

**ORDINANCE NO. CO-2021-06**

**AN ORDINANCE AMENDING THE VILLAGE OF MAYWOOD ZONING MAP TO REZONE CERTAIN REAL PROPERTY LOCATED AT 109 AND 115 SOUTH 9TH AVENUE, MAYWOOD, ILLINOIS CURRENTLY DESIGNATED AS R-3 TWO FAMILY RESIDENTIAL ZONING DISTRICT TO BIP BUSINESS INDUSTRIAL PARK/FLEX ZONING DISTRICT, AND GRANTING A FURTHER PARKING VARIATION FOR A BUILDING EXPANSION ON REAL PROPERTY LOCATED AT 105 SOUTH 9TH AVENUE (a/k/a 810 ST. CHARLES ROAD) (Petitioner / Property Owner: AVW Equipment Company, Inc.)**

**WHEREAS**, a petition to amend the Official Zoning Map of the Village of Maywood (the "Village") by changing the zoning of properties commonly known as 109 South 9th Avenue and 115 South 9th Avenue, Maywood, Illinois (the "Map Amendment Properties") from R-3 Two Family Residential Zoning District to BIP Business Industrial Park/Flex Zoning District (the "Proposed Map Amendments") has been filed with the Village of Maywood by Petitioner AVW Equipment Company, Inc. (the "Petitioner"); and

**WHEREAS**, the Village Board of Trustees has previously approved Ordinance No. CO-2020-19, which provided the Petitioner with a two (2) space parking variation (the "Previous Variation") related to a proposed 10,000 square foot building expansion/addition to an existing commercial building at 105 South 9th Avenue (a/k/a 810 St. Charles Road), Maywood, Illinois (collectively with the Map Amendment Properties, the "Subject Property"). The Subject Property is legally described in Exhibit "A" attached hereto and made a part hereof; and

**WHEREAS**, Petitioner has now also filed a petition (the "Petition") with the Village requesting a further zoning variation for parking in the amount of eleven (11) spaces (the "Proposed Variation"), for total parking relief, with the Previous Variation, of thirteen (13) parking spaces; and

**WHEREAS**, the petition for the Proposed Map Amendments and a Proposed Variation has been referred to the Plan Commission/Zoning Board of Appeals of the Village ("Plan Commission"), and has been processed in accordance with the Village's Zoning Ordinance, as amended; and

**WHEREAS**, on February 9, 2021, the Plan Commission of the Village of Maywood held a public hearing relative to the request for the Proposed Map Amendments and Proposed Variation, 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 February 9, 2021, following the conclusion of the public hearing, the Plan Commission held a vote on whether the Proposed Map Amendments and Proposed Variation should be recommended for approval to the Village President and Board of Trustees of the Village of Maywood. The Proposed Map Amendments and Proposed Variation were recommended for approval on a vote of three (3) in favor and one (1) opposed; and

**WHEREAS**, the Plan Commission of the Village has reported its findings and recommendations regarding the Proposed Map Amendments and Proposed Variation 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 Map Amendments and Variation.** The Petitioner seeks the Proposed Map Amendments and Proposed Variation in furtherance of their construction of a 10,000 square foot building expansion. The Proposed Variation is from the parking requirement of 68 parking spaces required for the use of the Subject Property as specified in Chapter 13 (Off Street Parking & Loading), Table 13-1 (Off Street Parking Requirements) to allow a total of 55 parking spaces. The Proposed Map Amendments are to change the zoning of the Map Amendment Properties commonly known as 109 South 9th Avenue and 115 South 9th Avenue, Maywood, Illinois from R-3 Two Family Residential Zoning District to BIP Business Industrial Park/Flex Zoning District.

**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 Map Amendments and Proposed Variation as specified in Section 2 above, subject to the conditions set forth in Section 5 below. In addition, while it is understood Petitioner shall continue its efforts to acquire ownership of the property located to the south of the Subject Property at 136 South 8th Avenue, the condition imposed in Ordinance No. CO-2020-19 specifying that no work could proceed on the planned building addition until such time as Petitioner could acquire ownership of the 136 South 8th Avenue property, or had a contract to purchase the 136 South 8th Avenue property that included an agreement for Petitioner to immediately commence parking on the property, is hereby waived and superseded.

**SECTION 5: Conditions on Approvals.** The approvals granted in Section 4 of this Ordinance are expressly subject to all of the following conditions:

- A. **Compliance with Plans.** All work on the parking areas and building expansion on the Subject Property shall be undertaken only in strict compliance with the plans approved by the Village.
- B. **Compliance with Codes, Ordinances, and Regulations.** Except as specifically set forth in this Ordinance, and the previous Ordinance No. CO-2020-19, the provisions of the Maywood Zoning Code and Maywood Village Code shall apply and govern all development on, and improvement of, the Subject Property. All such development and improvement shall comply with all Village codes, ordinances and regulations at all times.
- C. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- D. **Execution of Acknowledgment.** AVW Equipment Company, Inc. agrees to execute the Acknowledgment Page attached hereto as **Exhibit “C”** and made a part of this Ordinance, and to abide by the conditions, terms and provisions set forth in this Ordinance.

**SECTION 6: 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 7: 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 8: Superseding Ordinance.** Any ordinance, or portion thereof, in conflict with this Ordinance is repealed to the extent of such conflict. This Ordinance shall supersede and modify the Village's prior development approvals contained in Ordinance No. CO-2020-19 as provided for in Section 4 above.

**SECTION 9: 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 10: 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 20<sup>th</sup> day of April, 2021, by the President and Board of Trustees of the Village of Maywood on a roll call vote as follows:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and N. Booker

**NAYS:** None

**ABSENT:** Trustee M. Lightford

**APPROVED** by the Village President on the 20<sup>th</sup> day of April, 2021, and attested to by the Village Clerk this same day.

\_\_\_\_\_  
Edwenna Perkins, Village President

**ATTEST:**

\_\_\_\_\_  
Viola Mims, Village Clerk

Published by me in pamphlet form this 21<sup>st</sup> day of April, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

**Exhibit "A"**

**Legal Description of  
the Subject Property**

**LOTS 4 AND 5 IN BLOCK 59 IN MAYWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 2, 11 AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.**

**PINs: 15-11-145-003-0000 and 15-11-145-004-0000**

**Commonly known as: 109 South 9th Avenue, Maywood, Illinois**

**LOTS 6 AND 7 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION IN SECTIONS 2, 11 AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 11, 1870 AS DOCUMENT 44565, IN COOK COUNTY, ILLINOIS.**

**PIN: 15-11-145-005-0000**

**Commonly known as: 115 South 9th<sup>n</sup> Avenue, Maywood, Illinois**

**PARCEL 1: THE EAST 94 FEET OF LOT 43 AND ALL OF LOTS 44, 45 AND 46 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**PARCEL 2: THE EAST 7 FEET OF VACATED ALLEY WEST OF AND ADJOINING SAID LOTS 44, 45 AND 46 IN COOK COUNTY, ILLINOIS.**

**PINs: 15-11-145-046-0000 & 15-11-145-047-0000**

**Commonly known as: 105 South 9<sup>th</sup> Avenue (a/k/a, 810 St. Charles Road), Maywood, Illinois**

**Exhibit "B"**

**Findings of Fact and Recommendations of  
the Maywood Plan Commission/Zoning Board of Appeals  
dated February 9, 2021**

(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**

**PC/ZBA Case #21-001  
March 2<sup>nd</sup>, 2021**

**APPLICATION: PC/ZBA Case #21-001** – An application requesting to re-zone property commonly known as 109 S. 9th Ave and 115 S. 9th Ave from R-3 Two Family Residential Housing Zoning District to BIP Business Industrial Park Zoning District had been submitted by John Plavsic (applicant on behalf of AVW Equipment) and was discussed at the PC/ZBA meeting on February 9<sup>th</sup>, 2021. The re-zoning will allow for the construction of a parking lot that will help AVW meet parking requirements for AVW’s proposed expansion. They also requested zoning relief from Table 13-1 (Off Street Parking Requirements) in Chapter 13 of the Maywood Zoning Ordinance (MZO). The ordinance calls for 68 parking spaces to be provided, the new requested parking variance from the applicants is for 55 spaces.

**The Properties requested to be rezoned are legally described as follows:**

**PIN: 15-11-145-003-0000 & 15-11-145-004-0000**

**PROPERTY ADDRESS: 109 SOUTH 9TH AVE, MAYWOOD, ILLINOIS 60153**

**Legal Description:** PARCEL 1: LOTS 4 AND 5 IN BLOCK 59 IN MAYWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 2,11, AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN: 15-11-145-005-0000**

**PROPERTY ADDRESS: 115 SOUTH 9TH AVE, MAYWOOD, ILLINOIS 60153**

**Legal Description:** PARCEL 2: LOTS 6 AND 7 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION IN SECTIONS 2,11, AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 11,1870 AS DOCUMENT 44565, IN COOK COUNTY, ILLINOIS. IN COOK COUNTY, ILLINOIS.

**The property for which the parking variation is sought includes the above properties, as well as the property legally described as follows:**

**PIN: 15-11-145-046-0000**

**PROPERTY ADDRESS: 810 ST CHARLES RD, MAYWOOD, ILLINOIS 60153**

**Legal Description:** PARCEL 1: THE EAST 94 FEET OF LOT 43 AND ALL OF LOTS 44, 45 AND 46 IN BLOCK 59 IN MAYWOOD, A SUBDIVISION OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: THE EAST 7 FEET OF VACATED ALLEY WEST OF AND ADJOUINING SAID LOTS 44, 45 AND 46 IN COOK COUNTY, ILLINOIS

**Petitioner: John Plavsic (applicant on behalf of AVW Equipment)**

**PC/ZBA Case #21-001**

**Plan Commission/Zoning Board Appeals members attending the public hearing:**

- Chair Lira and Commissioners Dawson, Stelnicki, and Ratley, were present
- Commissioners Smith, Vallow and Campbell were absent

**Staff:**

- Village Attorney, Michael Marrs, Klein Thorpe and Jenkins, Ltd.
- Village Planner, Edgar Lara, Village of Maywood
- Village Business Development Coordinator Angela Smith

**SUMMARY OF REQUEST AND RECOMMENDATION:**

The applicant is requesting to re-zone 109 S. 9th Ave and 115 S. 9th Ave from R-3 Two Family Residential Housing Zoning District to BIP Business Industrial Park Zoning District, to allow for the construction of their proposed parking lot. A variance from the parking requirements for manufacturing, office, and warehouse/distribution uses located at this site will be required as well, in order to accommodate AVW’s proposed expansion.

At the February 25<sup>th</sup> ,2020 PCZBA meeting regarding AVW’s initial expansion, the applicant stated that their parking plan included the purchase of the above-mentioned properties (109 S. 9th Ave and 115 S. 9th Ave) as well as the Cook County Land Bank property located at 136 S. 8th Ave. The plan was to purchase all three properties and convert into parking lots that would accommodate the required parking needed for the proposed expansion.

Since then, the applicant has reported that the purchase process with CCLBA for 136 S. 8th Ave has been severely delayed due to COVID, and they do not believe they will be able to purchase this property in a timely manner, to construct the proposed parking lot before the date of expiration on the original granted request (which took place May 5th, 2020).

For this reason, the applicant is revising their request for relief from parking space requirements from the originally granted 66 spaces down to 55 (meaning they would need relief from providing an additional 13 spaces according to Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements). This will allow AVW to begin construction on their proposed expansion without being held back by the CCLBA.

**PUBLIC HEARING – February 3<sup>rd</sup> PCZBA Meeting:**

Chair Lira opened the PCZBA meeting for the evening at 7:12 pm. Mr. Lara did the roll call, where Commissioners Dawson, Stelnicki, Campbell, and Chair Lira confirmed their attendance as well as Village Attorney Michael Marrs and John Plavsic from AVW Equipment Co. Attorney Marrs then announced that there was a posting problem with posting the agenda, and without it being posted for 48 hours prior to the meeting, we cannot host the meeting under the open meetings act, so what we are going to do today is to announce the rescheduling of the special meeting and public hearing to next Tuesday, February 9<sup>th</sup> at the same time (7pm) and with the same agenda. For any members of the public who might be listening, we are going to do a notice via regular mail to anyone who received a notice previously, just to let them know about the rescheduling. That notice will go out tomorrow, I think Edgar pulled the Plan Commission and we have confirmed a quorum for next Tuesday, so those of you who can make it on Tuesday we will see you then. We appreciate the commissioners who came out tonight for this exercise so that we could have a quorum and make the announcement, I appreciate it. The zoom link for the new meeting date will be sent out tonight.

Commissioner Stelnicki made a motion to adjourn the meeting, Commissioner Dawson seconded the motion. Chair Lira and Commissioners Dawson, Stelnicki, and Campbell all voted to adjourn the meeting.

**CONTINUED PUBLIC HEARING – February 9<sup>th</sup> PCZBA Meeting**

The continued public hearing for this Project was commenced and completed on February 9<sup>th</sup> 2021. At the public hearing, Village staff and Mr. Plavsic presented the project to the PC/ZBA. Mr. Edgar Lara (Village of Maywood) gave a presentation to the Commissioners; he described in detail what the project would entail. Attached are the Minutes from the February 9<sup>th</sup> 2021 PC/ZBA Meeting.

Mr. Lara stated that he received an application to re-zone 109 S. 9th Ave and 115 S. 9th Ave from R-3 Two Family Residential Housing Zoning District to BIP Business Industrial Park Zoning District, which will allow AVW to provide parking for their proposed expansion that they received parking variances and setback variances for, last year. They also asked to revise their request for relief from required parking spaces that was granted early last year: they originally provided a parking plan that included the purchase of the above-mentioned properties (109 S. 9th Ave and 115 S. 9th Ave) as well as the Cook County Land Bank property located at 136 S. 8th Ave. The plan was to purchase all three properties and convert into parking lots that would accommodate the required parking needed for the proposed expansion. Since then, the applicant has reported that the purchase process with CCLBA for 136 S. 8th Ave has been severely delayed due to COVID, and they do not believe they will be able to purchase this property in a timely manner, to construct the proposed parking lot before the date of expiration on the originally granted request (which took place May 5th, 2020). For this reason, the applicant is revising their request for relief from parking space requirements from the originally granted 66 spaces down to 55 (meaning they would need relief from providing an additional 13 spaces according to Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements). This will allow AVW to begin construction on their proposed expansion without being held back by the CCLBA owned parcel.

Mr. Lara then briefly went over the efforts to do the public noticing for the meeting, and then summarized the comments made by the Technical review committee. Village Engineer Bill Peterhansen asked if the parking lot would be lit at night, to which Mr. Plavsic responded that it would not be because the lot would only be open during business hours (9am-5pm), and that there would be a gate that would close off access to the lot during off hours. The Maywood Police Department's only comment was that they would like for



the lot to be a "Right turn in, right turn out" lot, in order to prevent any back up on 9<sup>th</sup> Avenue from people who might be trying to turn left into the parking lot, coming southbound on 9<sup>th</sup> Ave. The reason for this is that there are Metra lines about a block north on 9<sup>th</sup> Ave, and they wish to prevent any traffic from accumulating near that area whenever the Metra trains need to cross. Mr. Lara stated that staff supports the re-zoning and variance requests.

Chair Lira asked if any Commissioners had questions. Commissioner Dawson asked Mr.Lara if the Maywood Police Department had any issue with the fact that lighting will not be provided at the parking lot. Mr.Lara stated that the police department did not raise any issues, and the fact that the gate will only be open during business hours.

Chair Lira asked Mr.Lara if we were addressing tonight not only the variation but also the re-zoning. Mr.Lara asked to clarify the question. Chair Lira was asking because the motion suggested in Mr.Lara's report did not include the parking, so she just wanted to be clear. Mr.Lara noted the mistake and said he would make changes so that the motions will be two separate ones. Attorney Marrs mentioned that unless someone has an issue with the motion, the motion can remain combined, with no Commissioners raising an issue.

Commissioner Ratley asked how the re-zoning and parking lot would affect property values or refinancing of mortgages in the surrounding area. Chair Lira said that it would only be for AVW's property and not the surrounding houses, and that it would not affect the property values of the surrounding properties. Commissioner Dawson stated that the surrounding zoning would stay the same. Commissioner Stelnicki said that we are only rezoning the addresses pertaining to AVW and nothing else. Business Development Coordinator Angela Smith added that the area is already near BIP zoning and that the residential parcels are already surrounded by BIP, so houses that remain on that block are abutting BIP which allows them to be considered for rezoning. For instance, if there was no BIP around and it was just residential, the Village probably would not even entertain the rezoning. Chair Lira added that as far as property values, they will be improving the land as opposed to the two vacant houses that were formerly on the parcels, and the the surrounding property zoning would not be affected.. Commissioner Ratley asked if a parking lot would increase property values in the area, to which Mr. Lara responded that the parking lot is to accommodate the expansion that is taking place at AVW's address at 105 S. 9<sup>th</sup> Ave and that his understanding is that if your building is bigger you pay more into property taxes. Angela Smith said that the industrial expansion will have more value than deteriorated residential homes. Commissioner Dawson added that if you improve property, it improves value. Commissioner Stelnicki pointed out that there are no residents at the meeting with concerns about their property values and that if they were concerned about it they would maybe be there at the meeting. Chair Lira mentioned that when they originally addressed the expansion, they received public comments that were majority in favor of the expansion. Mr. Lara stated that there are no members of the public from the zoom meeting and that he has not received any public comments at all about this application. Commissioner Stelnicki added that those houses are already next to industrial properties. Angela Smith added that when the Village did the comprehensive plan, her recommendation was to go ahead and rezone the whole block in order to make it cohesive. If you look at the west side of the street, that is BIP through the alley, so she was trying to mirror it and make it a cohesive block, but Mr.Mccarthy who owns the multifamily building on that block saw different, so it ended up being a hodgepodge of BIP and residential. Chair Lira asked if any one else had any other questions, then asked the applicant if they had any comments. Mr.Plavsic said they did not and that they are there to answer questions that anyone might have.

Chair Lira asked Attorney Marrs if she should open public comment since there are no members of the public at the zoom meeting. Attorney Marrs said that the applicant should probably give a quick

explanation of what has happened since the last approval in your efforts with the land bank etc. so that we have it firsthand. Chair Lira swore in Mr.Plavsic who is representing AVW and asked him to give an overview of the project plan.

Mr. Plavsic stated that they were looking to do an expansion of about 12,000 square feet, where their current parking facility is and that also for manufacturing and some of their warehousing. They decided to expand their facilities because they are double/tripling their business, they have been there since 1973. They were looking at different parcels as far as neighboring, to see if parking can be added since parking was an issue for the expansion. One parcel is owned by Cook County Land bank that AVW had their eyes set on, they still do but there are massive delays due to COVID affecting the process and backing up the courts. Last year, CCLB was originally set to sell the property to AVW sooner, but because of COVID, the process would not allow them to sell the property until late this year. In the meantime, there was a fire at the house at 115 S. 9<sup>th</sup> Ave and AVW approached the owner of the property to buy it, since he was not going to rebuild. They struck a deal and closed on the property, taking out permits to demolish the building. They were also in negotiations with the lady at 109 S. 9<sup>th</sup> Ave, they closed on that property last Thursday. The parking lot to be constructed will provide 38 parking stalls along with two ADA compliant stalls. AVW would still like to pursue the CCLB property with COVID winding down in the near future. AVW with the expansion will hire another 20-30 employees in the next 18 months. They have 17-20 employees who live in the Village and surrounding communities and AVW would like to maintain their posture in the community as well. They would be expanding their blue fencing and that they would gate the proposed parking lot. The property abuts their current office building and the facility itself is abutting as well and the parking lot would be cohesive with their building. That is in a nutshell what the status of their project is.

Commissioner Dawson asked Mr.Plavsic if AVW could boost landscaping aesthetics, Mr.Plavsic responded that they will be taking into consideration with what they are doing. They are going to be putting a roof over their campus and because of their business, they cannot shut down for even a week. They will put a tremendous amount of effort with their design and renderings that were already submitted to the Village. They want to maintain aesthetics and will provide a landscaping plan that would show how landscaping would blend it all in aesthetically. Everything would be contained, and it would lend itself better aesthetically in that area because everything will be contained. Angela Smith asked if Mr. Lara spoke in terms of the landscaping plan for parking lots, Mr. Lara stated that a landscaping plan was not provided because Mr. Lara did not ask for one, but pointed out that AVW did meet the requirement for buffer yards abutting the residential district to the south of the parcel. Mr. Lara asked Mr.Plavsic if a landscaping plan could be provided. Mr.Plavsic said they would if guidelines were provided, and then went into detail about what would be done in terms of landscaping. A further discussion was had regarding landscaping. An agreement was had that a landscaping plan will be provided, Chair Lira mentioned that it could be a qualification to the recommendation of the Village Board, so that it does not hold the project up.

Chair Lira then asked the commissioners if they wanted to address the left turn/right turn requirements that were the recommendations of the police department. Commissioner Dawson stated he would go by the police recommendation. Chair Lira asked Commissioner Ratley if he had comments, Commissioner Ratley stated he did not. Chair Lira asked for further comments or questions from the Commissioners. Attorney Marrs asked Mr. Lara if he could confirm if there were any members of the public at the zoom meeting, to which Mr. Lara replied there were not.

**PUBLIC COMMENT:**

Chair Person Lira opened up Public Comment but then closed it because no one from the public was present.

**Following the public hearing held on February 9<sup>th</sup> 2021 on the re-zoning and variances requested, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the variance and re-zoning requests, pending the submittal of a Landscaping plan by the applicant. The final vote was as follows:**

**MOTION AND FINDINGS:**

The Map Amendment requested at the site is as follows:

1. A request for re-zoning property commonly known as 109 S. 9th Ave and 115 S. 9th Ave from R-3 Two Family Residential Housing Zoning District to BIP Business Industrial Park Zoning District. The locations are vacant single family houses. The re-zoning will allow for the construction of a parking lot that will help AVW meet parking requirements for AVW's proposed expansion.

The zoning variance requested at the site is as follows

2. A variance from 13 required parking spaces for manufacturing, office, and warehouse/distribution uses located 105 South 9th Avenue (also known as 810 St. Charles Road). The total parking spaces provided for these uses brings them to 55 parking spots total, whereas the ordinance requires 68 parking spaces (Chapter 13 Off Street Parking & Loading, Table 13-1 Off Street Parking Requirements).

***Final Vote: 3-1-0 Motion carried. Motion Dawson, Stelnicki Second***

**FINDINGS:** The PC/ZBA makes the following findings as to the proposed Map Amendment/Re-zoning:

1. **The compatibility of the proposed map amendment with existing uses of property within the general area of the property in question.**
  - By rezoning and letting us build a parking lot per the plans would only seem a logical solution and give us the greenlight to move forward with our expansion.
2. **The compatibility of the proposed map amendment with the zoning classification of property within the general area of the property in question.**
  - Rezoning these two parcels would be a bonus for the area instead of a vacant lot and a house that will be in need of repair and is behind in taxes.
3. **The suitability of the property in question for the uses permitted under the existing zoning classification.**

- Adding the two parcels would greatly benefit our growth/expansion and create jobs to our local community in times we live in today.

**4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.**

- There has been no activity of rezoning as there has been no need.

**FINDINGS:** The PC/ZBA makes the following findings as to the proposed variance:

**1. The strict application of the terms of this Zoning Ordinance will result in undue hardship.**

- By not approving to rezone these two properties to allow for a new employee parking area and the continuation of expanding our current manufacturing plant, this would cause major financial hardship and stunt growth of local job creation.

**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 located at 115 S. 9th Ave. PIN# 15-11-145-005 was already acquired by AVW in March 2020. Their property was in a fire and we demolished the building after we purchased it as it was in bad shape due to the unfortunate fire. We are also under contract to acquire 109 S. 9th Ave. PIN# 15-11-145-003 and 15-11-145-004. This property is in tax foreclosure and in need of repair.

**3. The variation, if granted, will not alter the essential character of the locality.**

- Once we have approvals, this lot would be fenced in with our signature blue decorative fence paved and landscaped per our submitted plans. It would be a seamless addition to our office and existing manufacturing plant.

**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.**

- Having a vacant lot and a house that is in major repair and in tax for closure would add blight not to mention unwanted activity.

**5. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.**

- We are longtime members in the community and we only want to add these two parcels and get them re-zoned to commercial so we can stay and thrive in the village.

**6. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.**

- This rezoning request will only help the appearance and growth of jobs to the local community.

**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 the fire, endanger the public safety or impair property values within the neighborhood.**

- The new proposed design will create less off-street parking and congestion. Newly paved lot with private decorative fencing will maintain consistency of the existing buildings. It will maintain a seamless continually of the area.

**8. The proposed variation is consistent with the spirit and intent of the Village's Zoning Ordinance and adopted Comprehensive Plan.**

- By adding these parcels and the approval of the rezoning to a commercial use it would avoid spot zoning and with its current condition and history of the two properties in question we feel that this rezoning would benefit the village, the neighborhood and our community.

**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.**

- 115 S. 9th Ave. was caught in an unfortunate tragic fire and it was not salvageable. The property located at 109 S. 9th Ave. has been under tax for closure and needs major repairs. The cars, debris, and overgrown trees, bushes etc. does not lend to an appealing site. By rezoning for an employee parking lot, it would allow for more appealing solution along with helping our company continue to be in growth mode.

**RECOMMENDATION:** Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, recommends to the President and Board of Trustees that the Petitioner's requested zoning variation and map amendment to be approved, subject to the Village Board's approval.

Signed:   
Sarah Lira, Chair  
Plan Commission/Zoning Board of Appeals  
Village of Maywood

Exhibit "C"

**ACKNOWLEDGMENT AND AGREEMENT  
TO COMPLY WITH THE CONDITIONS, TERMS AND PROVISIONS  
SET FORTH IN MAYWOOD ORDINANCE NO. 2021-06**

**AVW EQUIPMENT COMPANY, INC.**

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

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

**Name:** \_\_\_\_\_  
**President**

**Name:** \_\_\_\_\_  
**Secretary**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

**ORDINANCE NO. CO-2021-06**

**AN ORDINANCE AMENDING THE VILLAGE OF MAYWOOD ZONING MAP  
TO REZONE CERTAIN REAL PROPERTY LOCATED AT 109 AND 115 SOUTH 9TH AVENUE, MAYWOOD,  
ILLINOIS CURRENTLY DESIGNATED AS R-3 TWO FAMILY RESIDENTIAL ZONING DISTRICT  
TO BIP BUSINESS INDUSTRIAL PARK/FLEX ZONING DISTRICT,  
AND GRANTING A FURTHER PARKING VARIATION FOR A BUILDING EXPANSION  
ON REAL PROPERTY LOCATED AT 105 SOUTH 9TH AVENUE (a/k/a 810 ST. CHARLES ROAD)  
(Petitioner / Property Owner: AVW Equipment Company, Inc.)**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 20<sup>th</sup> day of April, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 20<sup>th</sup> day of April, 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 Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and  
N. Booker

**NAYS:** None

**ABSENT:** Trustee M. Lightford

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 21<sup>st</sup> day of April, 2021.

\_\_\_\_\_  
Viola Mims, Village Clerk

[SEAL]