 Office and Commercial District.” Per the Village’s request, MB Thatcher is not applying for a map amendment, instead seeking a special use as part of the planned unit development process, to allow residential in the C2 District above first-floor commercial.

B. Planned Unit Development Analysis.

The purpose of the planned unit development is to allow a creative approach in the use of land and related physical facilities that results in better design that would not be possible under the strict application of the River Grove Zoning Ordinance.

Through an extended process of consultation and negotiation with the Village Economic Development Committee, MB Thatcher proposes to develop a luxury residential development which necessitates a planned unit development (“PUD”). The PUD includes a special use for residential apartments on the upper floors of both 2801 Thatcher and 2725 Thatcher. The PUD also includes necessary requests for variation which have been planned and designed to be the minimum amount of variations to permit the negotiated development, and to create a suitable environment to attract a community of residents to support the redevelopment objectives of the Village.

In furtherance of the PUD, MB Thatcher states as follows:

- 1. PUDs must be a minimum of twenty thousand (20,000) square feet in area.***

The Property is 38,422 square feet (0.88 acres).

- 2. PUDs shall be compatible with the purpose and intent of [the Zoning Ordinance] and the Village’s comprehensive plan. A PUD shall exercise no detrimental influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of those properties by present owners.***

The long-term development plan of the Village is that the Property be utilized for residential and commercial purposes similar to the surrounding properties to maximize and ensure its highest and best use. The Village has determined that the Property is currently blighted and is having a negative effect on the surrounding environs. The proposed PUD will likely increase the

market valuation of surrounding properties and eliminate the blighting factors. Further, as part of the proposed PUD, MB Thatcher will commit itself to constructing sufficient public facilities, as set forth in the enclosed plans, to ensure surrounding properties are not impaired by the new use of the Property.

3. *Petitioner shall make a showing of favorable economic impact on the Village.*

Upon substantial completion of the Project, MB Thatcher projects the EAV of the residential/commercial development to be approximately \$2,823,319, which results in annual property taxes in the amount of \$253,939. Further, the residents occupying the upscale development will undoubtedly have a positive effect on the commercial businesses in and around the Village.

4. *Petitioner must show that the proposed PUD will be in no way detrimental to, or adversely affect, the environment.*

MB Thatcher, as evidenced by the attached plans, is committed to developing a unique and first-class residential development at the Property. Accordingly, MB Thatcher is committed to utilizing first rate materials. Finally, as part of the renovation of the current structure and land preparation, MB Thatcher shall ensure all activities are completed in compliance with the highest industry standards.

5. *Harmonious design, including a variety of building types, shall be encouraged.*

MB Thatcher has ensured that both buildings look similar without being identical, while also being consistent with buildings constructed as part of Thatcher Phase #1. The exterior of 2725 Thatcher will be designed to match or complement the design of 2801 Thatcher, in colors, railings, windows, and more. The landscaping will also be similar to reflect a cohesive development. (see attached plans).

6. *Developer shall provide for and establish an organization for the ownership and maintenance of any common open space designated within a PUD.*

The only common area inside either building is on the ground floor around the entrance, including fitness amenities in each building. The only common areas outside the buildings are the parking lots and landscaping. MB Thatcher will maintain ownership of these areas and will provide maintenance for them.

7. *Development shall not impose an undue burden on public services and facilities.*

As part of its negotiations with the Economic Development Committee, MB Thatcher has committed to constructing and installing all public facilities necessitated by the proposed development. (see attached plans).

8. *The site shall be accessible from dedicated public roads to carry traffic generated by the PUD.*

As evidenced by the site plans, dedicated public roads currently exist around the Property.

C. Variation Analysis

Finally, in relation to requested exceptions/variances to bulk standards, MB Thatcher states as follows:

1. *Section 6-6-3 – 3’ variance to the maximum 45’ building height for 2801 Thatcher, resulting in a building height of 48’. If the stairs are included, the variance would be 13’ (58’ building height at top of stairs build-out).*

The additional 3 feet of building height is necessary to maintain uniform ceiling heights across four floors, which is the number of floors the buildings in Thatcher Phase #1 have. The plans include a stairs enclosure to allow mechanical access to the roof, which adds 10 feet of height, but only in that small portion of the roof.

2. *Section 6-6-3 – 11’ variance to the maximum 45’ building height for 2725 Thatcher, resulting in a building height of 56’. If the roof stairs are included, the variance would be 20’ (65’ height at top of stairs buildout).*

This building’s height is a pre-existing non-conformity, which would require demolishing an entire floor during the renovation to meet the Code. Additionally, the plans include adding a stairs enclosure to allow mechanical access to the roof, as with 2801 Thatcher. This adds 9 feet of height, but only in that small portion of the roof.

3. *Section 6-12-13(A) – 79-space variance to the required 154 off-street parking spaces for multi-unit dwellings, offices, and restaurants.*

The Zoning Ordinance requires (i) 1.5 parking spaces per one- or two-bedroom dwelling unit in a multi-unit building; (ii) 2 parking spaces per three-bedroom dwelling unit in a multi-unit building; (iii) 4 parking spaces per 1,000 square feet of gross floor area in office space; and (iv) 1 parking space per 60 square feet of public seating area in restaurant space (including outdoor dining).

As shown in the chart below, the proposed planned unit development has (i) 55 one- or two-bedroom dwelling units between both buildings; (ii) 3 three-bedroom dwelling units in 2801 Thatcher; (iii) 4,483 square feet of office space in 2725 Thatcher; and (iv) 4,453 square feet of commercial space in 2801 Thatcher. In consultation with the Village’s Economic Development Committee, MB Thatcher plans to find a restaurant tenant to occupy the commercial space, which means only 1,984 square feet will be used for the dining area. Additionally, only a portion of that

space would be used for actual seating rather than service aisles. MB Thatcher estimates 70% of the dining space will be used for seating, which is 1,389 square feet. However, the Property would also include 2,079 square feet of outdoor dining space on the patio and sidewalk. Seventy percent of that is 1,455 square feet.

Based on these numbers, the Zoning Ordinance requires that the proposed planned unit development contain 89 residential parking spaces, 18 office parking spaces, and 47 restaurant parking spaces. That is a total of 154 parking spaces for this development.

	<u>Units</u>	<u>Square Footage</u>	<u>70% Square Footage*</u>	<u>Spaces Required by Code</u>	<u>Total Spaces Required</u>
2801 Thatcher					
One-bedroom	1			1.5 per unit	2
Two-bedroom	14			1.5 per unit	21
Three-bedroom	3			2 per unit	6
<i>Indoor dining</i>		1,984	1,389	1 per 60 sq. ft.	23
<i>Outdoor dining**</i>		2,079	1,455	1 per 60 sq. ft.	24
2725 Thatcher					
One-bedroom	40			1.5 per unit	60
<i>Office</i>		4,483		4 per 1,000 sq. ft.	18
TOTAL					<u>154</u>

* Presumes 30% of dining space consists of service aisles

** Includes patio and sidewalk dining

The plans for this development contain only 75 parking spaces. Of those, 61 spaces are designed for residential parking, mostly in the existing parking lots. The 9 spaces adjacent to the north side of 2725 Thatcher are designed for commercial parking, along with the 5 parking spaces in the rear of 2801 Thatcher. That results in a requested variance of 79 parking spaces.

The reason for this variance is simply that there is no additional room to fit additional parking spaces. For the existing building, there is no way to make the building smaller to fit more parking. For the newly-constructed building, it is not feasible to add more parking spaces to the site. However, the Village is planning to construct a public parking lot on Marwood, adjacent to the existing lot that is part of this development. The new lot would add 18 available public spaces, which could be utilized for the office building, the restaurant, or even residents (with permits).

This variance request would be lessened if a 1:1 ratio is used for residential parking. That is the ratio that was approved for Thatcher Phase #1, based on this being a transit-oriented development with fewer car owners. Excluding the three-bedroom apartments, a 1:1 ratio would reduce the number of required residential parking spaces from 89 to 61, which is what the plans provide. A 51-spot variance would still be needed for the commercial spaces (65 required, 14 provided), but that is significantly less than the 79-space variance without the 1:1 ratio. Of course,

most of the commercial spaces are required for due to the planned restaurant. The required number of parking spaces would be much less for other types of commercial uses.

4. Section 6-12-6(A) – *Not all required parking spaces for the residential uses are located on the same lot as the buildings served.*

In addition to the requested variance for the number of parking spaces connected to the development, another variance is needed regarding the location of those spaces. None of the residential parking spaces are located on the 2801 Thatcher property. For 2725 Thatcher, 28 of the spaces are not located on the same lot as the residential building. The 20-space parking lot at 2722 Marwood Street is across from the parking lot connected to 2725 Thatcher. The other 8 residential spaces are along Center Avenue, a few yards away from both buildings. The available residential parking is still very close to both buildings, and there is ample parking in other parts of this area, including Thatcher Phase #1. Additionally, another 18 spots will become available when the Village builds the public lot on Marwood.

5. Section 6-12-13(C) – *Eight (8) on-street/on-right-of-way parking spaces are not located along the front or side property lines.*

In order to locate enough parking spaces for the residents, 8 spaces needed to be placed along the north side of Center Avenue, which is not along the property line of either building. However, it was not feasible to include more spaces on-site given the landscaping and loading berth for 2801 Thatcher. Those 8 spaces were previously permitted and constructed for 2801 Thatcher under Thatcher Phase #1 as commercial spaces.

6. Section 3-1-1(A) – *4” variance to the required 5’4” width of a sidewalk.*

Currently, drivers park on an expansive sidewalk on the north side of 2725 Thatcher. As part of this development and revitalization of the office building, MB Thatcher plans to add actual asphalt parking spaces to the property. The width of the sidewalk will consequently be reduced, to 5-feet, which is 4 inches shorter than the requirements of the Village Code. Five-feet is a fairly standard width for sidewalk in this type of district. Despite the loss of four inches, there will still be ample room to walk between parked cars and the building. Even with a 1-foot, 6-inch overhang from parked cars, the sidewalk would still have the minimum 3-foot, 6-inches of available sidewalk for accessible access.

7. Section 6-12-8(A) – *3’8” variance to the required 18’ length of parking spaces.*

The effect of including a sidewalk on the north side of 2725 Thatcher is that there is not enough room for a standard-length parking space due to the pre-existing building. The 9 spaces designed for commercial parking on Center Avenue each measure 14-feet, 4-inches in length, which is 3-feet, 8-inches shorter than the 18-foot requirement in the Village Code. However, the curbs are designed to allow a 1-foot, 6-inch overhang onto the sidewalk without impairing pedestrian traffic, which creates an effective parking stall length of 15-feet, 10-inches. That length,

while still more than two feet shorter than the Code requires, is consistent with other parking space lengths in the Village, such as the public parking areas on side streets off Grand Avenue. The alternative would be reducing the size or eliminating the sidewalk.

8. Section 6-12-8(B)(2) – 4’ variance to the required 16’ one-way traffic aisles in the parking lot.

The proposed configuration for the parking lot at 2725 Thatcher is unchanged from its current, non-conforming existence. Although MB Thatcher will restripe the parking lot and increase the width of each parking stall, the aisle width will remain the same. As a result, the aisles will still be only 12’ wide, 4 feet short of the Code requirement. However, the design corrects the non-conforming nature of the spaces themselves. The restriped spaces will be the appropriate width and length.

9. Section 6-14-5(B)(1) – 31-tree variance to the minimum 51 shade trees required.

Due to the existing building and the existing parking, there is no way to include as many shade trees as this section of the Zoning Ordinance requires. The calculation of required trees excludes building square foot but not parking lot square footage. There is simply not enough green space to plant the number of shade trees required. However, there will be 20 trees (6 more than the site plan currently shows) and tasteful landscaping across the property wherever possible. Additionally, this project actually increased the tree count at 2801 Thatcher from what was proposed and accepted in Thatcher Phase #1.

10. Section 6-14-6 – No parkway trees are proposed for Thatcher Avenue

The lack of parkway trees is due to the existing limited width of sidewalk/parkway along Thatcher Avenue. MB Thatcher will provide on-lot trees in the setbacks along 2801 Thatcher to act as “parkway” trees, but there is no setback for 2725 Thatcher. Also, not that there are four parkway trees on Center Avenue.

11. Section 6-14-7 – No landscaping for the pre-existing parking lot adjacent to 2725 Thatcher is included in the proposed Planned Unit Development.

In the interest of maintaining as many parking spaces as possible, MB Thatcher is proposing re-use/reconstruction of the existing parking lots in the same layout as the existing parking lots, which do not have landscaping. However, since the plans were drafted, MB Thatcher’s architect decided to add four island trees to the 2725 Thatcher lot, which will add some landscaping. Although the 2722 Marwood lot was already previously approved by the Village as is, MB Thatcher proposes adding two trees to that lot as well.

12. Section 6-14-8 – *The pre-existing 2725 Thatcher parking lot does not have a perimeter landscape yard.*

The current parking lot at 2725 Thatcher does not conform to the Zoning Ordinance, as it abuts the street but does not contain any perimeter landscape yard, let alone five feet of landscaping as required by the Code. The planned unit development will retain the current parking lot mostly as it is, though tree islands will be added as mentioned above, and a short wall will be removed between the lot and Thatcher Avenue. There simply is no room to add landscaping.

13. Section 6-14-9 – *Not every row of parking spaces in the 2725 Thatcher lot will contain a parking lot island.*

The current plans do not include any parking lot islands. However, the architect has determined that he can fit four islands in the 2725 Thatcher parking lot and two islands in the 2722 Marwood Street parking lot. However, that leaves two rows in the building-adjacent parking lot without an island, due to accessible parking, a trash receptacle, and horizontal parking. There simply is not room for more islands without removing parking spaces.

14. Section 6-14-10(C) – *The pre-existing 2725 Thatcher parking lot abuts the building immediately south of it, leaving no space for a buffer yard.*

Another way the existing parking lot at 2725 Thatcher does not conform to the Zoning Ordinance is that it abuts the building immediately south of it, with no buffer yard required by the Code. To maximize parking, the dimensions of the parking lot will not be reduced, which means the extra space cannot be added, nor can there be a fence or shade trees between the lot and that adjoining property.

15. Section 6-14-11(B)/Section 6-12-15(F) – *Loading berth is visible from the street and adjacent properties, and it is not screened.*

This variance and the next three were already approved as part of Thatcher Phase #1. As the loading berth is proposed within the Center Avenue right-of-way, there is no way to avoid its visibility from the street and adjacent properties. Also, screening as described in this section of the Zoning Ordinance would likely create traffic sight-line issues. The loading site would only be occupied by a delivery truck for the desired restaurant.

16. Section 6-12-15(A)(1) – *Off-street loading space is located within the right-of-way.*

The Site Plan shows the 12' x 30' loading berth entirely within the Center Avenue right-of-way. However, since the proposed 2801 Thatcher has less than a 6,500 square foot building footprint, its size falls below the minimum 10,000 square feet of gross floor area that requires one loading space. Nonetheless, MB Thatcher feels the restaurant would be most compatible with the PUD if a loading space were provided.

17. Section 6-12-15(A)(3) – Off-street loading space is located within the right-of-way adjacent to the corner side yard.

A loading berth for the restaurant is proposed adjacent to the restaurant in the Center Avenue right-of-way. The site planners have spent a great deal of time and attention to this recommendation. It was determined this is the optimal location for that use. The restaurant would not have continuous use of the loading berth, which is only expected to be used several times per week. This location has the least conflict with customer traffic and is the easiest space for a truck to maneuver to.

18. Section 6-12-15(A)(4) – Off-street loading space is located within 50' from the lot line of 2801 Thatcher, although such lot is part of the proposed Planned Unit Development.

See above analysis.

19. Section 6-11-4 – Center Avenue balconies encroach over the property line.

The Village Code allows balconies to project into a setback, but the Code does not contemplate that balconies will extend outside a property line. The balconies on the north side of 2725 Thatcher extend 4-feet, 6-inches from the building pillars. However, the building is set in from the property line, so the total public way encroachment is just a quarter-inch under 4-feet. Consequently, the balconies will extend over much of the sidewalk but not the parking spaces. The balconies are designed to be inobtrusive and blend in with the surroundings. The encroachment is only over the sidewalk between the building and Center Avenue, which will be used primarily by residents of the building and customers to the offices below. They match the balconies on the south side of the building overhanging the parking lot.