

ORDINANCE NO. CO-2015-34

**AN ORDINANCE APPROVING A SPECIAL USE FOR AN EDUCATIONAL FACILITY/
VOCATIONAL SCHOOL USE IN THE C-2 PEDESTRIAN-ORIENTED COMMERCIAL
ZONING DISTRICT – 905B S. 5TH AVENUE – VITAL SIGNS HEALTHCARE
TRAINING INSTITUTE**

WHEREAS, a petition for the granting of a special use seeking to operate an educational facility – vocational school (the “Petition”) at 905B S. 5th Avenue, Maywood, Illinois (the “Subject Property”) has been filed with the Village of Maywood by Petitioner Vital Signs Healthcare Training Institute (“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 should be granted on December 8, 2015, 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 December 8, 2015, the Plan Commission voted unanimously to favorably recommend approval of the requested Special Use 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 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 operation of an educational facility, vocational school to provide State certification training for nursing assistants at 905B S. 5th Avenue, subject to the following conditions:

1. The proposed structure shall meet the requirements of the Village Building Department.
2. The proposed structure shall meet the requirements of the Village Fire Department.
3. The proposed vocational school shall be approved and operated in accordance with State of Illinois requirements.

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 15th day of December, 2015, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr.,
I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

APPROVED by the Village President on the 16th day of December, 2015, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK



VILLAGE PRESIDENT

EXHIBIT A

The Subject Property is legally described as follows:

Parcel 1: LOTS 1,2 AND 3 IN THE NORTH ½ OF THE BLOCK 122 IN MAYWOOD, A SUBDIVISION OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 2 AND THE WEST ½ OF SECTION 11 AND THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 905B S. 5th Ave; Maywood, Illinois

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**

December 9, 2015

Case #15-008

PC/ZBA Case # 15-008. The Village of Maywood received an application with supporting documentation and photos from Petitioner Imark Development LLC, owner of the property at 905B S. 5th Ave, for consideration of a request for a Special Use Permit pursuant to Section 4.4 of the Village Zoning Ordinance. The request was to operate a Healthcare Training Institute (Vocational School) in the C-2 (Pedestrian-Oriented Commercial) District. This request is for the location commonly known as **905B S. 5th Avenue** where the property is currently vacant.

An approved text amendment from 2014 allows for "Educational Facility, Vocational School" uses in the C-2 zoning district as special uses. The proposed Institute would provide State Certification training for nursing assistants. The program would have between 8-10 students and last about 8 to 10 weeks. The school would have a morning class from 8 a.m. to 12-noon and an evening class from 5 p.m. to 9 p.m. The office area would be open from 8 a.m. to 5 p.m. The unit where the proposed vocational school would be located is part of a mixed use development with commercial on the ground floor and residential units above.

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

PETITIONER: Imark Development LLC

APPLICATION: For a Special Use Permit to operate an Educational Facility, Vocational School in the C-2 (Pedestrian-Oriented Commercial) Zoning District

SUMMARY OF RECOMMENDATION: Following a public hearing held on December 8, 2015, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval of this Special Use Permit for the Healthcare Training Institute (Vocational School) in the C-2 (Pedestrian-Oriented) District on a vote of 6-0, with certain conditions as specified below.

BACKGROUND: This property is currently vacant. The previous use of the building unit where the vocational school would be located was for a floral boutique. Several years ago, before the boutique, a vocational school was located on this property. With the approval of a Text Amendment (PC/ZBA #14-007) in November, 2014, Vocational Schools are now considered a Special Use in the C-2 (Pedestrian-Oriented) Commercial District.

PUBLIC HEARING: At the public hearing held on December 8, 2015 Staff presented a brief summary of the petition and related documents. The petition requested consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Healthcare Training Institute (Vocational School) at 905B S. 5th Ave in the C-2 Zoning District.

Staff also mentioned that According to Table 13-1 of the Maywood Zoning Ordinance, a Vocational School is required to have 1 parking space per 3 employees and 1 per 4 students based on the maximum number of students at any one time. 1 instructor and 8 to 10 students would be present at any one time. Therefore, the school will be required to have 4 parking spaces. Parking was a focus of the Board of Trustees during pre-approval of this request. Parking has been a concern in the past with this block and public parking was created on School Street to the north. The diagonal spaces supply 28 parking spaces and 1 handicapped accessible space. According to the Redevelopment Agreement in 2009 between the Village and Developer for Lilly Plaza (the development where the vocational school is proposed to be located); the condominium owners were to have up to 24 residential parking permits for parking spaces on School Street. The mixed-use development would have condominiums above the ground level. This leaves at least 4 parking spaces available to the vocational school. In front of the proposed school on 5th Avenue, there is room for 4 parking spaces. According to Section 13.12(B) 3 of the Maywood Zoning Ordinance, new on right-of-way parking spaces may be created to count toward required off-street parking but must be located along the side or front property line.

The Village also owns a parking lot across 5th Avenue slightly to the south which has 24 parking spaces plus a handicapped accessible space. Additionally, there is parking available along 5th Avenue for several blocks to both the north and south. According to Section 13.6(B) 2; the required off-street parking areas for non-residential uses must be located within one thousand (1,000) feet of the building or use served as measured from the nearest property line or use served.

Staff concluded by recommending approval with the following conditions:

1. The proposed structure shall meet the requirements of the Village Building Department.
2. The proposed structure shall meet the requirements of the Village Fire Department.
3. The proposed school shall be in accordance with State of Illinois requirements.

The Chairman opened the floor to the owner of the proposed business, as well as her attorney. Chairman Christian inquired about the subject property since multiple addresses were listed on the application. Michael Durlacher, attorney for the proposed owner of the vocational school, stated that the other addresses are owned by Imark Development but the proposed Special Use is specific to 905B S. 5th Ave. Upon further questioning from Commissioners, Ms. Evelyn Young-Huff (the proposed owner) and Attorney Durlacher confirmed there would be no overlap between the students in the morning session and the evening session – the morning students would be gone before evening students arrived. Ms. Huff talked about her qualifications and background. She

grew up in Maywood and wants to give back to the community by opening this vocational school to provide training and opportunities to residents. The vocational school will be able to open following Village approval and when state certification is complete. She will turn in the required paperwork after the Village Board approval. The process typically takes 2-3 months. She also stated that she is a registered nurse and discussed her background and qualifications.

Commissioner Stelnicki told the Commission there was ample parking in the immediate area, including a Village-owned lot across the street that sees very little use.

Commissioner Lira inquired about nursing programs. The applicant stated that most nursing programs require the training she planned to provide as a prerequisite. Ms. Huff's proposed business is not currently incorporated but will be if Village approval is received.

Next Chairman Christian opened the floor to the public for any input on this matter.

No other persons were present to speak for or against the matter.

The Public hearing was closed.

After discussion, Commissioner Lira made a motion, seconded by Commissioner Stelnicki, to recommend approval of the proposed special use with the three conditions suggested by staff (see above). The motion was unanimously approved in a 6-0 vote.

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

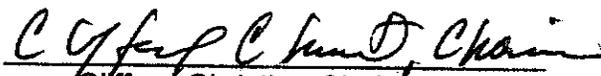
1. That the establishment, maintenance and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community. **The establishment and operation of the Special Use will not endanger the public health, safety or general welfare of any portion of the community. The Healthcare Training Institute will have a licensed instructor on hand at all times of operation. The licensed instructor will supervise all use of materials within the building.**
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, including both the Farmers Insurance Group and Stylistic Salon which are located on the same block.**
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 attracting more people to the block during both daytime and evening 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 and the project is in accordance with both the 2008 Comprehensive Plan and the 2014 Comprehensive Plan update recommending Commercial for that area.**
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 by the owner on 5th Avenue, the Village parking lot on the west side of 5th Avenue, and School Street to the north.**
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 a Vocational School in the pedestrian-oriented Commercial District is consistent with the intent of the Zoning Ordinance. The project is in accordance with both the 2008 Comprehensive Plan and the 2014 Comprehensive Plan update recommending Commercial for that area.**

RECOMMENDATION: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 6-0-0, recommends to the President and Board of Trustees that the requested Special Use Permit for a Healthcare Training Institute (Vocational School) at 905B S. 5th Avenue be approved, subject to the following conditions:

1. The proposed structure shall meet the requirements of the Village Building Department.
2. The proposed structure shall meet the requirements of the Village Fire Department.
3. The proposed vocational school shall be approved and operated in accordance with State of Illinois requirements.

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 905B S. 5th 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 on the Property, as specifically set forth above in Section 3 above, and voluntarily accept and agree to be bound by same.

By: _____

Printed Name: _____

Date: _____, 2015.