

7/18/17

ORDINANCE NO. CO-2017-26

**AN ORDINANCE APPROVING
A SPECIAL USE PERMIT FOR AN EDUCATIONAL FACILITY
/ VOCATIONAL SCHOOL / TRAINING ACADEMY USE IN
THE C-2 PEDESTRIAN-ORIENTED COMMERCIAL ZONING DISTRICT –
2 SOUTH 19TH AVENUE – NEW HOPE CHRISTIAN CENTER, INC.**

WHEREAS, a petition for the granting of a special use seeking to operate an educational facility/vocational school/training academy use (the "Petition") at 2 South 19th Avenue, Maywood, Illinois (the "Subject Property") has been filed with the Village of Maywood by Petitioner, the New Hope Christian Center, Inc. ("Petitioner"); and

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

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

WHEREAS, said Plan Commission held a public hearing on the question of whether the requested special use permit should be granted on May 30, 2017, at which time all persons present were afforded an opportunity to be heard; and

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

WHEREAS, on May 30, 2017, the Plan Commission voted to favorably recommend approval of the requested special use permit to the Village President and Board of Trustees of the Village of Maywood, subject to certain conditions; and

WHEREAS, the Plan Commission of this Village has reported its findings and recommendations regarding the special use permit 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.

NOW, THEREFORE, 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.

SECTION 2: The Village President and Board of Trustees of the Village of Maywood approve and adopt the findings 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 they were 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,

hereby grants the Petition to operate the requested special use for an educational facility/vocational school/training academy use at 2 South 19th Avenue, subject to the following conditions:

1. The special use permit is limited to the types of educational and job training activities set forth in the Petitioner's application and supporting submittals (including, but not limited to, tutoring programs for students, GED preparation, computer literacy, financial responsibility and management, skilled trade training, and occupational/job skills training); and
2. The use and conversion of the building, or any portion thereof, either temporarily or permanently, to group assembly uses or as an accessory use to the Church, is prohibited.

SECTION 4: Before Petitioner can legally occupy the Subject Property for the proposed special use, Petitioner is required to execute the acknowledgment page attached to this Ordinance.

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

PASSED this 20th day of June, 2017, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

AYES: Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Sanchez and M. Lightford

NAYS: None

ABSTAIN: Mayor Edwenna Perkins and Trustee K. Wellington

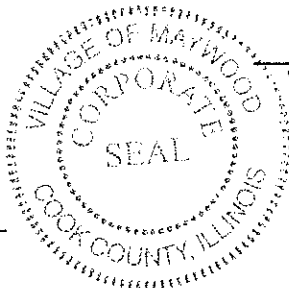
ABSENT: Trustee R. Rivers

APPROVED by the Village President on the 22nd day of June, 2017, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

EXHIBIT A

Subject Property Legal Description

The Subject Property is legally described as follows:

LOTS 52 AND 53 IN BLOCK 37 IN PROVISO LAND ASSOCIATION ADDITION TO MAYWOOD IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2 South 19th Avenue, Maywood, Illinois

PIN: 15-10-118-016-0000

EXHIBIT B

FINDINGS OF FACT AND RECOMMENDATION OF THE PLAN COMMISSION

(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**

May 30, 2017

Case #17-001

APPLICATION: PC/ZBA Case # 17-001 - For a Special Use Permit to operate an Educational Facility/ Vocational School/Training Academy use in the C-2 Pedestrian-Oriented Commercial Zoning District

PROPERTY: 2 S. 19th Avenue, Maywood, Illinois (the "Property")

PETITIONER: New Hope Christian Center, Inc.

SUMMARY OF REQUEST AND RECOMMENDATION: The Village of Maywood received an application from Petitioner New Hope Christian Center, Inc., for consideration of a request for a Special Use Permit pursuant to Section 4.4 of the Village Zoning Ordinance. The request is to operate an Educational School/Vocational School/Training Academy use in the C-2 Pedestrian-Oriented Commercial Zoning District at the currently vacant Property owned by Petitioner at 2 S. 19th Avenue.

Following a public hearing on the Special Use request held on May 30, 2017, the Plan Commission/Zoning Board of Appeals ("ZBA") recommended approval of the proposed Special Use with conditions on a vote of 6-0-1.

BACKGROUND: The Property is currently vacant. It is located at the southwest corner of Railroad Avenue and 19th Avenue. Petitioner operates a church nearby at 14 S. 19th Avenue (the "Church"). The Church is separated from the Property by a vacant, fenced and partially paved lot, which is also owned by the Church.

Under a text amendment approved in 2014, "Educational Facility, Vocational School, Training Academy" uses are allowed in the C-2 Pedestrian-Oriented Zoning District as special uses. Such uses are defined in the Village Zoning Ordinance as

"[a] school established to provide for the training and instruction of industrial, clerical, managerial, artistic, or other occupational or job skills, and/or training academies focused primarily on the instruction in dance, music, drama, gymnastics, martial arts, or other similar pursuits. This definition applies to schools that are owned and operated privately for-profit or operated as a not-for-profit, and that do not offer a complete educational curriculum. 'Educational Facilities, Vocational School or Training Academy' shall not include 'Educational Facilities, College/University or Primary or Secondary Educational Facilities.'"

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

PUBLIC HEARING: At the public hearing held on May 30, Bishop A.G. Wellington, and his son, Anthony C. Wellington, along with their attorney, Robert Minetz, presented on behalf of Petitioner.

They explained the vision the New Hope Christian Center has for the Educational Facility, which will be called the New Hope Empowerment Center. The overall desire is to improve the area, help to alleviate poverty, and help people achieve their goals. The Church wants to do its part to empower the community. The focus of the Educational Facility will be on helping students overcome educational challenges the community has statistically had compared to the state and national averages, and on providing economic and social enhancement opportunities.

The Educational Facility hopes to utilize funding from the McCormick Foundation, among other sources. Seeking such grant funding has been on hold during the zoning approval process.

The property to the north is the railroad, and north of the railroad is Melrose Park.

Attendees at the Educational Facility are projected to be grade-school age through high school and beyond. The Petitioner has been testing a version of the Educational Facility at the Church using volunteers, many of whom are area teachers. They have seen a 15% jump in math and reading scores between year two and year 3 of the test program. They have recruited Church members as tutors and instructors, in addition to using Khan Academy and other on-line educational resources. While to date the test program has been for Church members, the Educational Facility will be open to both members and non-members. Petitioner did not want to commence operation of the Educational Facility without experience, which is why the test program has been conducted. Petitioner is now ready to take the program to a broader audience and new level.

The existing building on the Property will be rehabilitated on the interior but will not be expanded. The Educational Facility will not receive any State aid. No payments will be sought from students for classes, just fees for materials.

The Educational Facility will offer skilled trade classes in welding, carpentry, etc. These trade skill classes will be taught by tradespersons who will be brought in.

Petitioner knew it was a commercial building when it was purchased. It had been used as a paint store in the past, and the Church was approached by the former owner about buying it. It was purchased in 2012 after the Petitioner conducted a Phase I and was satisfied with the results. The Property became tax exempt on August 31, 2016.

In response to questioning from Commissioners, the representatives of Petitioner noted that although the Educational Facility will have some similarities to PLCCA, it will be more jobs-oriented. It is not just a church center, but is instead focused on specific issues, such as facilitating graduation from high school through improved academic

performance, fostering economic self-reliance, and on preparing people for General Educational Development (GED) testing.

When asked whether some classes would be focused on religion, the representatives of Petitioner stated that the classes will not be religious in nature.

The church has twenty seven (27) parking spaces, as well as several along the side of the Property. The Educational Facility will operate during different times than the Church and parking can be shared.

Chairman Christian opened the meeting up to public comment. One individual stated she was on the fence. She operates a daycare near by, and although she supports the programming proposed to be offered, she is concerned about her tax burden. She does not want to see more properties off of the tax rolls. Another member of the public spoke in favor of the proposed use, noting the importance of education.

There being no further members of the audience who wished to speak, the public hearing was closed.

The materials before the Commission, including the Staff Report, 2014 Ordinance amending the definition of Educational Facilities and Vocational Schools, and making such uses a special use in the C-2 Zoning District, the Project Area maps, noticing information for the public hearing, Petitioner's submittal documents, and the May 30 submittal by the attorney for Petitioner regarding how the petition meets the special use standards, are all attached hereto as **Group Exhibit A**.

MOTION AND FINDINGS: The Commissioners discussed the proposed special use. They first discussed whether the proposed use met the Maywood Zoning Ordinance definition of an Educational Facility/Vocational School/Training Academy. There was a unanimous consensus that the use met the definition. The Commissioners then discussed whether the special use should be approved. The tax exempt nature of the use was discussed. While property taxes and the number of tax exempt properties within the Village were a Village-wide concern, the Property at issue here has already been removed from the tax rolls and it was concluded the decision should not be based on taxation. Chairman Christian felt that the Petitioner had gotten ahead of themselves by coming to the Village before they are able to operate. Several Commissioners voiced support for the goals of the Educational Facility, the reinvestment in the Village and its mission to make a difference in the community.

After discussion concluded, Commissioner Lira made a motion, seconded by Commissioner Stelnicki, to recommend approval of the proposed special use with the following conditions:

1. The special use is limited to the types of activities set forth in the Petitioner's application and supporting submittals (including, but not limited to, tutoring programs for students, GED preparation, computer literacy, financial responsibility and management, skilled trade training, and occupational/job skills training); and

2. The use and conversion of the building, either temporarily or permanently, to group assembly uses or as an accessory use to the Church, is prohibited.

The motion was approved in a 6-0-1 vote.

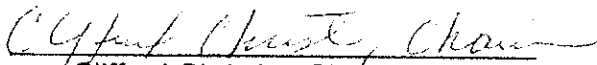
FINDINGS: The PC/ZBA makes the following Findings as to the proposed Special Use Permit:

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 goals of the Educational Facility are instead to help the community through education and job skills training.**
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. The Church to the south will provide shared parking.**
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 should help improve property values by rehabilitating an abandoned commercial building and attracting more people to the block during daytime weekday hours.**
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. While the Property is zoned commercial, the surrounding area is largely residential in use and the prospects for commercial use at this particular Property are limited.**
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided. **Access to adequate utilities and other necessary facilities are already provided. Adequate parking will be provided on-street and through shared parking with the Church.**
6. The special use in the specific location proposed is consistent with the spirit and intent of the Zoning Ordinance and the Comprehensive Plan. **The establishment of a Special Use for an Educational Facility in the C-2 Pedestrian-Oriented Commercial Zoning District is consistent with the intent of the Zoning Ordinance. Educational Facilities are an approved**

special use in the District with the goal of bringing pedestrians to the area.

RECOMMENDATION: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 6-0-1, recommends to the President and Board of Trustees that the requested Special Use Permit for an Educational Facility at 2 S. 19th Avenue be approved, subject to the following conditions:

1. The special use is limited to the types of activities set forth in the Petitioner's application and supporting submittals (including, but not limited to, tutoring programs for students, GED preparation, computer literacy, financial responsibility and management, skilled trade training, and occupational/job skills training); and
2. The use and conversion of the building, either temporarily or permanently, to group assembly uses or as an accessory use to the Church, is prohibited.

Signed: 
Clifford Christian Chairman
Plan Commission/Zoning Board of Appeals
Village of Maywood

ACKNOWLEDGMENT BY PETITIONER

I, as the authorized representative of Petitioner under the Petition for Special Use related to Property located at 2 South 19th 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 relative to site development and operation of an educational facility/vocational school/training academy use on the Property, as specifically set forth above in Section 3 above, and voluntarily accept and agree to be bound by same.

New Hope Christian Center, Inc.

By: _____

Printed Name: _____

Date: _____, 2017

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, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2017-26

**AN ORDINANCE APPROVING
A SPECIAL USE PERMIT FOR AN EDUCATIONAL FACILITY
/ VOCATIONAL SCHOOL / TRAINING ACADEMY USE IN
THE C-2 PEDESTRIAN-ORIENTED COMMERCIAL ZONING DISTRICT –
2 SOUTH 19TH AVENUE – NEW HOPE CHRISTIAN CENTER, INC.**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 20th day of June, 2017, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 22nd day of June, 2017.

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: Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Sanchez and M. Lightford

NAYS: None

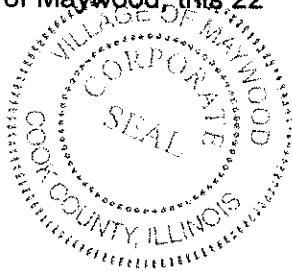
ABSTAIN: Mayor Edwenna Perkins and Trustee K. Wellington

ABSENT: Trustee R. Rivers

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 22nd day of June, 2017.

[SEAL]



Village Clerk