

ORIGINAL

ORDINANCE NO. CO-2015-06

**AN ORDINANCE APPROVING A SPECIAL USE FOR AN EDUCATIONAL FACILITY -
VOCATIONAL SCHOOL USE IN THE FORM OF AN ARTS ACADEMY IN THE C-2
PEDESTRIAN-ORIENTED COMMERCIAL ZONING DISTRICT
– 16, 18 & 20 N. 5TH AVENUE – MAYWOOD FINE ARTS**

WHEREAS, a petition for the granting of a special use seeking to operate an educational facility – vocational school (the “Petition”) at 16, 18 & 20 N. 5th Avenue, Maywood, Illinois (the “Subject Property”) has been filed with the Village of Maywood by Petitioner the Maywood Fine Arts Association (“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 January 27 and February 24, 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 February 24, 2015, the Plan Commission voted 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 in the form of an arts academy, at 16, 18 & 20 N. 5th Avenue, subject to the following conditions:

1. The Petitioner shall comply with the various terms and conditions set forth in the Redevelopment Agreement entered into between Petitioner and the Village of Maywood.
2. The Petitioner shall provide payment to the Village in lieu of meeting all of the parking requirements of Section 13 of the Zoning Code as detailed in the Redevelopment Agreement with the Village.
3. The proposed structure shall meet the requirements of the building department.
4. The proposed use shall be in accordance with any applicable 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 17th day of March, 2015, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

Ayes: Mayor Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, A. Dorris, M. Rogers, M. Lightford and R. Rivers

Nays: None

Abstain: None

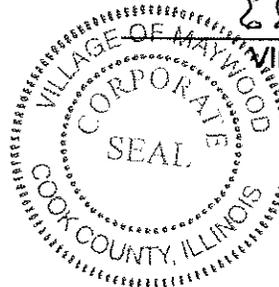
Absent: None

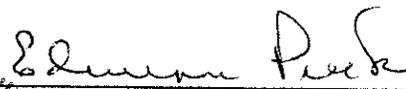
APPROVED by the Village President on the 19th day of March, 2015, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

EXHIBIT A

The Subject Property is legally described as follows:

Parcel 1:

THE NORTH 3 FEET AND 5 5/8 INCHES OF LOT 22, ALL OF LOT 23 AND THE SOUTH 2 FEET AND 3 3/4 INCHES OF LOT 24 IN BLOCK 195 IN MAYWOOD, BEING A SUBDIVISION IN SECTIONS 2 AND 11 AND 14, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Parcel 2:

LOT 22 (EXCEPT THE NORTH 3 FEET 5 5/8 INCHES THEREOF) IN BLOCK 195 IN MAYWOOD A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 14 AND THE WEST 1/2 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 AND THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Parcel 3:

LOT 24 (EXCEPT THE SOUTH 2 FEET 3 3/4 INCHES THEREOF) AND THE SOUTH HALF OF LOT 25 IN BLOCK 195 IN MAYWOOD, BEING A SUBDIVISION OF SECTIONS 2, 11, AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 1:

COMMONLY KNOWN AS: 16, 18 and 20 N. 5th Ave; Maywood, Illinois

PINS: 15-11-135-014-0000, 15-11-135-015-0000 and 15-11-135-016-0000

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**

March 12, 2015

Case #14-008

PC/ZBA Case # 14-006 the Village of Maywood received an application with supporting documentation, drawings and photos from Petitioner Maywood Fine Arts, owner and/or contract purchaser of the property at 16, 18 and 20 N 5th Ave for consideration of a Special Use Permit pursuant to Section 4.4 of the Village Zoning Ordinance. The request was to operate a Fine Arts Academy (Educational Facility, Vocational School) in the C-2 (Pedestrian-Oriented Commercial) District.

Under Table 8.1 of the Maywood Zoning Ordinance, C-2 Pedestrian-Oriented Commercial District, Special Uses; a Vocational School may be allowed as a Special Use in the C-2 District.

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

PETITIONER: Maywood Fine Arts Association

APPLICATION: For a Special Use Permit to operate an Educational Facility, Vocational School in the C-2 (Pedestrian-Oriented Commercial) District at 16, 18 and 20 N 5th Ave.

RECOMMENDATION: Following a public hearing commenced on January 27, 2014, and concluded on February 24, 2015, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of this Special Use Permit for Fine Arts Academy (Vocational School) in the C-2 (Pedestrian-Oriented) District.

BACKGROUND:

Currently, Maywood Fine Arts is located at 25 N. 5th Avenue. The applicants are requesting to move into a new structure they propose to construct across the street at 16, 18 and 20 N. 5th Avenue. The 16 and 18 N 5th Avenue lots are currently vacant and in the process of being purchased from the Village. The applicant has entered into a redevelopment agreement with the village to purchase the property and subsequent construction redevelopment. According to the Redevelopment Agreement, the project will be completed by January 1, 2016. The applicants currently own 20 N. 5th Avenue, which also contains a Community Garden on its premises. 25 N. 5th Avenue will continue to be owned by Maywood Fine Arts.

Surrounding properties are zoned C-2 Pedestrian-Oriented Commercial to the North, C-2 Pedestrian-Oriented Commercial to the East, C-2 Pedestrian-Oriented Commercial to the South and C-2 Pedestrian Commercial to the West. The project is in accordance with the 2008 Comprehensive Plan recommending Commercial for that area.

This Case had been opened at a previous Plan Commission meeting on January 27th. Some public comment was taken on that date and the Case was continued to February 24th due for additional public notification.

The school has up to 60 students and 3 teachers present at any one time. The parking requirement for a Vocational School with that amount of students and faculty is 16. The applicants have elected to utilize the fee-in-lieu provision in order to satisfy the parking requirements so no parking variation is required. The payment for fee-in-lieu in the amount of \$30,000 will take place at closing. There will be 4 parking spaces on 5th Avenue in front of the property and 12 spaces available at the Village parking lot adjacent to the south at 14 N. 5th Ave. A second curb cut is proposed at property 016, 16 N 5th Ave, which will provide additional access into the property. The curb cut at the north entrance to the property will be eliminated. The regular hours of operation proposed are Monday through Thursday from 4 p.m. to 9 p.m. and Saturdays from 9 a.m. to 3 p.m.

The Village Engineer and the Fire Department have no objections to the proposed development at this time. The school has operated for over 30 years in the vicinity and represents stability as well as providing cultural amenities.

PUBLIC HEARING: At the public hearing held on January 27 and February 24, 2015 Staff presented a brief summary of the petition and related documents. The summary included the current land usage, the parking requirement, hours of operation and the positive history of the organization.

Staff (Mr. Palmquist) discussed the proposed location of the Educational Facility, Vocational School and stated the request was in conformance with the Village Zoning Ordinance and the Comprehensive Plan. The request was also not detrimental to surrounding properties which are Pedestrian-Oriented Commercial.

The petitioner requests consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Fine Arts Academy (Vocational School) at 16, 18 and 20 N. 5th Ave in the C-2 Pedestrian-Oriented Commercial Zoning District. A recently adopted Text Amendment allows for Vocational Schools as a Special Use in the C-2 District. Staff recommended approval with 4 conditions.

1. The applicant shall comply with the various terms and conditions set forth in the Redevelopment Agreement entered into between the Village of Maywood and Maywood Fine Arts.
2. The applicant shall provide payment to the Village in lieu of meeting all of the parking requirements of Section 13 of the Village Zoning Ordinance as detailed in the Redevelopment Agreement with the Village.
3. The proposed structure shall meet the requirements of the building department.

4. The proposed school shall be in accordance with State of Illinois requirements.

Chairman Christian requested Petitioner Maywood Fine Arts speak next.

On January 27, Ms. Katherine Bus stated she wanted to help the area and provide a service to the Community. She introduced the people who came to the meeting to speak on behalf of Maywood Fine Arts. Next, she discussed the history of the property and the Dance Studio. The outreach programs that the applicant participates in (School District 89, ballet, etc.) were mentioned.

The architect, Frank Heitzman, described the layout of the project. The downspouts were approved with the Village Engineer. The building will also have a white roof. Restrooms will be in the Northwest side of the building.

Commissioner Ratley asked about the 5th Avenue entrance. Frank Heitzman responded the new curb cut would allow easy in/easy out access for pickup and drop-off.

Commissioner Dawson asked about the roof deck. Mr. Heitzman stated there was no roof-top.

Commissioner Stelnicki asked about parking. Staff (Mr. Palmquist) mentioned Section 13.12B (4) of the Village Zoning Ordinance that allowed for pay-in-lieu. Also, there are additional spaces across the street to the southeast at 5 N 5th Avenue, which is a Village-owned lot. Katherine Bus stated Maywood Fine Arts has long-range plans to purchase more vacant properties and have more parking available for downtown.

Commissioner Ratley mentioned Maywood Fine Arts is a 501C(3) non-profit and would not generate sales tax. Ms. Bus mentioned the fee-in-lieu was \$60,000 and the property is vacant already and not currently on the tax roll. She stated they meet the definition of a Pedestrian-Oriented Commercial District. They will attract pedestrians and motorists alike. It is positive to touch young lives and enhance the civic center.

Commissioner Stelnicki inquired about performance space. Ms. Bus stated larger performances are conducted at other locations. Maywood Fine Arts will have a smaller event like guitar ensemble or piano competition at this new location.

Commissioner Dawson stated the project will attract more people to the downtown.

Frank Heitzman spoke about health, safety and general welfare. The project met all applicable zoning and building codes. The new building will be one-story with 3 exits.

Mr. Heitzman spoke about whether adequate utilities were being provided. The project will meet ICC Building Codes and the drainage will come out in downspouts and the Village Engineer concurred with that proposal.

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

Wayne Beals spoke in support of Maywood Fine Arts. He stated he is a Real Estate Developer who has redeveloped communities in Chicago. This project is a great example of adaptive reuse.

Commissioner Ratley spoke about 25 N. 5th Avenue.

Wayne Beals spoke about generating traffic to the area, especially people traffic.

David Simpson, Vice President Board of Directors, spoke about living in Maywood. He spoke of his experience with children. He had two children go through Maywood Fine Arts and they were able to build confidence in themselves because of it.

Commissioner Dawson mentioned to Maywood Fine Arts about getting a flag.

James Claric addressed some of the issues affecting Maywood Fine Arts.

Following further discussion at the January 27 hearing, Chairman Christian called for a motion. Commissioner Stelnicki made a motion, seconded by Commissioner Dawson, to recommend continuance of the public hearing for Maywood Fine Arts to February 24, 2015.

Motion carried on a unanimous vote of 4-0-0.

On February 24, 2015, at the continued public hearing, Katherine Bus of Maywood Fine Arts cited the residents who spoke in support of Maywood Fine Arts at the January 27th meeting. She also cited a report from the MacArthur Foundation that found positive results for Arts facilities locating in Chicago's neighborhoods.

Chairman Christian then opened the floor up for additional comments from the public.

Isaiah Brandon stated that people, like Maywood Fine Arts, who want to build should be allowed to build if they are making Maywood a better place.

Phyllis Clifton noted she has been a resident of Maywood for 48 years. She has had two generations of family members attend the Maywood Fine Arts school. She noted positive things the school did for her family.

Tom Kus liked the school and all the good things that it does for Maywood. However, the location might not be appropriate. He cited the Storage Unit on 1st Avenue near the Des Plaines River as example of a business being in an ill-advised location.

Katherine Bus responded that it will attract more people to the downtown which will allow Commercial growth to happen. The amenities for families will attract people. She noted that 65% of students come from outside of Maywood.

Chairman Christian opened up the hearing to the Planning Commissioners for comment.

Commissioner Lyn Vallow stated this is one of the few things the Village has right now. The rest of 5th Avenue should be torn down in her opinion. This is a good project for the Village of Maywood.

Commissioner William Smith was upset that Maywood Fine Arts will not bring tax revenue to the proposed location.

Commissioner Heather Stelnicki stated we should not think strictly about the tax revenue. Nobody is attempting to break down our doors to come in and develop.

Commissioner Mike Dawson stated we need this kind of use and should invest in this organization and what it can bring.

Heather Stelnicki spoke about the neighborhoods of Chicago like Wicker Park that have redeveloped by bringing arts-based businesses.

Chairman Christian stated we should put a business in there that brings in tax revenue. On the other hand, Maywood Fine Arts is a positive for the Village. In his opinion, a bird in the hand is better than six in the bush.

The Chairman asked for any final comment from the public.

Nancy Jorgensen asked questions regarding the school's location and if Maywood Fine Arts will move out of the church they are currently operating in.

Staff reiterated that Maywood Fine Arts meets the requirements for a Special Use Permit per the Village Zoning Ordinance, which is the essence of the public hearing. Arts Centers are a part of revitalization in many cities across the United States.

Hearing no more public comment or comments by Commissioners, the Public hearing was closed.

Commissioner Lira made a motion, seconded by Commissioner Vallow, to recommend approval of the requested special use for the operation of a Fine Arts Academy (Educational Facility, Vocational School) at 16, 18 and 20 N. 5th Avenue, with the conditions as recommended by staff. The vote on the motion was five (5) in favor and one (1) opposed. Commissioner Smith was the nay vote.

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

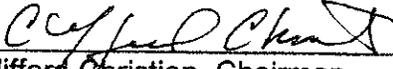
1. That the establishment, maintenance and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community. **The establishment and operation of the Special Use will not endanger the public health, safety or general welfare of any portion of the community. The school will have 3 licensed instructors on hand at all times of operation. The licensed instructors will supervise the activities within**

the building. The proposed use will benefit the community by providing a magnet for persons to the downtown area, helping to spur redevelopment.

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 and other in the immediate vicinity, including both the Day Care Center and the appliance store 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 neighborhood. Families who drop off or pick up the children will come to the area.**
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 project is in accordance with the 2008 Comprehensive Plan and 2014 update recommending Commercial uses for that area.**
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided. **Adequate utilities and other necessary facilities are being provided. Adequate parking will be provided by the owner with the fee-in-lieu provision. The parking is open to all the businesses in the immediate vicinity. There will be 4 parking spaces on 5th Avenue in front of the property and 12 spaces available at the Village parking lot adjacent to the south at 14 N. 5th Ave.**
6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan. **The Special Use is consistent with the Ordinance and the updated 2014 Comprehensive Plan. The establishment of a Vocational School in the pedestrian-oriented Commercial District is consistent with the intent of the Ordinance and Comprehensive Plan.**

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 5-1-0, recommends to the President and Board of Trustees that the requested Special Use Permit for a Fine Arts Academy (Educational Facility, Vocational School) at 16, 18 and 20 N. 5th Avenue be approved with the following conditions:

1. The applicant shall comply with the various terms and conditions set forth in the Redevelopment Agreement entered into between the Village of Maywood and Maywood Fine Arts.
2. The applicant shall provide payment to the Village in lieu of meeting all of the parking requirements of Section 13 of the Village Zoning Ordinance as detailed in the Redevelopment Agreement with the Village.
3. The proposed structure shall meet the requirements of the building department.
4. The proposed school shall be 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 related to Property located at 16, 18 & 20 N. 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 in the form of an arts academy on the Property, as specifically set forth above in Section 3 above, and voluntarily accept and agree to be bound by same.

Maywood Fine Arts Association

By: _____

Printed Name: _____

Date: _____, 2015.

