

**VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2021-32

**AN ORDINANCE GRANTING THE SPECIAL USE PERMIT
AND VARIATIONS/EXCEPTIONS FOR THE PROPERTIES LOCATED AT
3000 NORTH 80TH AVENUE AND 8001 BELMONT AVENUE
PURSUANT TO THE REPORT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS IN CASE NO. 2021-ZBA-001**

**3000 North 80th Avenue (PINs 12-26-200-013-0000 and 12-26-200-014-0000)
and
8001 Belmont Avenue (PIN 12-26-200-005-0000)**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF RIVER GROVE**

THIS 18TH DAY OF NOVEMBER, 2021

**Published by authority of the President
and Board of Trustees of the Village of
River Grove, Cook County, Illinois this 18th
day of November, 2021.**

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**3000 North 80th Avenue (PINs 12-26-200-013-0000 and 12-26-200-014-0000)
and
8001 Belmont Avenue (PIN 12-26-200-005-0000)**

WHEREAS, the Village of River Grove (the “Village”) is a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village President and Board of Trustees of the Village (the “Corporate Authorities”) have adopted a zoning ordinance (the “Zoning Ordinance”), which has been amended from time to time; and

WHEREAS, MB Belmont, LLC (“MB Belmont” or the “Petitioner”), an Illinois limited liability company, is the present owner of property commonly known as 3000 North 80th Avenue and 8001 Belmont Avenue in the Village; and

WHEREAS, the Village is currently negotiating a Redevelopment Agreement with MB Belmont to redevelop the properties commonly known as 3000 North 80th Avenue and 8001 Belmont Avenue, and surrounding public areas including sidewalks, streets and other public improvements (the “Redevelopment Area”), to include a residential development composed of 172 townhomes, two 20-unit apartment buildings, one 14-unit apartment building, four 12-unit apartment buildings, ten 6-unit apartment buildings, three 40-unit age-restricted apartment buildings, a recreation center/clubhouse for the development and related public improvements, and the construction of said improvements requires several forms of relief from the Zoning Ordinance; and

WHEREAS, the Village of River Grove Zoning Board of Appeals (the “ZBA”) held a public hearing on July 20, 2021 on the question of whether the preliminary plan of a proposed planned unit development of MB Belmont should be recommended for approval by the Corporate Authorities, and whether a map amendment should be granted for the redevelopment area, to convert the zoning district of the Redevelopment Area From G/E

Government Education District to R-3 Single-Multi-Dwelling Residential District, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, on July 20, 2021, the ZBA voted to favorably recommend the preliminary plan of the proposed planned unit development and the map amendment with regard to the Redevelopment Area to the Corporate Authorities; and

WHEREAS, the Corporate Authorities of the Village voted to approve the preliminary plan of the proposed planned unit development and the map amendment on August 19, 2021; and

WHEREAS, the ZBA held a public meeting on October 12, 2021 on the question of whether the final plan of a proposed planned unit development, including the requested variations/exceptions of MB Belmont should be recommended for approval by the Corporate Authorities, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, on October 12, 2021, the ZBA voted to favorably recommend the final plan of the proposed planned unit development and the requested variations/exceptions to the Corporate Authorities, finding that the plan was in substantial conformance with the previously approved preliminary plan, and that the variations/exceptions were reasonably required to complete the proposed development; and

WHEREAS, public notice in the form required by law was given of said public hearings by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

WHEREAS, the Petitioner seeks final plan approval of that planned unit development and variations/exceptions; and

WHEREAS, attached hereto as **EXHIBIT A** is the report and recommendation of the ZBA in Case No. 2021-ZBA-001 which recommends that the Corporate Authorities approve the final planned unit development of MB Belmont LLC, including the requested variations and exceptions, for the properties commonly known as 3000 North 80th Avenue (PINs 12-26-200-013-0000 and 12-26-200-014-0000) and 8001 Belmont Avenue (PIN 12-26-200-005-0000), in River Grove, Illinois; and

WHEREAS, Title 6, Chapter 4, Sections 6-4-2(D)(3) and 6-4-4(E)(3)(a) of the Village Code provide that the Village Board shall consider applications for these types of zoning relief within thirty (30) days of receiving the findings of fact and recommendation from the ZBA. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for special uses and for variations/exceptions. The Village Board may also refer these matters back to the ZBA for further consideration; and

WHEREAS, Title 6, Chapter 4, Section 6-4-4(A) of the Village Code identifies the purpose of a planned unit development (PUD) as:

1. A creative approach in the use of land and related physical facilities that results in better design, including building relationships, architectural styles, and aesthetic amenities by allowing development that would not be possible under the strict application of this title.
2. An efficient use of the land that results in more economical networks of utilities, streets and other facilities, and lowers development costs.
3. A coordinated mix of land uses that promotes the public health, safety, comfort, convenience, and welfare, and contributes substantially to the tax base of the community without making undue demands on community services.

WHEREAS, Title 6, Chapter 4, Section 6-4-4(B) of the Village Code defines the standards by which a PUD must meet:

1. Planned unit developments must be a minimum of twenty thousand (20,000) square feet in area.
2. Planned unit developments shall be compatible with the purpose and intent of this title and the Village's comprehensive plan. A planned unit development shall exercise no substantial 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.
3. The petitioner must make a showing of favorable economic impact on the Village.
4. The petitioner must show that the proposed planned unit development will be in no way detrimental to, or adversely affect, the environment. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent possible.
5. Harmonious design, including a variety of building types, shall be encouraged.
6. If common open space is provided, the developer shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space designated within a planned unit development. Such organization shall be created by covenants running with the land, and such covenants shall be subject to approval by the Village Attorney and Village Board, and included as a part of the final development

plan. Such organization shall not be dissolved, nor shall it dispose of any common open space by sale or other means, except to an organization conceived and organized to own and maintain the common open space for the purpose of benefiting the owners and residents of the development, without first offering to dedicate the open space to the Village.

7. It must be shown that the development shall not impose an undue burden on public services and facilities, such as fire and police protection, schools, parks, water, the sanitary system, and any storm water runoff.
8. The site shall be accessible from dedicated public roads adequate to carry the traffic generated by the proposed development. The driveways within the proposed development shall be adequate to serve the residents or occupants of the proposed development. Traffic control signals shall be provided without expense to the Village when the Village Board determines that such signals are required to prevent or minimize actual or anticipated traffic hazards or congestion in adjacent streets. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Access points shall be designed to provide smooth traffic flow, control turning movements, and minimize hazards to vehicular or pedestrian traffic, and shall be approved by the agency having jurisdiction. Fire lanes shall be provided as required by the Village.

WHEREAS, the Corporate Authorities, pursuant to their statutory zoning authority, and the report, findings of fact and recommendation of the ZBA, have determined that it is in the best interests of the health, welfare and safety of residents of the Village to approve the petitioner's application for a special use permit to create a planned unit development in the Redevelopment Area, as further supported by the report and recommendations of the ZBA in Exhibit A;

WHEREAS, Title 6, Chapter 4, Section 6-4-3(E) of the Village Code provides the standards for special uses, and states that an application for a special use shall not be approved unless the application is determined to be in conformance with each of the following standards, in addition to any specific use standards included in Chapter 10, "Use Standards", of Title VI, and the Corporate Authorities hereby find that the applicant has met all applicable standards for the special use:

1. The proposed special use is, in fact, a special use authorized in the R-3 Single-Multi-Dwelling Residential zoning district in which the property is located (Section 6-6-2 of the Zoning Ordinance).
2. The proposed special use is deemed necessary for the public convenience at that location.

3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.
3. The proposed use is in conformance with the goals and policies of the comprehensive plan, and all Village codes and regulations.
4. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.
5. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located.
6. The proposed special use is compatible with development on adjacent property.
7. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.
8. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this title.
9. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.
10. The proposed special use conforms with the requirements of this title and other applicable regulations; and,

WHEREAS, Title 6, Chapter 4, Section 6-4-3(G) of the Village Code allows for conditions to be placed on special uses, and specifically provides, "... the Village Board may impose, such conditions and restrictions upon the construction, location and operation of a special use. Such conditions must be deemed necessary to comply with the standards set forth in this section, to promote the general objectives of this title, and to minimize or reduce the injury to the value of property in the neighborhood. *Such conditions shall be expressly set forth in the ordinance granting the special use.* Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such special use approval" (emphasis added); and,

WHEREAS, based upon the Village Board's review of the record, it hereby finds that the conditions for the granting of the special use permit for a planned-unit development have been satisfied, but the special use permit shall be subject to the restrictions and conditions set forth below and failure to maintain and observe such

conditions and restrictions shall constitute grounds for revocation of such special use approval.

WHEREAS, Title 6, Chapter 4, Section 6-4-2(E) of the Village Code provides the standards for variations, and states that an application for a variation shall not be approved unless the application is determined to be in conformance with each of the following standards, and the Corporate Authorities hereby find that the applicant has met all applicable standards for the variation:

1. **Hardship:** No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a practical difficulty or particular hardship.
2. **Unique Physical Conditions:** The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:
 - (a) Irregular or substandard size, shape, or configuration.
 - (b) Exceptional topographical features.
 - (c) Presence of an existing use, structure, or sign, whether conforming or nonconforming.
 - (d) Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.

3. **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and that it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this title.
4. **Denied Substantial Rights:** The carrying out of the strict letter of provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.

5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupants 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 owner to gain a greater financial return from the use of the subject property.
6. Conformance With This Title And Plan Purposes: The variation would not result in a use of development of the subject property that would not be in harmony with the general and specific purposes of this title, including the provision from which a variation is sought, or the general purpose and intent of the comprehensive plan.
7. No Other Remedy: There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
8. Minimum Relief Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

WHEREAS, Title 6, Chapter 4, Section 6-4-2(G) of the Village Code allows for conditions to be placed on variations, and specifically provides, "...the Village Board may impose, specific conditions and restrictions concerning use, construction, character, location, landscaping, screening and other matters, which address the purposes and objectives of this title, upon any property that is granted a variation. These conditions may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities or services. *Such conditions shall be expressly set forth in the ordinance or order granting the variation.* Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the variation" (emphasis added); and,

WHEREAS, based upon the Village Board's review of the record, it hereby finds that the conditions for the granting of the variations/exceptions sought by MB Belmont have been satisfied, but the variations/exceptions shall be subject to the restrictions and conditions set forth below and failure to maintain and observe such conditions and restrictions shall constitute grounds for revocation of the approval of the variations/exceptions.

NOW THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of River Grove, County of Cook, State of Illinois, in open meeting assembled, that:

Section 1. The foregoing recital clauses are incorporated herein and adopted as the findings of fact by the Corporate Authorities of the Village of River Grove.

Section 2. That the report of the ZBA recommending that the Corporate Authorities grant the petitioner's requested special use permit is accepted and the requested SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT IS HEREBY GRANTED subject to the following restrictions and conditions in accordance with Section 6-4-3(G) of the Zoning Ordinance:

(A) SPECIAL USE PERMIT SUBJECT TO TERMS OF REDEVELOPMENT AGREEMENT. That the Special Use Permit, based upon the presentation and representations of MB Belmont and in accordance with the proposed future Redevelopment Agreement between the Village and MB Belmont, shall be specific to MB Belmont and shall be effective only upon MB Belmont executing a Redevelopment Agreement with the Village and commencing construction and operation of the proposed multi-unit residential facilities at the Redevelopment Area. The Redevelopment Agreement between the Village and MB Belmont, when it is approved by the Corporate Authorities of the Village, shall be incorporated by reference in its entirety. Any proposed transfer of the Redevelopment Area shall be governed by the terms of the Redevelopment Agreement between the Village and MB Belmont. Any modifications to the terms of the Special Use Permit shall be subject to any additional consideration and approval by the Corporate Authorities of the Village, as denoted in the Zoning Ordinance and Village Code. Upon termination or expiration of the Redevelopment Agreement, the covenants, agreements, and other terms and provisions contained in this Ordinance touch and concern, and shall be appurtenant and shall run with, the subject property and any portion thereof.

(B) CONFORMANCE WITH SITE PLAN REQUIRED. MB Belmont is hereby advised that an occupancy permit for the proposed buildings must first be applied for but will not be issued until the necessary site improvements are completed to the reasonable satisfaction of the Site Plan Review Committee and Building Commissioner, as in accordance with the Site Plan previously offered by MB Belmont and approved by the Site Plan Review Committee.

(C) CODE COMPLIANCE. That all uses or improvements to the properties by MB Belmont shall be in compliance with all applicable ordinances, statutes, rules and regulations, and the Redevelopment Agreement between MB Belmont and the Village.

(D) LIMITATIONS ON SPECIAL USES. That pursuant to Section 6-4-3(H) of the Zoning Ordinance, the following limitations shall apply:

- (1) Special use approval for the planned unit development may become null and void unless a building permit for the first phase of the multi-unit residential buildings is issued within six (6) months, and construction is

thereafter diligently pursued to completion, in compliance to a submitted construction phasing plan as proposed by MB Belmont and incorporated into the proposed Redevelopment Agreement. However, the Village Board may extend this period upon written request from the applicant showing good cause.

- (2) Special use approval is granted to this specific property and authorizes the conduct of the special uses only on the properties represented on the application and is not transferable to other properties.
- (3) The approval of the special uses authorizes the uses on the property in the manners proposed, but does not in itself authorize the establishment of such uses without first obtaining any other required approvals, including a building permit, sign permit and occupancy permit.
- (4) Any modification or intensification of a special use that alters the essential character or operation of the use in a way not approved at the time the special use was granted, as evidenced by the record or by the text of this title, shall require new special use approval in accordance with the Village Code.

(E) VIOLATIONS/REVOCATION OF SPECIAL USE PERMIT. Failure by MB Belmont to maintain and observe all such conditions and restrictions shall constitute grounds for revocation of such special use permits granted by this Ordinance. After notice to the property owner and an opportunity for a hearing, the Village Board may terminate the special use for the planned unit development.

Section 3. That the report of the ZBA recommending that the Corporate Authorities grant the petitioners' requested variations/exceptions is accepted and the requested VARIATIONS/EXCEPTIONS ARE HEREBY GRANTED subject to the following restrictions and conditions in accordance with Section 6-4-2(G) of the Zoning Ordinance:

(A) VARIATIONS/EXCEPTIONS SUBJECT TO TERMS OF REDEVELOPMENT AGREEMENT. That the variations/exceptions, based upon the presentation and representations of MB Belmont and in accordance with the proposed future Redevelopment Agreement between the Village and MB Belmont, shall be specific to MB Belmont and shall be effective only upon MB Belmont executing a Redevelopment Agreement with the Village and commencing construction and operation of the proposed multi-unit residential facilities at the Redevelopment Area. The Redevelopment Agreement between the Village and MB Belmont, when it is approved by the Corporate Authorities of the Village, shall be incorporated by reference in its entirety. Any proposed sale or transfer of the Redevelopment Area shall be governed by the terms of the Redevelopment Agreement between the Village and MB Belmont. Any modifications to the terms of the variations/exceptions granted herein shall be subject to any additional

consideration and approval by the Corporate Authorities of the Village, as denoted in the Zoning Ordinance and Village Code. Upon termination or expiration of the Redevelopment Agreement, the covenants, agreements, and other terms and provisions contained in this Ordinance touch and concern, and shall be appurtenant and shall run with, the subject property and any portion thereof.

(B) CONFORMANCE WITH SITE PLAN REQUIRED. MB Belmont is hereby advised that an occupancy permit for the proposed buildings must first be applied for but will not be issued until the necessary site improvements are completed to the reasonable satisfaction of the Site Plan Review Committee and Building Commissioner, as in accordance with the Site Plan previously offered by MB Belmont and approved by the Site Plan Review Committee.

(C) CODE COMPLIANCE. That all uses or improvements to the properties by MB Belmont shall be in compliance with all applicable ordinances, statutes, rules and regulations, and the Redevelopment Agreement between MB Belmont and the Village.

(D) LIMITATIONS ON VARIATIONS/EXCEPTIONS. That pursuant to Section 6-4-2(H) of the Zoning Ordinance, the following limitations shall apply:

- (1) Variations/exceptions shall become null and void unless a building permit for the first phase of the multi-unit residential buildings is issued within six (6) months, and construction is thereafter diligently pursued to completion, in compliance to a submitted construction phasing plan as proposed by MB Belmont and incorporated into the proposed Redevelopment Agreement. However, the Village Board may extend this period, upon written request from the applicant showing good cause.
- (2) A variation/exception is granted to a specific property and authorizes the conduct of the variation/exception only on the property represented on the application and is not transferable to other properties.
- (3) The approval of a variation/exception only authorizes the particular construction or development for which it was issued, but does not authorize the establishment or extension of any use, nor development, construction, reconstruction, alteration or moving of any building or structure without first obtaining any other required permit, including a zoning certificate, building permit and occupancy permit. The approved variation/exception shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

Section 4. That this Ordinance is enacted solely for the purpose of addressing the best interests of the Village with regard to the properties, namely 3000 North 80th Avenue and 8001 Belmont Avenue, and it may not be relied upon or used in the interpretation of any provision of the Zoning Ordinance of the Village of River Grove, or any amendments thereto; or as precedence in the Village's consideration of any future applications for special use under the Zoning Ordinance.

Section 5. That, in furthering the best interests of the Village with regard to the Redevelopment Area, this Ordinance shall be read in conjunction with Ordinances 2021-27 and 2021-28, which granted an amendment of the Village's Zoning Map to a zoning district classification that would accommodate this PUD, and approved the preliminary form of this PUD as proposed by MB Belmont.

Section 6. That Village staff is directed to record this Ordinance on title to the Property.

Section 7. If any portion of this Ordinance is invalid, that portion shall be stricken from this Ordinance and the remaining portions of this Ordinance shall continue in full force and effect to the extent possible.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication as provided by law.

Passed and approved this 18th day of November, 2021.

Hon. David B. Guerin, President

ATTEST:

Hon. Marjorie A. Manchen, Clerk

(S E A L)

ORDINANCE NUMBER 2021-32	TRUSTEE	PRESENT	ABSENT	AYE	NAY
Presented:	Bjorvik	_____	_____	_____	_____
Passed:	Thomas	_____	_____	_____	_____
Approved:	Obaya	_____	_____	_____	_____
	Muellner	_____	_____	_____	_____
	Lilly	_____	_____	_____	_____
	Lantgen	_____	_____	_____	_____

VILLAGE OF RIVER GROVE)
COUNTY OF COOK) SS
STATE OF ILLINOIS)

CERTIFICATION

I, THE UNDERSIGNED, MARJORIE A. MANCHEN, do hereby certify that I am the duly elected and qualified Village Clerk of the Village of River Grove, Illinois, and that as such I am the keeper to the records, ordinances, files and seal of the said Village of River Grove; and

I, HEREBY FURTHER CERTIFY that the attached constitutes a full true and correct copy of Ordinance 2021-32, entitled:

**AN ORDINANCE GRANTING THE SPECIAL USE PERMIT
AND VARIATIONS/EXCEPTIONS FOR THE PROPERTIES LOCATED AT
3000 NORTH 80TH AVENUE AND 8001 BELMONT AVENUE
PURSUANT TO THE REPORT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS IN CASE NO. 2021-ZBA-001**

**3000 North 80th Avenue (PINs 12-26-200-013-0000 and 12-26-200-014-0000)
and
8001 Belmont Avenue (PIN 12-26-200-005-0000)**

passed by the President and Board of Trustees at their Regular Village Board meeting of November 18, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Corporate Seal of the said Village of River Grove this _____ day of _____, _____.

Hon. Marjorie A. Manchen
Village Clerk

(S E A L)

EXHIBIT A

**REPORT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS
IN CASE NO. 2021-ZBA-001**

(attached)

EXHIBIT A - ORDINANCE NO. 2021-32

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ZONING BOARD OF APPEALS

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

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

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

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

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

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

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

(1) Final architectural plans.

(2) Final engineering drawings.

(3) Final development and construction schedule.

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

Exhibit Y-4 Communication with IDOT regarding Belmont Avenue entrances

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

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

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

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

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

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

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

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

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

Public comments were then received by the ZBA:

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

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

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

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

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

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

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

Dated: November 18, 2021.

Respectfully submitted,



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