



# City of Prospect Heights

Department of Building & Development  
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070  
Office: 847/398-6070 x 211 FAX: 847/590-1854  
[www.prospect-heights.il.us](http://www.prospect-heights.il.us)

July 30, 2020

Lenny Asaro, Partner  
Dinsmore & Shohl LLP • Legal Counsel  
222 West Adams Street  
Suite 3400  
Chicago, IL 60606

Subject: City Responses to Questions Raised by Mr. Asaro in letter date July 17, 2020

Dear Mr. Asaro:

The applicant responded to your question and deferred a number of those questions to the City. These questions are being answered in the spirit of cooperation and efficiency and does not reflect an agreement to answer further questions in writing in the future.

**City of Prospect Heights Response to the Questions raised by M. Asaro in his letter dated July 17, 2020.**

**Question #1** The city requires the filing of a Plan/Zoning Board of Appeals application for the proposed project. Pursuant to Plan/Zoning Board of Appeals Application Procedure and Hearing Process (the "Application Procedure and Hearing Process"), the applicant must submit a completed application. I assume that the applicant filed a completed application? If so, why wasn't the application uploaded to the city's website for the public to review?

Attached hereto as Exhibit A is a PDF of the city's webpage regarding this matter. This PDF was printed on July 16, 2020. The list of documents does not include the completed application.

**City Response:** A complete application was filed with the City of Prospect Heights. A copy of the application and exhibits are available for public viewing at City Hall, 8 N. Elmhurst Rd., Prospect Heights, IL 60070. During voluntary uploading to the City's webpage a couple of exhibits were not uploaded to the web page. They have been uploaded and are available for viewing. These documents are available for public viewing.

**Question #4** Regarding the application form, item #6 refers to an "approved confirmation letter from the City of Prospect Heights." Did the city issue this letter? If so, when and who has a copy of this letter?

**City Response:** City practice confirms the application submittal is complete then notifies the applicant by email and provides a draft public hearing notice for the applicant to process. An email was sent by Jennifer Myzia, Administrative Assistant, on May 28, 2020 to Mr. Burney.

**Question #5** With respect to the Application Procedure and Hearing Process, Section I, a, did city staff review the completed application? If so, who reviewed it? Did the city complete a written review? Did the city staff's review of the application conclude that the applicant addressed all of the applicable standards for a map amendment and special use permit for planned unit development? What were the applicable standards?

**City response:** Please refer to Exhibit #18, Zoning Review date June 17, 2020 prepared by Daniel A. Peterson, Director of Building & Development.

**Question #6** With respect to the Application Procedure and Hearing Process, Section II, when your case was called on June 25, 2020, did the Chairman enter all of the exhibits into the record? Were the exhibits the ones listed on Exhibit A attached hereto?

**City Response:** As a standard practice by the City of Prospect Heights PZBA, all exhibits are accepted by motion of the Chair and vote of the PZBA at the close of the public hearing and made part of the record. This includes all exhibits and reports presented with the application and all exhibits presented during the public hearing. As the public hearing is still open, the exhibits have not been formally entered into the public record at this time.

**Question #7** Exhibit A attached hereto does not list Exhibit 1. Is there an Exhibit 1?

**City Response:** Yes, Exhibit 1 was submitted at time of application. Exhibit 1 was provided to you by email on July 17, 2020 and has been added to the City's web page. The posting of documents for PZBA cases on the City's web page is not required. The City requirement is to have a hard copy on file at City Hall for public viewing. Providing the information on the City's web page was voluntarily to provide information to the public.

**Question #8** Exhibit A attached hereto does not list Exhibit 9. Is there an Exhibit 9?

**City Response:** Yes, Exhibit 9 was submitted at time of application. Exhibit 9 has been added to the City's web page. The posting of documents for PZBA cases on the City's web page is not required, only to have a hard copy on file at City Hall for public viewing. This was done voluntarily to provide information to the public.

**Question #9** Exhibit A attached hereto does not list Exhibit 19. Is there an Exhibit 19?

**City Response:** Yes, there is an Exhibit 19. The legal notices, affidavit of mailing, white cards and green cards are on file for viewing. As a practice these documents are not provided to each member of the PZBA. These documents are listed as an exhibit and accepted into the public records with the same process as all other exhibits.

**Question #12** Exhibit 8 states "We have received review comments from the Village, dated April 6, 2020, regarding the preliminary submittal for Reserve at Muir Park (formally Prospect Pointe)." Are the "review comments from the Village" contained in any of the exhibits listed on Exhibit A attached hereto? Did any of the "review comments" pertain to any of the standards for a map amendment, special use permit for planned unit development or subdivision approval?

**City Response:** The April 6, 2020 review letter from the City Engineer was a preliminary technical review of preliminary documents prior to the formal application submission by the applicant. A copy of the review letter will be provided as a new exhibit.

**Question #13** Exhibit 8, page 1, bullet point 4 refers to “Traffic Impact Study, revised 05/19/2020 prepared by KLOA.” Is this the study that is marked Exhibit 16 in Exhibit A attached hereto?

**City Response:** Yes, the Traffic Impact Study, revised 5/19/20 prepared by KLOA is Exhibit 16.

**Question #14** Exhibit 8, page 1, bullet point 5 refers to “Comment Responses, dated 05/19/2020 prepared by KLOA.” Is this document contained in any of the exhibits listed on Exhibit A attached hereto?

**City Response:** The document was part of Exhibit 16 and a hard copy is on file with the application. The document was missed during uploading to the webpage. The document is provided as an attachment to this response.

**Question #16** With respect to Exhibit 11, did the city’s fire department provide the applicant with any written comments on this exhibit? Did the city staff provide the applicant with any written comments on this exhibit?

**City response:** The City does not have a Fire Department. The Prospect Heights Fire District was provided a copy of Exhibit 11 by email on June 23, 2020. The City received a copy of an email response to Haeger Engineering with the Prospect Heights Fire District vehicle specifications for incorporation into their design on July 21, 2020.

**Question #17** With respect to Exhibit 13, does the city have an open space acreage requirement per population equivalent? If the answer is yes, what is the requirement and will the proposed project impact this requirement?

**City Response:** Per Section 6-3-5-3 Density Formula of the City Code, Low Density Attached Single Family (Townhouse, Row House, Quadriplex, etc.) a 3-bedroom town house would generate 3.263 people per unit or 226 people. The project would not have an impact with the existing open space adjacent to the development. The applicant testified that they are in negotiations with the Prospect Heights Park District for providing improvements to Muir Park. Please refer to Section 6-3-5-2 CRITERIA FOR REQUIRING CONTRIBUTION IN LIEU OF PARK SITES.

**Question #21** With respect to Exhibit 16, did the city’s traffic consultant and/or engineer review and/or provide comments on the applicant’s traffic impact study which is marked Exhibit 16? If the answer is yes, describe the comments regarding the following: (a) the impact that the proposed project will have on traffic conditions in the area and (b) the proposed traffic improvement plans.

**City Response:** See City Engineer response dated June 24, 2020.

**Question #28** With respect to Exhibit 17, did city staff review and provide written comments on this report and the conclusions contained therein? Did the city retain an independent consultant to review and provide written comments

on this report and the conclusions contained therein?

**City Response:** See City Engineer response dated June 24, 2020

**Questions #29** Exhibit 18, page 3, Response to #1 states “Please see page 10 of the application.” Is the completed application contained in any of the exhibits shown on Exhibit A attached hereto?

**City Response:** Yes, Exhibit 1 was submitted at time of application. Exhibit 1 has been provided to you and has been added to the City’s web page. The posting of documents for PZBA cases on the City’s web page is not required, only to have a hard copy on file at City Hall for public viewing. This was done voluntarily to provide information to the public.

**Question #30** Exhibit 18, page 3, Response to #1 states “The proposed development meets the diversification of housing objectives of the City of Prospect Heights Comprehensive Plan.” On what page in the comprehensive plan does it state that the future use of the subject property is housing, residential, single-family or multifamily dwelling?

**City Response:** Refer to Section 3.1 Land Use page 61. Recommended Strategies.

**Question #32** Exhibit 18, page 3, Response to #2 states “The property is vacant and this proposed use will provide redevelopment of residential in a type of housing stock that the City does not currently have.” Does the city have any townhomes? If the answer is yes, how many and where are the townhomes located? Has a study been performed that shows that there is a need for townhomes to be developed in the city?

**City Response:** The sentence was to read, “The property is vacant and this proposed use will provide redevelopment of residential in a type oh housing stock that the City does not currently have on the north end of Prospect Heights.” The City does have townhomes in the southern portion of the City between Camp McDonald Road and Euclid Ave. The Villas at Rob Roy have 119 units. Rob Roy Country Club 167 building and 650 residential units.

The 2014 Comprehensive Plan page 61, where development similar to Rob Roy is encourage as it provides diversity of housing types and allows for increased density.

**Question #33** Exhibit 18, page 3, Response to #3 states “The proposed use is in conformance and consistent with the Land Use Goals and Objectives in section 1.2 and Section 3.1 Land Use Recommended Strategies of the City’s Comprehensive Plan.” Please show in the comprehensive plan where it states that the proposed townhome development would be in conformance and consistent with the Land Use Goals and Objectives in section 1.2 and Section 3.1 Land Use Recommended Strategies of the City’s Comprehensive Plan.

**City Response:** See page 61, Recommended Strategies of the 2014 Comprehensive Plan.

**Question #34** Exhibit 18, page 3, Response to #4 states “The proposed development would be compatible and harmonious in size and density with the development in the area.” Will the proposed development be compatible and harmonious in size and density with the R-1 single-family district located in the “North Border”? Will the proposed development be compatible and harmonious in size and density with the R-3 single-family district located in the “North

Border"? Will be proposed development be compatible and harmonious in size and density with the R-3 single-family district in the "Muir Park parcel"?

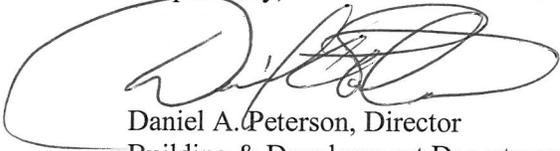
**City Response:** The development is consistent with abutting properties. Granting relief for setbacks is an allowed relief under the provisions of the City of Prospect Heights City Zoning Ordinance. Additionally, the proposed development setbacks are equal to or greater than the Village of Wheeling standards.

District	Rear	Side	Units p/a
Wheeling R-3	19'	10' aggregate 3' min.	6.22
Wheeling R-3A	19'	10' aggregate 3' min.	7.26
Wheeling R-4 (2 story)	30'	30'	20
Prospect Height R1	50'	15'	2
Prospect Heights R2	30'	30'	17.24
Proposed R2 PUD	30'	20' Relief sought	13.2

**Question #35** Does the comprehensive plan at PDF page 96 (i.e. the Parks and Waterways Map dated May 19, 2014) show that the proposed use of the subject property is for playgrounds? Does this map show that the proposed use of the subject property is for residential?

**City Response:** The symbols referenced in the map on page 96 represent the current Muir Park at the southern end of the map owned by the Prospect Heights Park District and the park located adjacent to Muir Park in the Village of Wheeling. The northern portion of the map is private property in the City's R-1 Single-Family Residential District and is not a public park. The use of the property at the time of the comprehensive plan was a permitted special use as a private pre-school in the City's R-1 District.

Respectfully,



Daniel A. Peterson, Director  
Building & Development Department  
City of Prospect Heights

CC: City Administrator Wade  
City Attorney O'Driscoll  
Plan/Zoning Board of Appeals Member

Attachment: City Engineer review letters of April 6, 2020 and June 24, 2020  
KLOA Response letter that is part of Exhibit #16