

**ORIGINAL**

**ORDINANCE NO. CO-2014-24**

**AN ORDINANCE APPROVING A SPECIAL USE FOR A HEAVY RETAIL USE IN THE  
C-4 TOWN CENTER ZONING DISTRICT – 50 MADISON  
(STOCKYARD BRICK, LLC, D/B/A REUSE DEPOT)**

**WHEREAS**, a petition for the granting of a special use seeking to operate a heavy retail establishment with outdoor storage selling reusable building materials at 50 Madison (the "Subject Property") has been filed with the Village of Maywood by Petitioners Stockyard Brick, LLC and OBI Deconstruction, LLC ("Petitioners"); 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 June 24, 2014, 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 June 24, 2014, the Plan Commission voted to favorably recommend 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:** 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. However, based on discussion that took place between the Board of Trustees and the Petitioner at the Legal, License and Ordinance Committee meeting held on July 9, 2014, an additional condition is added to specify that the screening for the outdoor storage area shall consist of a Code compliant wooden fence. Petitioner had no objection to the added condition.

**SECTION 2:** 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 Special Use to operate a heavy retail establishment selling reusable building materials at property owned by the Petitioners at the Property, subject to the following conditions, as specified in the Findings and with the condition added per Section 1 above:

1. Outdoor storage be limited to the 10,000 square feet at the rear of the lot, back from Madison, as indicated on the diagram provided by Petitioner as part of the Application attached to the findings and recommendation of the Plan Commission attached hereto as **Exhibit B**. Any expansion of the outdoor storage area beyond the indicated area will be considered an expansion of this special use requiring additional special use approval.
2. Trucks accessing the Subject Property shall use the same route as trucks accessing the nearby Roy Strom property.
3. Petitioners shall take steps to ensure that the use in general is aesthetically consistent with the location of the Subject Property on a main thoroughfare of the Village.
4. The screening of the outdoor storage area shall be a Code compliant wooden fence.

**SECTION 3:** 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 and to pay the applicable recording fee, so that this Ordinance may be recorded against the Subject Property.

**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:** 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 July, 2014, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

**Ayes:** President Pro Tem, Trustee A. Jaycox, Trustee(s) C. Ealey-Cross, A. Dorris, M. Rogers, M. Lightford, and R. Rivers

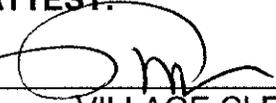
**Nays:** None

**Abstain:** None

**Absent:** Mayor Edwenna Perkins

**APPROVED** by the Village President on the 26<sup>th</sup> day of July, 2014, and attested to by the Village Clerk this same day.

**ATTEST:**

  
VILLAGE CLERK



  
VILLAGE PRESIDENT

**ACKNOWLEDGMENT BY PETITIONER**

I, as an authorized officer of the Petitioner under the Petition for Special related to Property located at 50 Madison, 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 a heavy retail use with outdoor storage on the Property, as specifically set forth above in Section 2 above, and, on behalf of Petitioner, voluntarily accept and agree to be bound by same.

Stockyard Brick, LLC/OBI Deconstruction, LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_, 2014.

## **EXHIBIT A**

Legal Description:

THAT PART OF THE NORTH 464.90 FEET OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF A LINE 991.0 FEET EAST OF THE CENTER LINE OF FIRST AVENUE AND EAST OF THE EAST LINE OF GREENWOOD AVENUE, IN THE VILLAGE OF MAYWOOD, IN COOK COUNTY, ILLINOIS.

Property commonly known as: 50 Madison, Maywood, Illinois 60153  
P.I.N. #'s: 15-14-202-014-0000 & 15-14-202-015-0000

**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**

June 24, 2014

**Case #14-005**

PC/ZBA 14-005: The Village of Maywood has received a Petition for a Special Use Permit from Stockyard Brick, LLC and OBI Deconstruction, LLC ("Petitioners"), seeking to operate a heavy retail establishment selling reusable building materials at property owned by the Petitioners at 50 Madison (the "Property").

**APPLICANT INFORMATION**

<b>APPLICANT(S)</b>	<b>Stockyard Brick, LLC 4150 Packer Avenue Chicago, IL</b>	<b>OBI Deconstruction, LLC 8 Timber Lane Northbrook, IL</b>
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**PROPERTY OWNER:** Same

**APPLICATION:** For a Special Use approval to operate and maintain a heavy retail and service establishment use with outdoor lumber and other material storage in the C-4 Town Center Zoning District at 50 Madison. This request for Special Use is allowed under Section 4.4, 8.2 and Table 8-1 of the Zoning Ordinance. Heavy retail, pending approval of a text amendment being heard concurrently with this application, is authorized in the C-4 Zoning District as a special use.

**RECOMMENDATION:** Following a public hearing held on June 24, 2014, the Plan Commission/Zoning Board of Appeals (PC/ZBA), by a unanimous vote of 5-0-0, recommends approval of this special use permit for the operation of a heavy retail and service establishment by the Petitioners at the Property located at 50 Madison Street in this C-4 Town Center Zoning District, subject to the conditions set forth below.

**PUBLIC HEARING:** At the public hearing held on June 24, 2014, Staff presented a brief summary of the petition and related documents. In this presentation staff reported that this matter was before the PC/ZBA pursuant to Section 8.2 and Table 8-1 Special and Permitted Uses in Commercial Zoning Districts.

A representative of the Petitioner described the proposed use. Petitioners harvest reusable building materials from buildings being torn down or otherwise deconstructed, and resell the materials at their retail store called the ReUse Depot. They are planning

to relocate their retail operation to the Property at 50 Madison from their current location in Bellwood. They have also purchased 33 Legion where they will house their fabrication business (no zoning relief needed). Petitioners plan to use the interior space of the 43,000 square-foot building on the Property for most of the building material sales, but also plan to use approximately 10,000 square feet at the rear of the property for bulk retail sales of lumber and other materials. Between the building and a fence that Petitioners plan to install, the materials stored outside will not be visible from Madison. The fence will also block views of Strom's dumpsters which are currently visible from Madison. Outdoor storage will all take place on a paved area.

A resident of 1024 Greenwood spoke, stating that he was not necessarily against the proposed use, but was seeking clarity regarding the proposed use and truck traffic. Truck routes for the proposed use were discussed, and it was determined that the traffic could follow the same route as Strom trucks in going from Wilcox to Greenwood to the facility, in order to keep disruption to nearby residents at a minimum.

Members of the PC/ZBA asked a number of questions relative to storage, the business model, the screening of the outdoor materials, and truck traffic.

The Public hearing was closed and the Chairman called for discussion.

The nature of the proposed special use, storage and the ability to screen the stored materials from Madison were all discussed.

A motion was made and seconded to recommend approval of the special use for a heavy retail use with outdoor storage on the Property with the following conditions:

1. Outdoor storage be limited to the 10,000 square feet at the rear of the lot, back from Madison, as indicated on the diagram provided by Petitioner as part of the Application attached hereto as **Exhibit A** and made a part hereof. Any expansion of the outdoor storage area beyond the indicated area will be considered an expansion of this special use requiring additional special use approval.
2. Trucks accessing the Subject Property shall use the same route as trucks accessing the Roy Strom property.
3. Petitioners shall take steps to ensure that the screening provided, and the use in general, is aesthetically consistent with the location of the Subject Property on a main thoroughfare of the Village.

The Motion carried on a unanimous vote of 5-0-0.

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

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

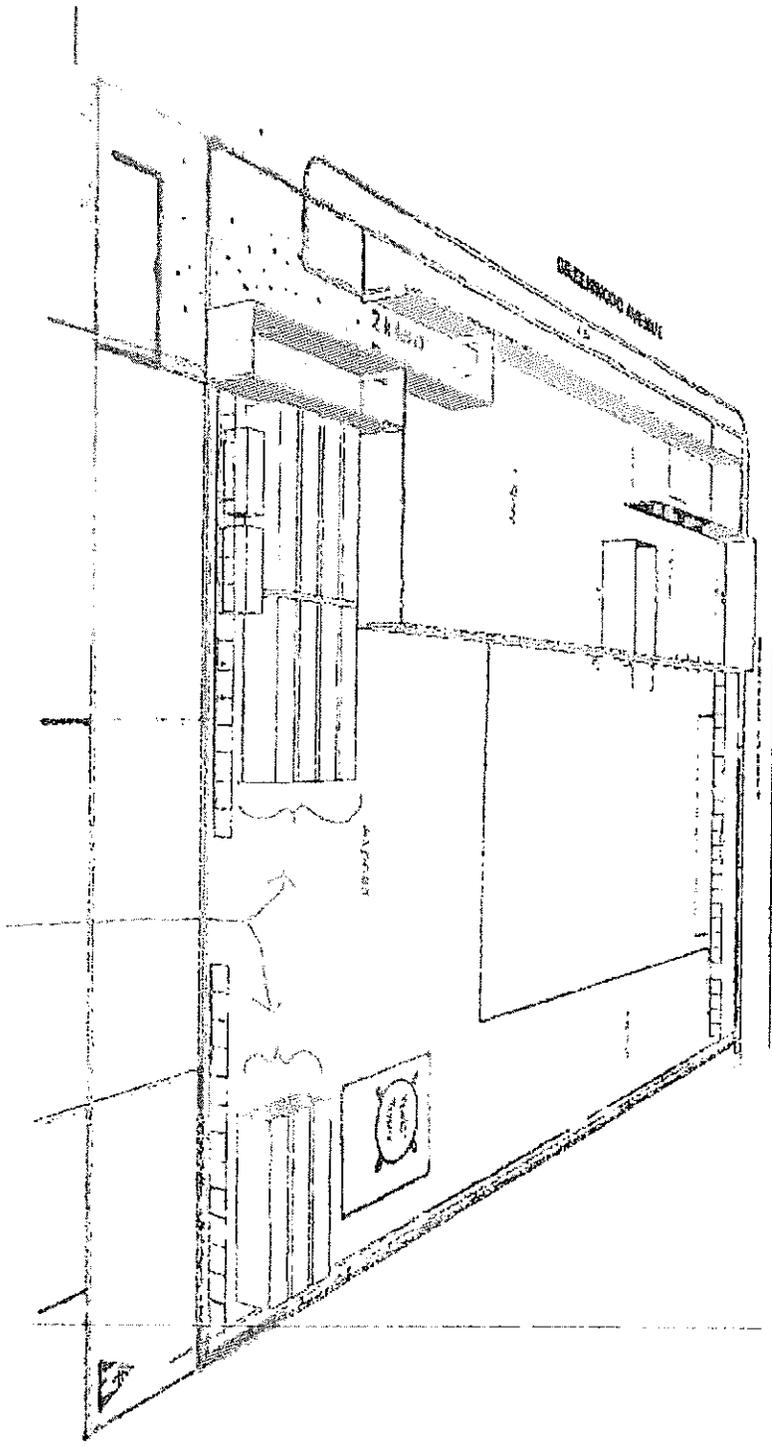
community. **The PC/ZBA found that granting this special use, with the conditions imposed, would not be detrimental to the health, safety and welfare of the neighborhood.**

2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use. **The PC/ZBA found that the operation of a heavy retail facility, with the conditions imposed, would be a compatible use at this location.**
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity. **The PC/ZBA found that the use of the currently vacant Subject Property for a sales tax generating retail use, would not diminish and impair property values. There was some feeling that the proposed use would bring additional customers to the Village and may create synergy with nearby properties.**
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 neighborhood is an existing fully-developed area.**
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided. **The PC/ZBA found these facilities already exist or will be 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 PC/ZBA found the proposed retail sales tax generating use to be consistent with the intent of the Zoning Ordinance and Comprehensive Plan for the area.**

**SUMMARY OF RECOMMENDATIONS:** Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a unanimous vote of 5-0-0, recommends approval to the President and Board of Trustees of the Petitioner's requested Special Use permit to operate a heavy retail use with outdoor storage at 50 Madison, subject to the conditions stated above.

Signed: \_\_\_\_\_

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



PROPOSED AREA  
OF BURNING MATERIALS  
SIGN AVAILABLE FOR RENTAL  
SALES

