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212771

Prepared by ~~and After~~
~~Recording Return To:~~

Brent O. Denzin
Ancel, Glink, Diamond, Bush
DiCianni & Krafthefer P.C.
140 S. Dearborn St., 6th Floor
Chicago, Illinois 60603



1827017040

Doc# 1827017040 Fee \$70.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/27/2018 02:20 PM PG: 1 OF 17

Space above reserved for Recorder's use only.

DECLARATION OF RESTRICTIVE COVENANTS

County of Cook d/b/a Cook County Land Bank Authority ("CCLBA") is the owner of the property known as 1902, 2024 and 2032 South 5th Avenue, Maywood, Illinois, which parcels are legally described in Exhibit A to this Declaration (collectively the "**Property**"). CCLBA desires to establish the following restrictive covenants on the Property, which shall run with and bind the owners of the Property and their heirs, devisees, legal representatives, successors, and assigns in perpetuity. If any provision of this Declaration, or the application of any such provision, shall be held invalid, the remainder of this Declaration or the application of such provision shall not be held invalid.

NOW, THEREFORE, CCLBA declares the Property encumbered by the following restrictive covenants:

1. The Property shall remain in compliance with all requirements set forth in Village of Maywood Ordinance No. CO-2018-28, "An Ordinance Approving Certain Variations for the Development of Three-Unit Residential Dwelling Buildings on Currently Vacant Lots at 1902, 2024, and 2032 South 5th Avenue, Maywood, Illinois," attached hereto as Exhibit B.

IN WITNESS WHEREOF, CCLBA has executed this Declaration on September 18, 2018.

COUNTY OF COOK D/B/A COOK COUNTY
LAND BANK AUTHORITY

AFTER RECORDING, RETURN TO:

TITLE SERVICES, INC.
610 E. ROOSEVELT ROAD
SUITE 201
WHEATON, IL 60187

By: Robert Rose, Executive Director

By: Brent Denzin as attorney in fact

Robert Rose
Brent Denzin

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EXHIBIT "A"

LEGAL DESCRIPTION OF THE SUBJECT PROPERTIES

PIN No: 15143110280000

COMMONLY KNOWN AS: 1902 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 48 (EXCEPT THE NORTH 39 FEET AND EXCEPT THE SOUTH 45 FEET THEREOF) IN FRANK C. WOODS ADDITION TO MAYWOOD, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. ✓

PIN No: 15143190310000

COMMONLY KNOWN AS: 2024 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 1 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. ✓

PIN No: 15143190380000

COMMONLY KNOWN AS: 2032 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 3 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. ✓

Property of Cook County Clerk's Office

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Exhibit B

Ordinance No. CO-2018-28

[ATTACHED]

Property of Cook County Clerk's Office

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

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ORDINANCE NO. CO-2018-28

**AN ORDINANCE APPROVING CERTAIN VARIATIONS
FOR THE DEVELOPMENT OF THREE-UNIT RESIDENTIAL DWELLING BUILDINGS ON
CURRENTLY VACANT LOTS AT 1902, 2024 AND 2032 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS
(Developer / Petitioner: IFF)**

WHEREAS, a petition (the "Petition") requesting certain zoning variations (collectively, the "Proposed Variations") related to the proposed development of three-unit residential dwelling units on currently vacant lots at 1902, 2024 and 2032 South 5th Avenue, Maywood, Illinois (the "Subject Properties"), has been filed with the Village of Maywood by Petitioner IFF ("Petitioner"). Petitioner is also developing a three-unit residential dwelling unit on 2009 South 5th Avenue as part of the same project, but development at that location requires no variations; and

WHEREAS, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (the "Plan Commission") of the Village for consideration, and has been processed in accordance with the Village of Maywood Zoning Code ("Zoning Code"); and

WHEREAS, the Subject Properties are located in the R-5 Multi-Family Residential Zoning District and are 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 Proposed Variations should be granted on March 27, 2018. The hearing was continued to, and concluded on, April 24, 2018. During the course of the public hearing, 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 April 24, 2018, the Plan Commission held a series of votes on whether the Proposed Variations should be recommended for approval to the Village President and Board of Trustees of the Village of Maywood, as well as a vote on appropriate development conditions. All of the Proposed Variations were recommended for approval, some on a vote of four (4) in favor, and one (1) opposed, and another, as well as the recommendation on proposed development conditions, on a vote of five (5) in favor and zero (0) opposed; and

WHEREAS, the Plan Commission of this Village has reported its findings and recommendations regarding the Proposed Variations and the votes held on the Proposed Variations to this Village President and Board of Trustees in a document entitled, "Findings of Fact and Recommendation of the Maywood 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 Recommendation of the Maywood Plan Commission as part of its approval of this Ordinance.

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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's Proposed Variations are summarized as follows:

- Parking reduction of one (1) space (three are required, two are proposed) at the 1902, 2024 and 2032 South 5th Avenue properties.
Variation from Maywood Zoning Ordinance (MZO) Section 13.12 Required Off-Street Parking Spaces/Table 13-1 Off-Street Parking Requirements
- Existing non-conforming lot width variance at the 1902 South 5th property (36 feet wide), 2024 and 2032 South 5th Avenue properties (40 feet wide).
Variation from minimum R-5 lot width of 50 feet per MZO Table 7-2 Residential Zoning Districts Bulk and Yard Regulations
- A driveway width reduction of 1.5' at the 1902 South 5th Avenue property (from 12' to 10'6").
Variation from MZO Section 13.7.C.2.a – Design Standards - Multi-Family and Townhouse Dwellings, and Non-Residential Driveways
- Rear yard reduction of one inch at the 2024 and 2032 South 5th Avenue properties.
Variation from minimum R-5 rear yard depth of 30 feet per MZO Table 7-2 Residential Zoning Districts Bulk and Yard Regulations

SECTION 3: Approval of Findings of Fact and Recommendation The President and Board of Trustees of the Village of Maywood approve and adopt the Findings of Fact and Recommendation of the Maywood Plan Commission, a copy of which is attached hereto as **Exhibit "B"**, and incorporate such findings and recommendation 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 Recommendation of the Maywood Plan Commission and other matters properly before it, approve and grant the Proposed Variations as specified above for the development of three-unit residential dwelling units on the Subject Properties, subject to the following development conditions:

1. As part of the plan review process, the Village Engineer will conduct a stormwater assessment of each development lot and provide recommendations for off-site and on-site drainage/stormwater sewer and sanitary sewer improvements to be constructed by the Petitioner. The Petitioner shall comply with all recommendations of the Village Engineer.
2. The Petitioner shall use building materials (pervious water storage driveway block) and on-site drainage systems and techniques to minimize stormwater runoff. The driveway and parking area are required to be permeable pavement.

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3. The Petitioner shall provide an exterior building materials sheet to the Village that identifies color scheme and building materials quality and shall be required to use the same or "like-kind" quality materials.
4. The on-site parking areas shall be striped for at least two (2) handicapped parking spaces, but those parking areas shall be adequate to park three (3) non-handicap vehicles. To the extent there is sufficient clearance, the driveway areas may be used to accommodate handicapped parking spaces and non-handicap vehicle parking spaces.
5. Inclusion of a title covenant that if the building(s) are no longer being marketed for lease to the Petitioner's targeted market of individuals with disabilities, then the Petitioner shall provide the minimum off-street parking on-site in compliance with the Village Code or shall enter into and maintain a parking agreement with another nearby property owner for the occupants of the building(s) to park their vehicles so that the minimum off-street parking requirements are met by the available on-site parking capacity and the off-street parking agreement.
6. Unless Number 5 above applies, inclusion of a title covenant stating that IFF and its property manager shall enforce the occupancy restriction to limit the rental units to those persons who are qualified to rent them based on the applicable rental subsidy rules.

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 as provided by State law.

SECTION 8: Recordation. A certified copy of this Ordinance shall be recorded against title to the various Subject Properties by the Village, at the Petitioners' sole cost, with the Cook County Recorder of Deeds Office ("CCRD"). The Village will provide the Petitioners with a copy of the Ordinance after it is filed with the CCRD.

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PASSED this 5th day of June, 2018, by the President and Board of Trustees of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington and M. Lightford

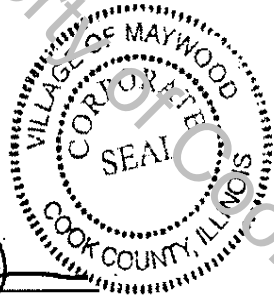
NAYS: None

ABSENT: R. River Trustee

APPROVED by the Village President on the 6th day of June, 2018, and attested to by the Village Clerk this same day



Edwenna Perkins, Village President



ATTEST:


Viola Mims, Village Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION OF THE SUBJECT PROPERTIES

PIN No: 15143110280000

COMMONLY KNOWN AS: 1902 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 48 (EXCEPT THE NORTH 39 FEET AND EXCEPT THE SOUTH 45 FEET THEREOF) IN FRANK C. WOODS ADDITION TO MAYWOOD, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No: 15143190360000

COMMONLY KNOWN AS: 2024 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 1 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No: 15143190380000

COMMONLY KNOWN AS: 2032 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 3 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "B"

**Findings of Fact and
Recommendations of the Maywood Plan Commission/Zoning Board of Appeals**

(attached)

Property of Cook County Clerk's Office

COOK COUNTY
RECORDS & CLERK
ORDER OF DEEDS

COOK COUNTY
RECORDS & CLERK
ORDER OF DEEDS

COOK COUNTY
RECORDS & CLERK
ORDER OF DEEDS

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**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 #18-002
March 27, 2018 and April 24, 2018**

APPLICATION: PC/ZBA Case #18-002 – The Petitioner (IFF) has filed a proposal to develop four three-unit residential dwelling buildings on four currently vacant lots at 1902, 2009, 2024, and 2032 South 5th Avenue, all located in an R-5 Multi-Family Residential Zoning District in the Village of Maywood. The four lots are appropriately zoned for three-unit residential dwellings. All four development sites meet the bulk, building coverage, unit, and impervious surfacing requirements of the R-5 District. No zoning relief is being requested at 2009 South 5th Avenue property. However, three sites will require some zoning in the form of four variations from requirements set forth in the Maywood Zoning Ordinance (MZO), Chapters 7 and 13.

ZONING RELIEF IS REQUESTED FOR THE FOLLOWING PROPERTIES:

PIN No: 15143110280000

COMMONLY KNOWN AS: 1902 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 48 (EXCEPT THE NORTH 39 FEET AND EXCEPT THE SOUTH 45 FEET THEREOF) IN FRANK C. WOODS ADDITION TO MAYWOOD, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No: 15143190360000

COMMONLY KNOWN AS: 2024 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 1 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No: 15143190380000

COMMONLY KNOWN AS: 2032 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS

Legal Description: LOT 3 IN PANIGIRAKIS RESUBDIVISION OF LOT 112 IN FRANK C. WOODS ADDITION TO MAYWOOD RECORDED MAY 13, 1997 AS DOCUMENT 97337779, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Petitioner: IFF; Ms. Dena Bell, Development Manager
PC/ZBA Case #18-002

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

- Lira (attended the March 27 meeting as a Commissioner and the April 24 meeting as the newly elected Chair) and Chair Christian retired after the March 27 meeting)
- Commissioners Dawson, Jones, Ratley (attended only the March 27 meeting), Smith and Stelnicki (only attend the April 24 meeting) and Vallow

Staff:

- Village Attorney, Michael Jurusik, Klein Thorpe and Jenkins, Ltd.
- Village Engineer, Mark Lucas, Hancock Engineering
- Director of Community Development, David Myers, Village of Maywood

SUMMARY OF REQUEST AND RECOMMENDATION:

The Project calls the construction of four new three-unit residential dwelling buildings on four currently vacant lots at 1902, 2009, 2024 and 2032 South 5th Avenue, all located in an R-5 Multi-Family Residential Zoning District in the Village of Maywood. The lots are presently owned by the Cook County Land Bank. The four lots are appropriately zoned for three-unit residential dwelling buildings. All four site proposals meet the bulk, building coverage, unit, and impervious surfacing requirements of the R-5 District. However, three of the four sites will require some zoning relief to allow the Project to proceed as proposed. No zoning relief is required for the proposed three-unit residential dwelling building at the 2009 South 5th Avenue property.

PUBLIC HEARING: The public hearing for this Project was commenced on March 27, 2018 and then it was continued and completed on April 24, 2018. At the March 27, 2018 public hearing, Village staff, Ms. Dena Bell, Ms Eden Hurd (IFF) Ms. Alexis Stumpf (Worn Jerabek Wiltse Architects) presented the Project to the PC/ZBA. Mr. David Myers (Village of Maywood) gave a presentation to the Commissioners; he described in detail what the project would entail. During the March 27, 2018 PC/ZBA Meeting several residents voiced their concerns regarding potential flooding in the area. Attached are the Minutes from the March 27, 2018 PC/ZBA Meeting.

Ms. Bell and Ms. Alexis Stumpf (Worn Jerabek Wiltse Architects) showed a rendering of the proposed Project, which consists of four three-unit residential dwelling buildings, each of which has two first floor units and one second floor unit to the Commissioners. Ms. Stumpf gave a detailed explanation of the size of the dwelling units, which are going to be offered for rent as apartments. The first floor units will be a one bedroom apartment, the second floor units will have two bedrooms. Ms. Bell said that based on past experience, most of their renters are individuals with disabilities and typically are not families with children as a rule. There are people with many different types of disabilities; they do work with referral agencies to find suitable tenants, such as disabled veterans. The Project calls for at least five units to be set aside for disabled veterans and the Petitioner intends to target disabled veterans who use the services of the nearby Veterans Administration Hospital. It is very important for the Petitioner that the wheelchair accessible units are given to people with wheelchairs. Based on their other properties, the Petitioner stated that less than 10% of their renters own cars and usually single residents will be living within these units.

Mr. Mark Lucas (Hancock Engineering) performed a preliminary review of the impacts the proposed developments of the four multi-family residential buildings at the locations along Fifth Avenue between Lexington Street and Roosevelt Road on the Village's sanitary sewer and storm sewer infrastructure. In

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the late 1980's relief sewer was constructed on Harvard Street and Filmore Street with an overflow connections constructed between the 5th Avenue sewer and the relief sewer. In addition, the drainage structures along 5th Avenue are restricted with a smaller diameter pipe to regulate the rate at which storm water runoff can enter the pipe. The four sites will not create a large volume of water. The sewer on 5th Avenue is a combined sewer system, storm and sanitary. Based on the residents 100 gallon per day, peak flow in a gallon per minute, peak flow will generate 11 gallons per minute. The proposed units will not negatively affect the combined sanitary and storm water sewer system.

Based on the data submitted as part of the Petition, Mr. Lucas advised that the maximum occupancy is anticipated to 2.67 people per unit for a total of 32 residents (12 x 2.67). Each resident uses approximately 100 gallons per day. A peak demand of 5 times the average flow results in a flow rate (5 x 3200 gpd ÷ (24 hr x 60 min) = 11 gallons/minute (or 0.03 cubic feet/second), which is negligible compared to the capacity of the system. In his opinion, Mr. Lucas stated that the Project's impact to the sanitary sewer system would be at a minimum.

As it relates to storm water, Mr. Lucas advised that the permeable pavement indicated on the plans are intended to mitigate the change runoff associated with the increased impervious lot coverage of the proposed sites. The Petitioner is providing a permeable paver little less than 1-inch of runoff. While not required by Village Code for developments under 10,000 square feet, Mr. Lucas commented that theoretically a sufficient volume of storage could be provided below the permeable pavements and/or within other viable Best Management Practices (BMPs) to negate the impacts of the proposed developments on a case by case basis. The permeable pavers will minimize the impact to the storm water sewer system. Mr. Lucas also made the public aware of the Sewer Back-up Program offered by the Village.

PUBLIC COMMENT:

Ms. Gloria Clay had concerns regarding who will be monitoring the buildings and the people parking everywhere on the street. What if a tenant has a significant other and caregivers? Where will they park? Ms. Hurd, w/IFF addressed Ms. Clays concerns, an onsite manager will be onsite to manage parking. Ms. Clay also had concerns regarding the abandon building located at 5th and Lexington, (1900 South 5th Avenue). The Cook County Land Bank currently is holding the tax certificate and pursuing to acquire the properties.

Ms. Viola Mims had made comments regarding, visitors are allowed to park on the street. She was not referring to overnight parking. She also asked questions about the sewer capacity and will a backflow valve be installed in the new buildings. Is the Village's sewer system capable of handling the proposed sites? Mark Lucas addressed her questions; the new proposed buildings will have a minimal effect on the combined sewer system. The proposed building are slab on grade, a backflow valve will not be installed.

Ms. Betty Holman wanted to know, how residents were notified of the project. Attorney Jurusik, addressed her concerns, all property owners within 250 feet are notified via certified letter, a sign was located on each property and a notice was placed in the local newspaper, Chicago Sun Times.

Following a public hearing held on April 24, 2018 on the variances requested, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of the variances. The final votes are as followed:

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MOTION AND FINDINGS: After public comment was closed by Chairman Lira, she asked for more input from the Commissioners.

The zoning variances requested at the other three sites are as follows:

- Parking reduction of one (1) space (three are required, two are proposed) at the 1902, 2024 and 2032 South 5th Avenue properties.
Maywood Zoning Ordinance (MZO) Section 13.12 Required Off-Street Parking Spaces/Table 13-1 Off-Street Parking Requirements
Final Vote: 5-0-0 Motion carried. Motion Jones, Second Stelnicki
- Existing non-conforming lot width variance at the 1902 South 5th property (36 feet wide), 2024 and 2032 South 5th Avenue properties (40 feet wide).
Minimum R-5 lot width is 50 feet per MZO Table 7-2 Residential Zoning Districts Bulk and Yard Regulations
Final Vote: 4-1-0 Motion carried. Motion Jones, Second Stelnicki
(Abstain) Commissioner Dawson had concerns about the width of the building located at the 1902 South 5th Avenue property.
- A driveway width reduction of 1.5' at the 1902 South 5th Avenue property.
MZO Section 13.7.C.2.a – Design Standards - Multi-Family and Townhouse Dwellings, and Non-Residential Driveways
Final Vote: 4-0-1 Motion carried. Motion Stelnicki, Second Smith
(Nay) Commissioner Dawson
- Rear yard reduction of one inch at the 2024 and 2032 South 5th Avenue properties.
Minimum R-5 lot width is 50 feet per MZO Table 7-2 Residential Zoning Districts Bulk and Yard Regulations
Final Vote: 5-0-0 Motion carried. Motion Smith, Jones Second

Additional PC/ZBA recommendations of Six Development Conditions as Approval:

1. As part of the plan review process, the Village Engineer will conduct a stormwater assessment of each development lot and provide recommendations for off-site and on-site drainage/stormwater sewer and sanitary sewer improvements to be constructed by the Petitioner. The Petitioner shall comply with all recommendations of the Village Engineer.
2. The Petitioner shall use building materials (pervious water storage driveway block) and on-site drainage systems and techniques to minimize stormwater runoff. The driveway and parking area are required to be permeable pavement.
3. The Petitioner shall provide an exterior building materials sheet to the Village that identifies color scheme and building materials quality and shall be required to use the same or "like-kind" quality materials.
4. The on-site parking areas shall be striped for at least two (2) handicapped parking spaces, but these parking areas shall be adequate to park three (3) non-handicap vehicles. To the extent there is sufficient clearance, the driveway areas may be used to accommodate handicapped parking spaces and non-handicap vehicle parking spaces.

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5. Covenant that if the building(s) are no longer being marketed for lease to the Petitioner's targeted market of individuals with disabilities, then the Petitioner shall provide the minimum off-street parking on-site in compliance with the Village Code or shall enter into and maintain a parking agreement with another nearby property owner for the occupants of the building(s) to park their vehicles so that the minimum off-street parking requirements are met by the available on-site parking capacity and the off-street parking agreement.
6. Unless Number 5 above applies, a title covenant shall be part of the Village approval that the IFF and its property manager shall enforce the occupancy restriction to limit these rental units to those persons who are qualified to rent them based on the rental subsidy rules.

Final Vote: 5-0-0 Motion carried. Motion Jones, Second Steinicki

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

1. **The strict application of the terms of this Zoning Ordinance will result in undue hardship.**
 - The strict application of the Zoning Ordinance would result in an undue hardship for the Petitioner in the form of a financially unsustainable project. The zoning variations requested, including a reduction of (1) parking space and existing nonconforming lot width at the 1902, 2024 & 2032 South 5th Avenue properties; driveway reduction of 1.5-foot at the 1902 South 5th Avenue property; rear yard reduction of 1-inch at the 2024 South 5th Avenue property, allow the project to be feasible in Maywood. This project will eliminate some vacant, unsightly residential lots along 5th Avenue property providing high-quality and low density housing units to accommodate people in wheelchairs.
2. **The plight of the owner is due to unique circumstances and not applicable generally to other property within the same zoning classification.**
 - The need for the requested zoning relief is due to unique circumstances and not applicable generally to other property within the same zoning classification. First, the two first floor apartments are being designed to accommodate people in wheelchairs so the parking relief is based on the Petitioner's ownership of similar properties where only 15% of individuals in wheelchairs have a need for vehicles. The reduced parking needs are unique to the Petitioner's targeted renters. The buildings are sized to accommodate the clearances needed by wheelchair users.
3. **The variation, if granted, will not alter the essential character of the locality.**
 - The requested zoning relief, including the reduction in parking, will not create a demand for additional street parking as the renters are unlikely to own their vehicles. The width of the existing platted lots were not created by the Petitioner and no changes are being made to the current lot boundaries. The driveway and rear yard variances will not be noticeable. There will be adequate parking capacity on-site for each lot when the rear yard parking area capacity and the side yard driveway parking area capacity are combined.

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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 specific properties impose a particular hardship upon the Cook County Land Bank and the Petitioner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The street blocks these lots are located on do not have a rear yard alley. Without an alley, a driveway must be accommodated in the width of the lot as well as the building footprint, setbacks, driveway, walkway, rear yard parking area and landscaping. Given the existing width of the sites, the lack of an alley makes the layout very tight and has required the Petitioner to request the zoning relief.
5. **The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.**
- These lots were selected from tax delinquency list and acquired through the assistance of the Cook County Land Bank. The Petitioner and the Cook County Land Bank had not involvement in the formation of the existing platted lots and no changes are being made to their boundaries as they currently exist. Therefore, the alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.
6. **The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.**
- Granting of the variations will not be detrimental to the public welfare in the neighborhood in which the properties are located. The Project presents an opportunity to add high-quality and low density rental housing to the community. The properties will be owned for the long term by IFF and will be managed by professional, hands-on property management team. Additionally, this Project will help eliminate otherwise unusable vacant land and return them to the tax rolls. There will be adequate parking capacity on-site for each lot when the rear yard parking area capacity and the side yard driveway parking area capacity are combined.
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 Project and the requested zoning relief 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 buildings will be of the size, scale and dimensions of the other buildings on the block. The housing will include small apartments of one and two bedrooms. The building designs will comply with all code requirements, including fire codes. There will be adequate parking capacity on-site for each lot when the rear yard parking area capacity and the side yard driveway parking area capacity are combined.

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

- The Project and the requested zoning relief are consistent with the spirit and intent of the Village's Zoning Ordinance and adopted Comprehensive Plan. This Project will help further those efforts by creating high quality rental housing on vacant land.

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, the sites would likely remain as vacant land. Once they are redeveloped as housing, they can be returned to the County and Village tax rolls. Therefore, the value of the properties 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.

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 relief, including the variations, for each of the lots be approved, subject to the Village Board's approval of the six development conditions as set forth above.

Signed: _____



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

UNOFFICIAL COPY

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:

**CO-2018-28
AN ORDINANCE APPROVING CERTAIN VARIATIONS
FOR THE DEVELOPMENT OF THREE-UNIT RESIDENTIAL DWELLING BUILDINGS ON
CURRENTLY VACANT LOTS AT 1902, 2024 AND 2032 SOUTH 5TH AVENUE, MAYWOOD, ILLINOIS
(Developer / Petitioner: IFF)**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 5th day of June, 2018, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 5th day of June, 2018.

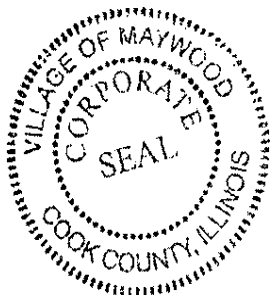
I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

- AYES:** Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington and M. Lightford
- NAYS:** None
- ABSENT:** Trustee R. Rivers

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 6th day of June, 2018.

[SEAL]




 Viola Mims, Village Clerk