

**ORDINANCE NO. 2018-35**

**ORDINANCE APPROVING A FINAL PLAN FOR A PLANNED UNIT DEVELOPMENT SPECIAL USE, INCLUDING CERTAIN USE APPROVALS AND VARIATIONS FOR APPLICANT SMC MANAGEMENT, LLC, FOR DEVELOPMENT OF THE PROPERTY LOCATED AT 1001 ST. CHARLES ROAD WITH A TRUCKING LOGISTICS BUSINESS CONSISTING OF A TRUCK AND TRAILER STORAGE PARKING LOT, A TRUCK SERVICE GARAGE, A TRUCK, TRACTOR AND TRAILER WASH BAY, AN ON-SITE DIESEL FUELING BUSINESS, AND TRUCK AND TRAILER SALES OFFICE AND CORPORATE OFFICE BUILDING (NORTHWEST CORNER OF ST. CHARLES ROAD AND 9TH AVENUE)**

**WHEREAS**, a petition for the granting of a Planned Unit Development pursuant to the Village of Maywood Zoning Ordinance (“Zoning Code”) relative to redevelopment of the vacant site at 1001 St. Charles Road, Maywood, Illinois (the “Subject Property”) has been filed with the Village of Maywood by Petitioner SMC Management, Inc. (“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 the question of whether the requested Planned Unit Development should be granted on July 24, 2018, 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; and

**WHEREAS**, on July 24, 2018, the Plan Commission voted to favorably recommend approval of the requested Planned Unit Development to the Village President and Board of Trustees of the Village of Maywood on a vote of five (5) in favor and zero (0) opposed, subject to certain conditions; and

**WHEREAS**, the Plan Commission of this Village has reported its findings and recommendations regarding the Planned Unit Development to this Village President and Board of Trustees, and this Village President and Board of Trustees has duly considered said report and 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:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

**SECTION 2:** Petitioner desires to purchase and redevelop the vacant property located at 1001 St. Charles Road, Maywood, with a PIN of 15-10-226-007-0000 (the "Property" with a trucking logistics business consisting of a truck and trailer storage parking lot, a truck service garage, a truck, tractor and trailer wash bay, an on-site diesel fueling business, and truck and trailer sales office and corporate office building (collectively, the "Project"). The Subject Property is located in the M-1 General Manufacturing Zoning District. Petitioner seeks approval of a Final Plan for a Planned Unit Development for the Project, including relief from various regulations within the Zoning Code, as detailed in the Findings of Fact attached hereto and made a part hereof as **Exhibit B**.

**SECTION 3:** 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 4:** The President and Board of Trustees, after considering and adopting the findings and recommendation of the Plan Commission and other matters properly before it, hereby grants the requested approval of a Final Plan for a Planned Unit Development special use for redevelopment of the Subject Property with the Project, including special use approvals for the following uses, and the following listed exceptions from various District Regulations in the Village of Maywood Zoning Ordinance, all subject to the conditions set forth in Section 4:

The approved Final Plan for the Planned Unit Development includes special uses for:

1. The operation of a retail fueling station as an accessory use in the M-1 Zoning District (MZO Table 9-1, Section 11.3.J.5 and 11.3N; MZO Section 11.3 J (Gas Stations)); and
2. "Off Street Parking as a Principal Use" to allow semi-truck and trailer parking on the site (MZO Table 9-1); and
3. To allow retail sales of trucks and trailers on site as an accessory use within the M-1 General Manufacturing Zoning District (MZO Table 9-1).

The Project will also require the following variances/exceptions from the Maywood Village Code, including the Zoning Ordinance:

1. A site layout variation to allow semi-truck and trailer parking as the dominant visual element of the site along the St. Charles Road frontage (MZO Section 9.4.C); and
2. A graduated minimum corner side yard variation that ranges from two (2) to five (5) feet along the 9th Avenue property frontage (MZO Table 9-2); and

3. A variation from Subsection 13.10(E) (Commercial Vehicles) to allow outdoor, overnight parking of semi-trucks and trailers and all of the commercial vehicles related to the principle use on the site.

**SECTION 5:** The approval of the Final Plan for the Planned Unit Development, with the exceptions set forth above, is subject to the following conditions:

1. Posting of a “No Left Turn” sign by Petitioner on the St. Charles Road exit of the facility upon commencement of operations;
2. Submission of a traffic study, in a form satisfactory to Village staff, within forty-five (45) days of approval of this Ordinance; and
3. Due to the necessity of performing environmental site remediation at the Property, an 18-month period is approved for the Developer to commence construction of the Planned Unit Development to the Zoning Administrator after approval of this Ordinance and the Final Plan.

**SECTION 6:** Before Petitioner can legally occupy the Subject Property for the proposed Planned Unit Development, Petitioner is required to execute the acknowledgment page attached to this Ordinance and to pay the applicable recording fee, so that this Ordinance may be recorded against the Subject Property.

**SECTION 7:** 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 rescission by the Board of Trustees of the approvals set forth in this Ordinance.

**SECTION 8:** 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 9:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by State law.

**SECTION 10:** A certified copy of this Ordinance shall be recorded against title to the various Subject Properties by the Village, at the Petitioners’ sole cost, with the Cook County Recorder of Deeds Office (“CCRD”). The Village will provide the Petitioners with a copy of the Ordinance after it is filed with the CCRD.

**PASSED** this 21<sup>st</sup> day of August, 2018, by the President and Board of Trustees of the Village of Maywood on a roll call vote as follows:

**AYES:** Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington, M. Lightford and R. Rivers

**NAYS:** None

**ABSENT:** None

**APPROVED** by the Village President on the 22<sup>nd</sup> day of August, 2018, and attested to by the Village Clerk this same day.

**ATTEST:**

  
\_\_\_\_\_  
Viola Mims, Village Clerk





\_\_\_\_\_  
Edwenna Perkins, Village President

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

**Current legal description, pending subdivision:**

**LOT 2 IN THE FINAL PLAT OF SUBDIVISION OF MAYWOOD BUSINESS CENTER UNIT 2, BEING A SUBDIVISION OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**NOTE:** *A subdivision of the Subject Property in order to divide the Village's water tower on the Property and to preserve ingress and egress to the tower from St. Charles Road was recently approved but has not yet been recorded. The current legal description of the Subject Property is provided above, but will be revised, and new PINs assigned, upon recording of the subdivision.*

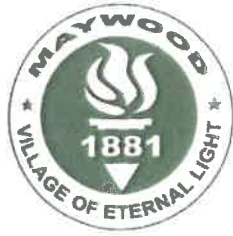
**PIN: 15-10-226-007-0000**

**Commonly known as: 1001 St. Charles Road (also known as 901 St. Charles Road)**

**EXHIBIT "B"**

**Findings of Fact and  
Recommendations of the Maywood Plan Commission/Zoning Board of Appeals**

(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**

**PC/ZBA Case #18-003  
Tuesday, July 24, 2018**

**APPLICATION: PC/ZBA Case #18-003** – The Petitioner, Mr. James Apa, President of SMC Management, LLC, has presented to the Village of Maywood Board of Trustees and subsequently submitted to the Village of Maywood Community Development Department a proposal for a multi-use trucking and heavy transportation facility on a Village-owned parcel of land located in the M-1 General Manufacturing Zoning District.

The Village Board of Trustees has approved the property commonly known as 1001 St. Charles Road for purchase with a fully executed redevelopment agreement (RDA) on this development (also submitted for this case in the Petitioner's documents) and forwarded this matter to the Plan Commission/Zoning Board of Appeals for review and recommendations.

**THE PROPERTY REQUIRING ZONING RELIEF IN THE FORM OF A SPECIAL USE FOR FINAL PLANS FOR A PLANNED UNIT DEVELOPMENT (PUD) IS LEGALLY DESCRIBED AS FOLLOWS:**

**PIN:** 15102260070000

**Commonly known as:** 1001 St. Charles Road (also known as 901 St. Charles Road)

**Current legal description, pending subdivision:**

LOT 2 IN THE FINAL PLAT OF SUBDIVISION OF MAYWOOD BUSINESS CENTER UNIT 2, BEING A SUBDIVISION OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**NOTE:** *A subdivision of the Subject Property in order to divide the Village's water tower on the Property and to preserve ingress and egress to the tower from St. Charles Road was recently approved but has not yet been recorded. The current legal description of the Subject Property is provided above, but will be revised, and new PINs assigned, upon recording of the subdivision.*

**Petitioner:**

SMC Management, LLC; Mr. James Apa, President  
2012 N 77th Court  
Elmwood Park, IL 60707

**PC/ZBA Case #18-003**

**Plan Commission/Zoning Board Appeals members attending the public hearing:**

- Commissioners Dawson, Jones, Smith, Stelnicki and Vallow; Commissioner Stelnicki acting as Chair Pro Tem in Chair Lira's absence

**Staff:**

- Director of Community Development, David Myers, Village of Maywood
- Village Planner, Josh Koonce, Village of Maywood
- Village Attorney, Michael Jurusik, Klein Thorpe and Jenkins, Ltd.
- Village Engineer, Bill Peterhansen, Hancock Engineering

**SUMMARY OF REQUEST AND RECOMMENDATION:**

The Project calls for a multi-use trucking and heavy transportation facility which includes the following uses: a secured truck parking facility with a full-service maintenance center for semi-trucks and trailers, an onsite retail diesel fueling business, tractor and trailer washing, truck tire sales and repair, used truck/trailer sales and leasing, and a base of operations for a future excavating and trucking company.

The location is a currently vacant 126,856 square-foot (2.91 acre) Village-owned parcel of land, created by subdivision of a larger parcel, and located in the M-1 General Manufacturing Zoning District. The parcel is bounded to the north by the Metra Union Pacific West Line and freight railroad tracks, to the south by St. Charles Road, and to the east by 9th Avenue. To the west, the parcel is abutted by the Village-owned M-1-zoned parcel which contains the water tower and will remain Village-owned as a result of this subdivision.

*Surrounding zoning:* the Business Industrial Park (BIP) Zoning District lies to the south and east; to the north the railroad tracks make up the Village of Maywood boundary; across which sits an industrial area of Melrose Park.

**PUBLIC HEARING:** The public hearing for this Project commenced on July 24, 2018. Village Planner Josh Koonce presented the Project to the PC/ZBA, describing in detail what the project and the PUD would entail. The project is for a multi-use trucking and transportation facility with a variety of uses. The Village Board of Trustees approved the property for purchase with an RDA. Mr. Koonce stated that the PC/ZBA is considering for the site a variety of uses, and the Zoning Ordinance does not have one specific trucking facility use that meets the requirements for this project. There are a number of industrial uses included in this proposal; they all fit within the industrial corridor on St. Charles Road. Because of all these uses the project is being considered under a PUD to encompass all the variances and special uses, and the PUD allows for a number of compatible uses on the site and is designed to provide additional flexibility for the Village and for the developer. Mr. Koonce further explained how this proposal fits within St. Charles Road industrial corridor and the Comprehensive Plan of the Village of Maywood.

Jim Apa (the owner and Petitioner) and Anthony Abruzzo (the architect, for Forza Design & Consulting Inc.) presented the project in more detail. Mr. Apa gave some background to his professional experience in the industry, explaining why the variety of uses is needed for a profitable business at this location. He also spoke about the anticipated tax revenue which he expects the development to generate for the Village. He and the architect also explained the office and garage layout, site layout, and landscaping. The commissioners asked questions about traffic flow, truck parking on the street, and environmental protection for the fuel tanks. Chair Pro Tem Stelnicki asked for a brief outline of how this type of business works, and Mr. Apa explained that it provides regional drivers with a facility for parking and maintaining trucks while they are not on the road. Chair Pro Tem Stelnicki also asked about additional



noise in the area, and Mr. Apa stated there would not be any due to regulators on trucks preventing idling for more than ten minutes.

Attorney Jurusik asked, for the record, how many trucks owned by Mr. Apa would be located onsite. Mr. Apa stated that there would probably be about 20-25. A short discussion took place about the goods the truck drivers will be hauling and how they'd handle them.

Attorney Jurusik also established with the petitioner that this will not be a truck stop. Every truck that will park there will be leasing their space on a permanent basis, so it will be the same drivers that will park there night after night. Mr. Apa stated that he will have a transportation company and a repair center that rents out additional space to permanent tenants that live in the area that need repairs and fuel purchases.

Attorney Jurusik asked Mr. Apa if he would be okay with a posted sign stating "no left turn on St. Charles Rd"; Mr. Apa stated that would be fine.

Attorney Jurusik explained to the Commissioners what can be and cannot be included as part of a PUD. The Village Board has initially approved the concept of the proposal; the Petitioner is now going through the required zoning process; he advised the Commissioners that their recommendations are important, however, the Board has already approved via RDA the proposed concept of the petition in front of them tonight.

He also explained to the Commissioners that they've just recently learned that according to testing done on the soil, some contaminants are showing up in the ground. This is common and it simply means an agreement between the developer and the Village will have to be reached for remediation as an addendum to the RDA. After the remediation takes place if needed, then the proposal would go in front of the Village Board for final approval.

Because the timeline for performance on a PUD under the Village Code is one year; Attorney Jurusik suggested that the Commission recommend waiving this timeline in favor of an 18 month timeline.

Hancock Engineering provided recommended truck route information in the form a map, but did not field any questions and was not asked by the commission to contribute to the discussion.

Attorney Jurusik stated for purposes of the record the various exhibits including the Petitioner's Submittal packet and the Engineer's truck routes map.

**PUBLIC COMMENT:** Mr. Mike Rogers, resident at 719 N. 5th Avenue in Maywood, had a few questions regarding the chain link fence, landscaping, and other issues. A conversation took place between Mr. Rogers, Mr. Apa, and Mr. Abruzzo. Mr. Rogers also wanted to know if there will be a plan for irrigation. Mr. Abruzzo stated that the screening landscaping will be naturally irrigated.

During Public Comment, Commissioner Smith asked one further questions about the type of gas they'd sell. Mr. Apa stated that the majority of the gas they will sell will be diesel; he's expecting to also have a tank for regular gas for their customers' personal vehicles; but if it "becomes a problem," then they will just sell diesel. Primarily it will be the people leasing their parking spaces the ones that will be buying gas, the regular public. He will not take cash as payment for gas, only credit cards.

Following the public hearing held, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the variances and special uses in the form of a PUD. The Motion and final votes are as follows:

**MOTION AND FINDINGS:** After public comment was closed by Chair Pro Tem Stelnicki, she asked for more input from the Commissioners. There was none.

**Commissioner Jones made a Motion to recommend for approval to the Village Board the preliminary plan as presented by the Petitioner to grant a PUD approval for a new development to build a new industrial truck facility development.**

The PUD includes the following Special Use approvals:

1. Special Use for the operation of a retail fueling station as an accessory use in the M-1 Zoning District (MZO Table 9-1, Section 11.3.J.5 and 11.3N; MZO Section 11.3 J (Gas Stations)),
2. Special Use for "Off Street Parking as a Principal Use" to allow semi-truck and trailer parking on the site (MZO Table 9-1),
3. Special use to allow retail sales of trucks and trailers on site as an accessory use within the M-1 General Manufacturing Zoning District (MZO Table 9-1).

The project will also require the following variances/exceptions from the Maywood Village Code, including the Zoning Ordinance:

1. A site layout variation to allow semi-truck and trailer parking as the dominant visual element of the site along the St. Charles Road frontage (MZO Section 9.4.C);
2. A graduated minimum corner side yard variation that ranges from two (2) to five (5) feet along the 9th Avenue property frontage (MZO Table 9-2);
3. A variation from Subsection 13.10(E) (Commercial Vehicles) to allow outdoor, overnight parking of semi-trucks and trailers and all of the commercial vehicles related to the principle use on the site.

**Additional PC/ZBA recommendations:**

- No Left Turn – sign posting on St. Charles Rd exit of the facility
- An exception to allow an 18 month PUD time frame for the developer to commence construction after the Village Board authorizes approval, due to site remediation.

***Final Vote: 5-0-0 Motion carried. Motion Jones, Second Dawson***

**FINDINGS:** The PC/ZBA makes the following findings as to the proposed final plan for the PUD:

1. **The establishment, maintenance and operation of the PUD in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or welfare.**

The proposed PUD is an appropriate mix of M-1 activities which fits in with the character of this zoning district in Maywood, and is appropriately buffered from residential uses by the adjacent BIP district. No detriment to public health, safety or welfare is expected.

- 2. The proposed PUD is compatible with adjacent properties and other property within the immediate vicinity of the special use.**

This specific type of trucking facility which includes a mix of functions is not directly outlined as a use in the Maywood Zoning Ordinance and the Special Uses requested are appropriate given the project scope. The proposed PUD is a mix of industrial uses in the M1 district. It is compatible with the Maywood industrial corridor businesses along St. Charles Road.

- 3. The proposed PUD will not substantially diminish and impair property values within the immediate vicinity, and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities are compatible with the surrounding neighborhood and adjacent land uses.**

This PUD will not diminish or impair property values. Currently the site is vacant and this will bring back activity to the area and establish a street fronting building on the corner of 9<sup>th</sup> Ave and St. Charles Road which contribute to an improved pedestrian environment. This standard has been met.

- 4. The establishment of the proposed PUD will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Most of the surrounding property is already developed (this was the largest vacant parcel in the St. Charles Road industrial corridor), but increased activity in the area should only bring in more tertiary businesses and development.

- 5. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities within the PUD.**

This standard has been met. The Village's contracted engineering firm, Hancock Engineering, provided truck route analysis. As required by the PC/ZBA hearing, the petitioner has commissioned a traffic study from Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) This study should be completed before the property is actually sold to the petitioner as discussed in the preliminary planning meetings with staff.

A site plan, alta survey, and preliminary drainage and utility plan is provided by the petitioner. The subdivision of this site and maintenance of the open space parcel containing the water tower contributes to regional drainage.

- 6. The PUD in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan.**

The 2014 Maywood Comprehensive Plan identifies this particular site for redevelopment, with the goal of supporting "the ongoing development of St. Charles Road as a contemporary industrial corridor with uses that provide local employment opportunities, enhance the professional image of Maywood, and minimize impacts on nearby neighborhoods." (p. 39-40) The project fits with the spirit and intent of the Maywood Zoning Ordinance and the Comprehensive Plan.

**RECOMMENDATION:** Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals recommends to the President and Board of Trustees that the Petitioner's requested final plan for a Planned Unit Development be approved, subject to the conditions specified herein, and the Village Board's approval of the two additional PC/ZBA recommendations and the submittal by the petitioner of the required traffic study mentioned above.

***Signed:***

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**Heather Stelnicki, Chair Pro Tem**  
Plan Commission/Zoning Board of Appeals  
Village of Maywood

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DATE

**ACKNOWLEDGMENT BY PETITIONER**

I, James Apa, on behalf of the Petitioner, SMC Management, LLC, for the Planned Unit Development approved by this Ordinance, certify that I have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the Planned Unit Development, as specifically set forth above, relative to the property commonly known as 1001 St. Charles Road, Maywood, Illinois, and voluntarily accept and agree to be bound by same.

SMC Management, LLC

By:   
Petitioner

Its: President

Date: 8-22, 2018.

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE APPROVING A FINAL PLAN FOR A PLANNED UNIT DEVELOPMENT SPECIAL USE, INCLUDING CERTAIN USE APPROVALS AND VARIATIONS FOR APPLICANT SMC MANAGEMENT, LLC, FOR DEVELOPMENT OF THE PROPERTY LOCATED AT 1001 ST. CHARLES ROAD WITH A TRUCKING LOGISTICS BUSINESS CONSISTING OF A TRUCK AND TRAILER STORAGE PARKING LOT, A TRUCK SERVICE GARAGE, A TRUCK, TRACTOR AND TRAILER WASH BAY, AN ON-SITE DIESEL FUELING BUSINESS, AND TRUCK AND TRAILER SALES OFFICE AND CORPORATE OFFICE BUILDING (NORTHWEST CORNER OF ST. CHARLES ROAD AND 9TH AVENUE)**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 21<sup>st</sup> day of August, 2018, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 21<sup>st</sup> day of August, 2018.

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

**AYES:** Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington, M. Lightford and R. Rivers

**NAYS:** None

**ABSENT:** None

I do further certify that the original Ordinance, of which the foregoing 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 22<sup>nd</sup> day of August, 2018.

[SEAL]



  
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Viola Mims, Village Clerk