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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 903**

**AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION  
AND GRANTING CERTAIN VARIATIONS FOR CERTAIN REAL  
PROPERTY IN THE VILLAGE OF MELROSE PARK, COUNTY OF  
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 9<sup>TH</sup> DAY OF MAY 2005**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
RUBEN LOMELI  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 10<sup>TH</sup> day of MAY 2005**

**ORDINANCE NO. 903**

**AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION AND GRANTING CERTAIN VARIATIONS FOR CERTAIN REAL PROPERTY IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (“the Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, pursuant to Chapter 182 of the Municipal Code of the Village of Melrose Park of 1970, as amended, the Combined Planning and Zoning Board of Appeals (“Planning/Zoning Board of Appeals”) is vested with the authority to, among other things, recommend to the President and Board of Trustees of the Village changes in the district boundaries or to recommend any variation or modification in the Zoning Ordinance(s) and Zoning Map of the Village; and

WHEREAS, pursuant to the Application and Petition of 1945 Cornell LLC & 3415 North, LLC (hereinafter the "Petitioners"), the Planning/Zoning Board of Appeals of the Village of Melrose Park held a public hearing on April 26, 2005 (the "Hearing"), regarding, among other things, the Petitioners' request for certain variations and the reclassification of the zoning designation of certain real property commonly known as 1945 N. Cornell Avenue and 3415 W. North Avenue, Melrose Park, Illinois and as more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference (the "Subject Properties"); and

WHEREAS, said Hearing was held pursuant to duly published and posted notice thereof and was in all respects in accordance with applicable law; and

WHEREAS, at said Hearing, evidence was submitted by the Petitioners relative to their request for zoning relief and after thoughtful discussion and due deliberation, the Planning/Zoning Board of Appeals of the Village of Melrose Park unanimously voted to approve and recommend to the President and Board of Trustees of the Village that the zoning designation of the Subject Property be reclassified from "G" Industrial zoning classification to "E" Commercial zoning classification and;

WHEREAS, at said Hearing, evidence was also submitted by the Petitioners relative to their request for the following variations:

1. Variation from the three (3) foot Side Yard set-back requirement of the Code to permit the north side building line of 1945 N. Cornell Avenue to be equal to the corresponding property line (zero lot line side yard). The Petition seeks a north Side Yard set-back variation of three (3) feet;
2. Off-Street Parking Variance to reduce the required number of off-street parking spaces from 299 to 234 (a variation of 65 off-street parking spaces).

WHEREAS, at said public hearing of the Planning/Zoning Board of Appeals, evidence was presented, comment solicited, and due consideration given to Petitioner's request for the zoning relief and variations set forth above; and

WHEREAS, after due consideration and thoughtful discussion, the Planning/Zoning Board of Appeals of the Village of Melrose Park voted to recommend that the President and Board of Trustees grant the zoning relief and variations as requested by Petitioner and as set forth above; and

WHEREAS, the Planning/Zoning Board of Appeals, after considering the evidence adduced, made written Findings of Fact recommending the zoning relief and variations, as set-forth herein, and transmitted the same to the President and Board of Trustees for consideration; and

WHEREAS, the President and Board of Trustees do hereby approve and adopt the Findings of Fact of the Planning/Zoning Board of Appeals and incorporate such findings and recommendations herein by this reference, as if they were fully set forth herein. A copy of such Findings of Facts are attached hereto and made a part hereof as Exhibit B; and

WHEREAS, the President and Board of Trustees of the Village convened its regularly scheduled public meeting on May 9, 2005, and considered, among other things, the Petitioners' petition for a zoning relief and variations for the Subject Properties; and

WHEREAS, after a presentation by the Petitioners and thoughtful discussion, the President and Board of Trustees unanimously voted to grant said zoning relief and variations requested by the Petitioners; and

WHEREAS, the President and the Board of Trustees of the Village have determined and do hereby determine that it is both advisable and in the best interest of the Village and its residents to grant the zoning relief and variations requested;

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to approve, authorize and grant the Petition for Zoning Relief and Variations as submitted by the Petitioners and as recommended by the Planning/Zoning Board of Appeals for the Subject Property.

**Section 03. Invocation of authority.**

This Ordinance is enacted pursuant to the authority granted to this Village by Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05-09. Reserved.**

**ARTICLE II.  
ZONING CLASSIFICATION**

**Section 10.00 Reclassification of Zoning.**

That the President and Board of Trustees of the Village of Melrose Park do hereby authorize and approve the rezoning and reclassification of the real properties commonly referred to as 1945 N. Cornell Avenue and 3415 W. North Avenue, Melrose Park, Illinois and legally described in Exhibit A attached hereto, to "E" Commercial District.

**Section 11.00 Other Actions Authorized.**

The officers, employees and agents of the Village are hereby authorized and directed to take any and all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith.

**ARTICLE III.  
GRANT OF VARIATION.**

**Section 12.00 Findings.**

That the President and Board of Trustees of the Village, after thoughtful consideration, find and determine that the Petitioners, request for variation is in general harmony with the general purpose and intent of Village of Melrose Park regulations. The President and Board of Trustees further find and determine that to impose the strict letter of the requirements of the Village Code on the properties located at 1945 N. Cornell Avenue and 3415 W. North Avenue, Melrose Park, Illinois, Cook County, Illinois, would impose practical difficulties and cause a particular hardship. The President and Board of

Trustees additionally find and determine that the request and need for the variation is due to unique circumstances, including, but not limited to the location of the current structure, related to the lot; and further find and determine that the granting of the variation will not alter the essential character of the Village of Melrose Park and/or the immediate area surrounding the Subject Properties.

**Section 13.00 Grant of Variation.**

That the President and Board of Trustees, based on the above findings and the written findings and recommendations of the Planning/ Zoning Board of Appeals of the Village of Melrose Park hereby authorize, approve and grant the petition for variation as submitted by the Petitioners, for the variation set forth below:

1. Variation from the three (3) foot Side Yard set-back requirement of the Code to permit the north side building line of 1945 N. Cornell Avenue to be equal to the corresponding property line (zero lot line side yard).

for the property commonly known as 1945 N. Cornell Avenue, Melrose Park, Illinois, Cook County, Illinois.

**Section 14.00 Other Actions Authorized.**

The Village President, Village Clerk and other officers, employees and/or agents of the Village are hereby authorized and directed to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith.

**ARTICLE VI.  
GRANT OF VARIATION.**

**Section 15.00 Findings.**

That the President and Board of Trustees of the Village, after thoughtful consideration, find and determine that the petition for variation as submitted by the Petitioners is in harmony with the general purpose and intent of The Village of Melrose Park regulations governing parking. The President and Board of Trustees further find and determine that to impose the strict letter of the requirements of the Village Code on the properties, located at 1945 N. Cornell Avenue and 3415 W. North Avenue, Melrose Park, Illinois, would impose practical difficulties and cause a particular hardship on the Petitioners. The President and Board of Trustees additionally find and determine that the request and need for the variation is due to unique circumstances, including, but not limited to the configuration of the facilities upon the properties relative to neighboring structures; the nature of the business operated therein; the uniqueness of the building design, and the surrounding commercially and industrially zoned area; and further find and determine that the granting of the variation will not alter the essential character of the Village of Melrose Park and/or the area immediately surrounding the properties.

**Section 16.00 Grant of Variation.**

That the President and Board of Trustees, based on the above findings and the written findings and recommendations of the Planning/ Zoning Board of Appeals of the Village of Melrose Park hereby authorize, approve and grant the petition for variation as submitted by the Petitioners, for the variation set forth below:

1. Off-Street Parking Variance to reduce the required number of off-street parking spaces from 299 to 234 (a variation of 65 off-street parking spaces).

for the properties commonly known as 1945 N. Cornell Avenue and 3415 W. North Avenue, Melrose Park, Illinois, Cook County, Illinois.

**ARTICLE V.  
SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 17.00 Headings.**

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 18.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees of the Village that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

**Section 19.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

**Section 20.00 Publication.**

A full, true and complete copy of this ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 16.00 Effective date**

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,  
Trustee Lomeli, Trustee Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

ABSENT:

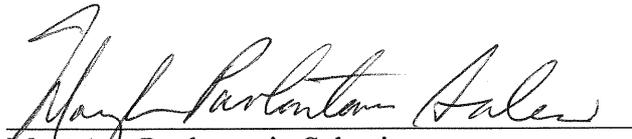
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
NINTH DAY OF MAY, 2005, A.D.

APPROVED:



RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 09, 2005

Published in pamphlet form: May 10, 2005