

ORDINANCE NO. CO-2021-27

**AN ORDINANCE APPROVING VARIATIONS FOR
THE CONSTRUCTION OF A GASOLINE STATION ON PROPERTY
AT 201 WEST ROOSEVELT ROAD, MAYWOOD, ILLINOIS
(BHARUCH LLC)**

WHEREAS, a petition (the "Petition") requesting certain zoning variations (the "Proposed Variations") related to the proposed construction of a gasoline station at 201 West Roosevelt Road, Maywood, Illinois (the "Subject Property"), has been filed with the Village of Maywood by Petitioner Bharuch 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-3 General Commercial Zoning District and is legally described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Plan Commission held a public hearing on the question of whether the Proposed Variations 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 Variations should be recommended for approval to the Village President and Board of Trustees of the Village of Maywood. The Proposed Variations were recommended for approval, with eight (8) conditions recommended by Village Staff, on a vote of six (6) in favor and one (1) opposed; and

WHEREAS, the Plan Commission of the Village has reported its findings and recommendations regarding the Proposed Variations 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 Variations. The Petitioner seeks the Proposed Variations from Chapter 8.3 (Commercial Zoning Districts), Table 8-2 (Commercial Zoning Districts Bulk and Yard Regulations) in order to construct the gasoline station with one (1) foot setbacks from the rear property line (20 ft. minimum required) and interior side yard property line (10 ft. minimum required).

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 Proposed Variations as specified in Section 2 above. The approval and grant of the variations is subject to the following conditions:

1. **Parking Lot Landscaping:** The required trees and shrubs that normally would be part of the required buffer areas along the west and north lot lines of the property shall be installed on islands or within the required setbacks along the exterior lot lines, to mitigate this condition and that areas that normally would be acceptable as turf or grass only be used to comply with the requirement for trees and shrubs, per Sections 14.11.D and 14. 12 of the Zoning Code.
2. **Cross-Access:** Copies of the shared access and cross-access easements with the property to the west of the subject lot are required to be submitted with the permit application as a condition of approval for the permit.
3. **Signage and Traffic:** It is recommended by the PC/ZBA that the Village's Community Policing and Public Safety Committee explore the feasibility and advisability of addressing cut-through and alley and 2nd Avenue traffic issues through various measures, including the possible installation of "Local Traffic Only" or "Do Not Enter" signs to the north of the driveway along 2nd Avenue, closing 2nd Avenue to thru traffic north of the Property and/or the installation of speed bumps.
4. **Landscape Buffer – Rear Yard:** Compliance with the requirement for a 20-foot landscaped rear buffer yard at permitting, except where the building has been allowed to encroach into the required rear yard setback.

5. **Adjacent Property:** Protection of the public alley will be needed in order to construct the building directly adjacent to the alley and avoid damage.
6. 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**

SUB-LOTS 11 TO 15, INCLUSIVE, IN STANNARD'S SUBDIVISION OF LOTS 5 AND 6 IN BLOCK 15 AND LOTS 5 AND 6 IN BLOCK 16 IN STANNARD'S SECOND ADDITION TO MAYWOOD, BEING A SUBDIVISION OF THE SOUTH ½ OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 15-14-330-019-0000

COMMONLY KNOWN AS: 201 WEST ROOSEVELT ROAD, MAYWOOD, ILLINOIS.

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 #21-002
September 28, 2021**

APPLICATION: PC/ZBA Case # 21-002 – For Variations related to construction and operation of a Gasoline Station in the C-3 General Commercial Zoning District, on the property located at 201 Roosevelt Road, Maywood, Illinois.

PROPERTY: 201 Roosevelt Road, Maywood, Illinois 60153 (the “Property”)

PETITIONER: Bharuch LLC (the “Petitioner”)

SUMMARY OF REQUEST AND RECOMMENDATION: The Petitioner is seeking zoning relief related to construction and operation of a gasoline station on the Property located at 201 Roosevelt Road in the C-3 General Commercial Zoning District. The specific zoning relief sought by Petitioner from the requirements set forth in the Maywood Zoning Ordinance (MZO), is as follows:

- A. A variance from Section 8.3 of the MZO to allow the building to encroach into the required twenty (20) foot rear yard setback by nineteen (19) feet.
- B. A variance from Section 8.3 of the MZO to allow the building to encroach into the required ten (10) foot interior side yard setback on the west side of the Property by nine (9) feet.

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 6-1.

BACKGROUND: Petitioner is seeking to redevelop the Property with a gasoline station with two (2) retail spaces (the “Project”). The Property currently has a vacant former gas station on it. Petitioner has filed an application for a variation from the rear yard setback (setback of one (1) foot instead of the twenty (20) feet required by the MZO), and a variation from the interior side yard setback on the west side of the Property (setback of one (1) foot instead of the ten (10) feet required by the MZO).

PUBLIC HEARING: At the public hearing held on September 28, 2021, Village staff and a representative of Petitioner, as well as Petitioner’s architect, 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.

Petitioner's architect then provided an overview of the proposed Project. The Project involves demolition of the existing above-ground gas station buildings and structures, and redevelopment of the property with a new gas station. The existing curb cuts will remain. Petitioner is currently in negotiations with Subway and Dunkin Donuts regarding locating within the proposed gas station building. There are six (6) parking spots proposed on site, consistent with zoning requirements. The existing underground storage tanks will remain.

A resident who lives north of the Property expressed concerns about traffic in the alley. Commissioners also asked questions and expressed various concerns about traffic on 2nd Avenue and in the alley.

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. The Commissioners discussed the various conditions recommended by staff, and an additional recommendation regarding consideration of speed bumps and signage to address traffic in the alley north of the Property and on 2nd Avenue, and the possible closing off of 2nd Avenue north of the Property.

Commissioner Stelnicki made a motion, seconded by Commissioner Smith, to recommend the two proposed variations, subject to the following conditions:

1. **Parking Lot Landscaping:** The required trees and shrubs that normally would be part of the required buffer areas along the west and north lot lines of the property shall be installed on islands or within the required setbacks along the exterior lot lines, to mitigate this condition and that areas that normally would be acceptable as turf or grass only be used to comply with the requirement for trees and shrubs, per Sections 14.11.D and 14. 12 of the MZO.
2. **Cross-Access:** Copies of the shared access and cross-access easements with the property to the west of the subject lot are required to be submitted with the permit application as a condition of approval for the permit.
3. **Signage and Traffic:** It was recommended by the PC/ZBA that the Village's Community Policing and Public Safety Committee explore the feasibility and advisability of addressing cut-through and alley and 2nd Avenue traffic issues through various measures, including the possible installation of "Local Traffic Only" or "Do Not Enter" signs to the north of the driveway along 2nd Avenue, closing 2nd Avenue to thru traffic north of the Property and/or the installation of speed bumps.
4. **Landscape Buffer – Rear Yard:** Compliance with the requirement for a 20-foot landscaped rear buffer yard at permitting, except where the building has been allowed to encroach into the required rear yard setback.
5. **Adjacent Property:** Protection of the public alley will be needed in order to construct the building directly adjacent to the alley and avoid damage.

The motion was carried by roll call vote as follows:

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

Nays: Commissioner Ratley.

Abstain: None.

6-1 motion carried.

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

1. The strict application of the terms of the Zoning Ordinance will result in undue hardship.
 - The lot is wider than it is deep, and the required setbacks of twenty (20) feet in the rear and ten (10) feet for interior side yards makes it difficult to locate a gas station building on the Property. The existing underground tanks further limit where the building may be placed on the lot without incurring significant expense.
2. The plight of the owner is due to unique circumstances and not applicable generally to other property within the same zoning classification.
 - The Property has long been a gas station and the continuing existence of underground tanks limiting the location of a building on the Property, and the use of the Property in general, is a unique circumstance. The orientation of the lot (wider than it is deep) is also unique.
3. The variation, if granted, will not alter the essential character of the locality.
 - The Property has long been used for gas station purposes. Use as a gas station with the proposed variations for the building will not alter the essential character of the locality.
4. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - The particular physical surroundings shape or topographical conditions of the Property imposes a particular hardship upon the Petitioner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The Property has long been a gas station and the continuing existence of underground tanks limits the location of a building on the Property and creates a hardship for the Petitioner. The orientation of the lot (wider than it is deep) also imposes a hardship, especially in the case of the required twenty (20) foot rear setback.
5. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.
 - The shape of the lot and location of the underground storage tanks were not created by the Petitioner.
6. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.
 - A majority of Commissioners found that granting the variations will not be detrimental to the public welfare in the neighborhood in which the Property is located. The Property has long been used for this same gas station use. Recommendations by the Commissioners regarding speed bumps and closing off 2nd Avenue may help address neighborhood concerns about use of the alley adjacent to the Property. One Commissioner found this standard not to have been met, finding that the addition of accessory take-out food uses in the gas station building would result in too much activity for such a small property.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood.
 - The Project and the requested zoning relief will not substantially impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of the fire, endanger the public safety or impair property values within the neighborhood. The new proposed gas station building will be separated from the adjacent residential area by an alley. The principal use is the same as the previous gas station use and is not anticipated to increase congestion, the danger of fire, or otherwise create negative impacts within the neighborhood beyond those that already exist, or have existed, at this location.

8. The proposed variation is consistent with the spirit and intent of the Village's Zoning Ordinance and the adopted Comprehensive Plan.
 - The Project and the requested zoning relief are consistent with the spirit and intent of the MZO and adopted Comprehensive Plan. The proposed commercial use is the same as the long existing use on Roosevelt Road, one of the main commercial corridors within the Village.

9. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
 - Without the requested variations, expensive environmental remediation would likely be necessary to make productive use of this Property.

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 variance from Section 8.3 of the MZO to allow the building to encroach into the required twenty (20) foot rear yard setback by nineteen (19) feet.
- B. A variance from Section 8.3 of the MZO to allow the building to encroach into the required ten (10) foot interior side yard setback on the west side of the Property by nine (9) feet.

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 Variations related to the Subject Property located at 201 Roosevelt Road, Maywood, Illinois, certify that I have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the variations 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.

Bharuch LLC

By: _____

Printed Name: _____

Its: Managing Member

Date: _____, 2021.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

ORDINANCE NO. CO-2021-27

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 VARIATIONS FOR THE
CONSTRUCTION OF A GASOLINE STATION ON PROPERTY AT
201 WEST ROOSEVELT ROAD, MAYWOOD, ILLINOIS
(BHARUCH LLC)**

which Ordinance was passed by 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]