

**ORDINANCE NO. CO-2022-16**

**AN ORDINANCE APPROVING  
A ZONING MAP AMENDMENT AND SPECIAL USE  
FOR A DAYCARE CENTER AT 1418 MADISON STREET –  
AVERY & PRYOR CONSTRUCTION LLC**

**WHEREAS**, a petition for consideration of a request for a Special Use Permit for a daycare center pursuant to Section 4.4 of the Village Zoning Ordinance (“Zoning Code”), and for a Map Amendment to rezone the property commonly known as 1418 Madison Street (the “Subject Property”) from R-4 Multi-Family Residential Zoning District to either C-1 Local Commercial Zoning District or C-2 Pedestrian-Oriented Commercial Zoning District pursuant to Section 4.2 of the Zoning Code was filed with the Village of Maywood (“Village”) by Benjamin Avery, on behalf of Avery & Pryor Construction LLC (“Petitioner”); and

**WHEREAS**, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (“Plan Commission”) of the Village and has been processed in accordance with the Zoning Code; and

**WHEREAS**, the Subject Property is legally described in Exhibit “A” attached hereto and made a part hereof; and

**WHEREAS**, the Plan Commission held a public hearing on August 4, 2022 on the question of whether the requested Map Amendment and Special Use should be granted, at which time all persons present were afforded an opportunity to be heard; and

**WHEREAS**, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing. In addition, notice was sent to surrounding property owners; and

**WHEREAS**, on August 4, 2022, the Plan Commission voted to favorably recommend the requested Special Use Permit and Map Amendment, changing the zoning designation of the Subject Property to C-2 Pedestrian-Oriented Commercial Zoning District, to the Village President and Board of Trustees of the Village of Maywood on a vote of five (5) in favor, zero (0) opposed and two (2) absent, subject to certain conditions; and

**WHEREAS**, the Plan Commission of the Village has reported its findings and recommendations regarding the Map Amendment and Special Use to the Village President and Board of Trustees, and the Village President and Board of Trustees have duly considered the Plan Commission’s findings and recommendations.

**BE IT ORDAINED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The Petitioner desires to utilize the first floor of the existing commercial building located on the Subject Property for a proposed daycare center use and, at a point one (1) to five (5) years in the future, to build out the second story for general office use for Petitioner's construction business. The Subject Property is currently zoned R-4 Multi-Family Residential Zoning District and, if rezoned to C-2 Pedestrian-Oriented Commercial Zoning District as requested by the Petitioner and recommended by the Plan Commission, a daycare center would be a special use.

**SECTION 2:** The President and Board of Trustees of the Village of Maywood approve and adopt the findings of fact and recommendation of the Plan Commission, a copy of which is attached hereto as **Exhibit "B"**, and incorporate such findings and recommendation herein by reference as if fully set forth herein.

**SECTION 3:** The President and Board of Trustees, after considering and adopting the findings and recommendation of the Plan Commission and other matters properly before it, grant the requested Map Amendment rezoning the Subject Property from R-4 Multi-Family Residential Zoning District to C-2 Pedestrian-Oriented Commercial Zoning District pursuant to Section 4.2 of the Zoning Code, and grant a Special Use Permit for a daycare center use on the Subject Property pursuant to Section 4.4 of the Zoning Code, subject to the following conditions:

1. The Petitioner enter into a parking agreement with a nearby property owner in order to accommodate any overflow parking from uses at the Property;
2. Compliance with any applicable Village landscaping requirements for the Property;
3. Use of downfacing lights, light shields and/or other methods to ensure a minimum amount of light spillage from the Property onto adjacent properties; and
4. Compliance with the requirements for daycare centers as set forth in Section 11.3.D. of the Zoning Code.

**SECTION 4:** Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance or regulation of the Village shall be grounds for the immediate rescission by the President and Board of Trustees of the approvals made in this Ordinance.

**SECTION 5:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 6:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

**ADOPTED** this 16th day of August, 2022, pursuant to a roll call vote as follows:

**AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford,  
A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** None

**APPROVED** by me as Village President, and attested to by the Village Clerk, on the 16th day of August 2022.

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Nathaniel George Booker, Village President

**ATTEST:**

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Gwaine Dianne Williams, Village Clerk

Published by me in pamphlet form this 17<sup>th</sup> day of August, 2022.

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Gwaine Dianne Williams, Village Clerk

**Exhibit "A"**

**Legal Description  
of the Subject Property**

LOT 30 IN CUMMINGS AND FOREMAN REAL ESTATE CORPORATION MADISON STREET AND 17TH AVENUE SUBDIVISION, IN NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON PROPERTY ADDRESS: 1418 MADISON STREET, MAYWOOD, ILLINOIS 60153

PIN: 15-15-202-001-0000

**Exhibit "B"**

**FINDINGS OF FACT AND RECOMMENDATIONS  
OF THE PLAN COMMISSION / ZONING BOARD OF APPEALS  
OF THE VILLAGE OF MAYWOOD  
TO THE PRESIDENT AND BOARD OF TRUSTEES  
Dated August 4, 2022 –**

**FOR A MAP AMENDMENT AND SPECIAL USE  
FOR PROPERTY LOCATED AT 1418 MADISON STREET, MAYWOOD, ILLINOIS**

(attached)



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE  
PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE  
OF MAYWOOD TO  
THE PRESIDENT AND BOARD OF TRUSTEES**

**August 4, 2022**

**Case #22-002**

**PC/ZBA Case # 22-002** - The Village of Maywood received an application with supporting documentation and photos from Benjamin Avery, on behalf of Avery & Pryor Construction LLC ("Petitioner"), for consideration of a request for a Special Use Permit for a daycare center pursuant to Section 4.4 of the Village Zoning Ordinance ("Zoning Code"), and for a Map Amendment to rezone the property commonly known as 1418 Madison Street (the "Property") from R-4 Multi-Family Residential Zoning District to either C-1 Local Commercial Zoning District or C-2 Pedestrian-Oriented Commercial Zoning District pursuant to Section 4.2 of the Zoning Code. Daycare centers are allowed as special uses in either the C-1 or C-2 Zoning Districts. The Petitioner proposes to use the second floor of the existing building for office use for their construction business at some point in the future. General office use is a permitted use in both the C-1 and C-2 Zoning Districts.

The Petitioner's application and submittals were accepted as meeting the minimum standards for a public hearing

**PETITIONER:** Benjamin Avery, on behalf of Avery & Pryor Construction LLC

**APPLICATION:** For a Map Amendment Rezoning the Property to either C-1 Local Commercial Zoning District or C-2 Pedestrian-Oriented Zoning District and for a Special Use Permit to operate a Day Care Facility (Single-Family Residential) on the rezoned Property

**PROPERTY:** 1418 W. Madison Street, Maywood, IL

**RECOMMENDATION:** Following a public hearing held on August 4, 2022, the Plan Commission/Zoning Board of Appeals (PC/ZBA) of the Village recommended approval of a Map Amendment rezoning the Property to C-2 Pedestrian-Oriented Zoning District and granting a Special Use Permit for a Day Care Facility in the rezoned Property, on a vote of five (5) in favor and zero (0) against, with two (2) members absent.

**BACKGROUND:** The existing structure on the Property previously housed a food and liquor store but has now been vacant for some time. The structure was designed, built and used in the past for commercial purposes, despite being located in a residential zoning district.

**PUBLIC HEARING:** At the public hearing held on August 4, 2021, Staff presented a summary of the petition and related documents, read the notice for the record and identified the notices and green registered mail cards for the neighbors as well as the posted sign at the property. The staff recommendation was for approval of the requested Special Use, as well as a Map Amendment rezoning the Property to C-2 Pedestrian-Oriented Commercial Zoning District.

The Petitioner made a presentation regarding his proposed use of the Property. The Petitioner's vision for the Property includes the proposed daycare center use and, at a point one (1) to five (5) years in the future, building out the second story for general office use for their construction business. The Property was acquired by the Petitioner in 2021 from the Cook County Land Bank with the support of the Village of Maywood.

Commissioners asked a number of questions, including questions regarding landscaping, the proposed outdoor play area for the daycare center, exterior lighting, and parking. The Petitioner responded to the various questions posed.

Various members of the public were present, and four different residents spoke in support of the proposed Special Use and Map Amendment, noting in particular their support for filling the vacant building and their appreciation to the Petitioner for his willingness to invest in the community.

Hearing no more public comment or comments by Commissioners, the public hearing was closed.

Commissioner Dawson then motioned that the Commission recommend approval of the request for a Special Use for the operation of a daycare center at 1418 W. Madison Street, with certain conditions, and for a Map Amendment rezoning the Property from R-4 Multi-Family Residential Zoning District to C-2 Pedestrian-Oriented Zoning District. The conditions proposed were as follows:

1. The Petitioner enter into a parking agreement with a nearby property owner in order to accommodate any overflow parking from uses at the Property;
2. Compliance with any applicable Village landscaping requirements for the Property;
3. Use of downfacing lights, light shields and/or other methods to ensure a minimum amount of light spillage from the Property onto adjacent properties; and
4. Compliance with the requirements for daycare centers as set forth in Section 11.3.D. of the Zoning Code.

The motion was seconded by Commissioner Files. The motion carried on a vote of five (5) in favor and zero (0) opposed, with two (2) members absent.

**FINDINGS:** The PC/ZBA makes the following Findings as to the proposed Special Use Permit:

1. That the establishment, maintenance and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community. **The establishment and operation of the Special Use will not endanger the public health, safety or general welfare of any portion of the community. The use will fill a long-vacant building and provide a benefit to area residents.**
2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use. **The proposed Special Use is compatible with adjacent properties. In the opinion of staff and the PC/ZBA, this use is compatible with both the surrounding Commercial and Residential properties.**
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity. **The proposed Special Use will not diminish or impair property values. In fact, the establishment of the operation might help improve property values by providing for a use and rehabilitation of a long-vacant building and by providing a service that will benefit nearby residents and may attract more families to the area.**
4. The establishment of the proposed special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property. The area is already fully developed.**
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided. **Adequate utilities and other necessary facilities are being provided. The condition requiring a parking agreement for overflow parking will ensure adequate parking is provided.**
6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan. **The Special Use is consistent with the Ordinance and the current Comprehensive Plan. The establishment of a daycare center and future office use at this location supports the vision, goals and objectives of the Village's Comprehensive Plan by creating an additional node of commercial activity at this location.**

The PC/ZBA makes the following Findings as to the proposed Map Amendment:

1. The proposed map amendment is consistent with the existing uses of property within the general areas of the proposed amendment. **The amendment reflects the existing, long-standing use of the property, and is consistent with other property uses in the immediate vicinity.**



2. The proposed map amendment is consistent with zoning classifications of properties in the general area of the proposed amendments. **The amendment reflects the existing, long-standing commercial use of the Property, and is consistent with the zoning and uses of other areas in the general area. The amendment will result in a use that will serve nearby residential uses.**
3. The property proposed for rezoning has not proved to be suitable for its current zoning classifications. **The existing building on the Property was built and designed for commercial use, has always been used for commercial purposes, and is not suitable for multi-family residential use. The proposed rezoning will make the Property consistent with its design and historic uses, to the benefit of the Petitioner and property owners in the adjacent areas.**

**SUMMARY OF RECOMMENDATIONS:** Based upon the foregoing Findings, the PC/ZBA, by a vote of five (5) in favor, zero (0) opposed, and with two (2) absent, recommends to the President and Board of Trustees that the requested Map Amendment rezoning the Property from R-4 Multi-Family Residential Zoning District to C-2 Pedestrian-Oriented Zoning District, and the request for a Special Use Permit for operation of a daycare center at the Property, be approved subject to the following conditions:

1. The Petitioner enter into a parking agreement with a nearby property owner in order to accommodate any overflow parking from uses at the Property;
2. Compliance with any applicable Village landscaping requirements for the Property;
3. Use of downfacing lights, light shields and/or other methods to ensure a minimum amount of light spillage from the Property onto adjacent properties; and
4. Compliance with the requirements for daycare centers as set forth in Section 11.3.D. of the Zoning Code.

Signed: Sarah Lira  
Sarah Lira, Chairperson  
Plan Commission/Zoning Board of Appeals  
Village of Maywood

STATE OF ILLINOIS     )  
  ) SS.  
COUNTY OF COOK        )

**CLERK’S CERTIFICATE**

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, Cook County, Illinois, certify that the attached document is a true and correct copy of the Ordinance now on file in my office, entitled:

**ORDINANCE NO. CO-2022-16**

**AN ORDINANCE APPROVING  
A ZONING MAP AMENDMENT AND SPECIAL USE  
FOR A DAYCARE CENTER AT 1418 MADISON STREET –  
AVERY & PRYOR CONSTRUCTION LLC**

which was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Meeting of the Board of Trustees held on the 16th day of August, 2022, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 16th day of August, 2022.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Maywood was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Maywood, and that the result of the vote was as follows, to wit:

**AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** None

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 17<sup>th</sup> day of August, 2022.

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Gwaine Dianne Williams, Village Clerk

SEAL