

ORDINANCE NO. CO-2021-29

**AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND
A SPECIAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A CAR WASH ON
PROPERTY AT 1215 SOUTH 1ST AVENUE, MAYWOOD, ILLINOIS
(LITTLE BEAR HOLDINGS, LLC)**

WHEREAS, a petition (the "Petition") requesting a zoning map amendment to change the zoning designation of property located at 1215 South 1st Avenue, Maywood, Illinois (the "Subject Property"), and seeking a special use permit to operate a car wash on the Subject Property following its rezoning, has been filed with the Village of Maywood by Petitioner Little Bear Holdings, LLC (the "Petitioner"); and

WHEREAS, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (the "Plan Commission") of the Village of Maywood (the "Village") for consideration, and has been processed in accordance with the Village of Maywood Zoning Code ("Zoning Code"); and

WHEREAS, the Subject Property is located in the C-4 Town Center Zoning District and is legally described in Exhibit "A" attached hereto and made a part hereof. Petitioner proposes to have the Subject Property rezoned to C-3 General Commercial Zoning District; and

WHEREAS, the Plan Commission held a public hearing on the question of whether the Proposed Map Amendment and Special Use should be granted on September 28, 2021, at which time all persons present were afforded an opportunity to be heard; and

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

WHEREAS, on September 28, 2021, following the close of the public hearing, the Plan Commission held a vote on whether the Proposed Map Amendment and Special Use should be recommended for approval to the Village President and Board of Trustees of the Village of Maywood. The Proposed Map Amendment and Special Use were recommended for approval with six (6) conditions recommended by Village staff and the Plan Commission, on a vote of seven (7) in favor and zero (0) opposed; and

WHEREAS, the Plan Commission of the Village has reported its findings and recommendations regarding the Proposed Map Amendment and Special Use to the Village President and Board of Trustees in a document entitled, "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", a copy of which is attached hereto as Exhibit "B". The Village President and Board of Trustees have duly considered the Findings of Fact and Recommendations of the Maywood Plan Commission as part of its approval of this Ordinance.

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

SECTION 1: Incorporation. 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: Proposed Map Amendment and Special Use. The Petitioner seeks a Zoning Map Amendment to rezone the Subject Property in the C-4 Town Center Zoning District to C-3 General Commercial Zoning District, and a Special Use Permit in order to construct and operate their car wash in the C-3 General Commercial District upon the rezoning.

SECTION 3: Approval of Findings of Fact and Recommendations. The President and Board of Trustees of the Village of Maywood approve and adopt the Findings of Fact and Recommendations of the Maywood Plan Commission, a copy of which is attached hereto as **Exhibit "B"**, and incorporate such findings and recommendations herein by reference as if fully set forth herein.

SECTION 4: Approval of Zoning Relief. The President and Board of Trustees, after considering and adopting the Findings of Fact and Recommendations of the Maywood Plan Commission and other matters properly before it, approve and grant the Zoning Map Amendment to rezone the Subject Property in the C-4 Town Center Zoning District to C-3 General Commercial Zoning District, and a Special Use Permit to allow operation of a car wash in the C-3 General Commercial District upon the rezoning. The approval of the special use is subject to the following conditions:

1. Traffic circulation patterns and final Master Sign Plan shall reflect the need to manage traffic away from the residential districts;
2. Consolidation of all parcels and lots shall be required following acquisition of the Property by Petitioner;
3. A Master Sign Plan shall be submitted for all signage, including monument signs, pole signs and wall signs and wayfinding signs, consistent with the Sign Code. The project shall comply in all ways with the Sign Code;
4. Photometric signs will be requested at permitting in order to assure that lighting rays stay within the confines of the lot and do not affect the adjoining residences, especially due to the proximity of the rear wall of the building; and
5. The project as a whole shall comply with all codes and ordinances of the Village of Maywood.
6. The project's traffic studies will be required to be referred to the Community Policing and Public Safety Committee for review.

7. Execution by the Petitioner of the ACKNOWLEDGMENT attached hereto and made a part hereof.

SECTION 5: Compliance. 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 6: Severability. 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: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 8: Recordation. A certified copy of this Ordinance shall be recorded against title to the Subject Property by the Village, at the Petitioners' sole cost, with the Cook County Recorder of Deeds Office ("CCRD"). The Village will provide the Petitioner with a copy of the Ordinance after it is filed with the CCRD.

PASSED this 19th day of October, 2021, by the President and Board of Trustees of the Village of Maywood on 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 the Village President on the 19th day of October, 2021, and attested to by the Village Clerk this same day.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the 20th day of October, 2021.

Gwaine Dianne Williams, Village Clerk

Exhibit "A"

**Legal Description of
the Subject Property**

LOTS 1 THROUGH 10, INCLUSIVE, IN BLOCK 2, ALL IN STEELE AND BROWN'S ADDITION TO MAYWOOD, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THE WEST 1/2 OF THE VACATED ALLEY, LYING EAST OF AND ADJOINING SAID LOTS 1 THROUGH 10, INCLUSIVE, IN BLOCK 2, AFORESAID, AS VACATED BY ORDINANCE RECORDED NOVEMBER 3, 2005 AS DOCUMENT NO. 0530734069, ALL IN COOK COUNTY, ILLINOIS.

**COMMONLY KNOWN AS: 1215 South 1st Avenue, MAYWOOD, ILLINOIS.
PIN # 15-14-204-001-0000 and 15-14-204-010-0000**

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**

**Case #21-004
September 28, 2021**

APPLICATION: PC/ZBA Case # 21-004 – For a Zoning Map Amendment, and a Special Use Permit, to allow the construction and operation of a Car Wash in the C-3 General Commercial Zoning District, on the property located at 1215 South 1st Avenue, Maywood, Illinois.

PROPERTY: 1215 South 1st Avenue, Maywood, Illinois 60153 (the “Property”)

PETITIONER: Little Bear Holdings, LLC

SUMMARY OF REQUEST AND RECOMMENDATION: The Petitioner is seeking zoning relief related to construction and operation of a car wash in the C-4 Town Center Zoning District, on the Property located at 1215 South 1st Avenue. The specific zoning relief sought by Petitioner from the requirements set forth in the Maywood Zoning Ordinance (MZO), is as follows:

- A. A Zoning Map Amendment to rezone the Property in the C-4 Town Center Zoning District to C-3 General Commercial Zoning District; and
- B. A Special Use Permit to allow a car wash in the C-3 General Commercial District at the Property.

Following a public hearing held on September 28, 2021, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the proposed zoning relief on a vote of 7-0.

BACKGROUND: Petitioner is seeking to redevelop the Property with a full-service car wash (the “Project”). The Property currently has a vacant gas station on it. Petitioner has filed an application for a zoning map amendment to change the present C-4 Town Center Zoning District designation to C-3 General Commercial Zoning District designation. Petitioner is also seeking a special use, as car washes are allowed by a special use in the C-3 Zoning District.

PUBLIC HEARING: At the public hearing held on September 28, 2021, Village staff and a representative of Petitioner, Petitioner’s attorney, and a team of professionals who are assisting Petitioner with the Project, presented the project to the PC/ZBA and answered various questions.

Nalini Johnson, Planner for the Village of Maywood, gave an overview of the Project.

Representatives of Petitioner then provided an overview of the proposed Project. The Project involves demolition of the existing gas station buildings and structures, and redevelopment of the property with a new car wash. Petitioner operates a number of other car washes in the area.

The Commissioners asked several questions, including questions regarding traffic, site layout, and the environmental status of the Property. Petitioner's representative, attorney, and the members of Petitioner's development team addressed the various questions. The Project architect provided a detailed explanation of how the site was chosen and why it is laid out the way it is. They will not be able to have IDOT approve a new curb cut off of 1st Avenue. The entrance to the car wash has been pushed as far back off of 1st Avenue as possible. In response to concerns about the traffic effects of customers attempting to turn left to the site while headed south, the architect noted that if people have difficulty turning onto Wilcox to enter the site, they are likely to keep driving south and just go to the car wash another time. Petitioner's traffic consultant testified about traffic counts on 1st Avenue (high volume) and on Wilcox (low volume). Petitioner's representative testified that he seeks to locate his car washes on high volume streets. This is a good sized location and he can stack thirty (30) cars on site and have three (3) pay stations for the car wash. As for the environmental status of the Property, there is a current No Further Remediation requires a letter concerning the Property.

Four members of the public asked questions and/or made statements. Tom McCarthy, owner of a nearby business, expressed his support for the Project, as did an area resident. Another resident asked questions about how stormwater will be handled, which were answered by the Village's engineer. Another resident noted that she had not received notice of the hearing, and discussed her longtime problems with receiving mail.

There being no further questions or members of the public wishing to speak on the application, the Public Hearing was closed.

MOTION: After the public hearing was closed by Chairperson Lira, the Commissioners discussed the proposed zoning relief. Commissioners noted that despite traffic concerns, the area was already a high traffic area and this would be a good addition to the Village. The Commissioners discussed the various conditions recommended by staff, which are as follows:

1. Traffic circulation patterns and final Master Sign Plan shall reflect the need to manage traffic away from the residential districts;
2. Consolidation of all parcels and lots shall be required following acquisition of the Property by Petitioner;
3. A Master Sign Plan shall be submitted for all signage, including monument signs, pole signs and wall signs and wayfinding signs, consistent with the Sign Code. The project shall comply in all ways with the Sign Code;
4. Photometric plans will be requested at permitting in order to assure that lighting rays stay within the confines of the lot and do not affect the adjoining residences, especially due to the proximity of the rear wall of the building; and
5. The project as a whole shall comply with all codes and ordinances of the Village of Maywood.
6. The project's traffic studies will be required to be referred to the Community Policing and Public Safety Committee for review.

Commissioner Stelnicki made a motion to recommend for approval to the Board of Trustees the rezoning of the property from C-4 Town Center Zoning District designation to C-3 General Commercial

Zoning District. The motion was seconded by Commissioner Dawson. The motion was carried by roll call vote as follows:

Ayes: Chairperson Lira, Commissioners Dawson, Smith, Stelnicki, Vallow, Campbell and Ratley.

Nays: None.

Abstain: None.

7-0-0 motion carried.

Commissioner Stelnicki made a motion to recommend for approval to the Board of Trustees a special use for the car wash use in the C-3 General Commercial Zoning District, with the conditions recommended by staff. The motion was seconded by Commissioner Smith. The motion was carried by roll call vote as follows:

Ayes: Chairperson Lira, Commissioners Dawson, Smith, Stelnicki, Vallow, Campbell and Ratley.

Nays: None.

Abstain: None.

7-0-0 motion carried.

FINDINGS: The PC/ZBA makes the following Findings as to the proposed map amendment:

1. The compatibility of the proposed map amendment with existing uses of property within the general area of the property in question.
 - The zoning of the Property is consistent with adjacent and nearby properties. The proposed car wash use following rezoning will be consistent with the rezoned property and compatible with nearby uses and properties.
2. The compatibility of the proposed map amendment with the zoning classification of property within the general area of the property in question.
 - The proposed C-3 General Commercial Zoning District designation will be consistent with adjacent properties to the north, northwest, west and southwest.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
 - The proposed C-3 General Commercial Zoning District designation will be more compatible than the present zoning, given the proximity to residential uses. The proposed car wash use is anticipated to be less intense than the existing multi-use gas station/convenience store use.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
 - Other than the type of in-fill development proposed here, the area is fully developed with commercial, residential and other uses. 1st Avenue is an arterial street and state highway, and is compatible for the proposed car wash use and other C-3 Zoning District uses. The proposed car wash use will compliment other uses in the area.

FINDINGS: The PC/ZBA makes the following Findings as to the proposed special use:

1. 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 proposed car wash use is suitable to this large location with frontage along three (3) public streets, will provide needed services to the community and will utilize environmentally friendly procedures and biodegradable products. The Petitioner is experienced in designing and operating similar car wash facilities, and has taken care to ensure the proposed improvements will be designed and operated to protect the health, safety and welfare of the surrounding properties in particular and the Village in general. Up to thirty (30) vehicles can be accommodated on the Property which will help to minimize any potential traffic issues. Trash containers will be concealed behind a masonry enclosure. A perimeter metal fence with a gate and landscaping will be provided along each side of the Property.
2. The proposed special use is compatible with the adjacent properties and the other property within the immediate vicinity of the special use.
 - The Property is surrounded by C-3 General Commercial Zoning District properties to the north, south and west. The proposed car wash is a permitted special use in the C-3 District, and is generally compatible with the existing C-3 commercial uses. The car wash use will have hours of operation complementary with other area uses.
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity.
 - The proposed construction will feature modern building materials and be more aesthetically pleasing than the structures it will replace. The site will be landscaped and a new stormwater management system will be installed. The redevelopment of the Property with the Project should increase area property values.
4. The establishment of the proposed special use will not impede the normal and orderly development and improvement of surrounding property uses permitted in the district.
 - The surrounding property is zoned C-3. With the proposed special use the Property will be compatible with the existing uses nearby and future improvements of nearby properties in this already developed area. The proposed car wash has been designed in compliance with the C-3 Zoning District bulk and use requirements.
5. Adequate utilities, access road, drainage or other necessary facilities have been or are being provided.
 - The property is served by the existing infrastructure and the existing utilities and access roads are adequate to service the proposed car wash and ensure its efficient operation. In addition, the Property will be landscaped, and a new water storm management system will be installed.
6. The special use in the specific location proposed is consistent with the spirit and intent of the Village's Zoning Ordinance and its Comprehensive Plan.
 - The Zoning Ordinance intends that the C-3 General Commercial District is designed to accommodate more intense, auto-oriented commercial uses, which may require

significant parking and traffic generation. The proposed car wash is consistent with the intent of the Zoning Ordinance. The construction and operation of the proposed car wash will be pursuant to the permits issued, in conformance with the requirements of the Zoning Ordinance and in compliance with the Building Code. The Property can accommodate up to thirty (30) vehicles on site for the use. The proposed construction through its effective site planning and building design will promote orderly development in the Village and will contribute to the economic growth of the subject area.

RECOMMENDATION: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 7-0-0, recommends to the President and Board of Trustees that the following requested zoning relief be approved, with the conditions recommended by staff and set forth above:

- A. A Zoning Map Amendment to rezone the Property in the C-4 Town Center Zoning District to C-3 General Commercial Zoning District; and
- B. A Special Use Permit to allow a car wash in the C-3 General Commercial District at the Property.

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

ACKNOWLEDGMENT BY DEVELOPER/PETITIONER

I, as authorized managing member of the Developer/Petitioner under the Petitioner Application for Special Use Permit and Map Amendment related to the Subject Property located at 1215 South 1st Avenue, Maywood, Illinois, certify that I have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the special use permit and map amendment relative to construction and operation of the above-described Project at the Subject Property and, on behalf of Developer/Petitioner, voluntarily accept and agree to be bound by same.

LITTLE BEAR HOLDINGS, LLC

By: _____

Printed Name: _____

Its: Managing Member

Date: _____, 2021.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

ORDINANCE NO. CO-2021-29

I, Gwaine Dianne Williams, 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:

**AN ORDINANCE APPROVING A ZONING MAP AMENDMENT
AND A SPECIAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF
A CAR WASH ON PROPERTY AT 1215 1ST AVENUE, MAYWOOD, ILLINOIS
(LITTLE BEAR HOLDINGS, LLC)**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 19th day of October, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 19th day of October, 2021.

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 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 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 20th day of October, 2021.

Gwaine Diane Williams, Village Clerk

[SEAL]