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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1292

AN ORDINANCE GRANTING CERTAIN LAND USE RELIEF FOR  
THE PROPERTY COMMONLY KNOWN AS 1001 N. 25<sup>TH</sup> AVENUE,  
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 22<sup>ND</sup> DAY OF JUNE 2009

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

Board Of Trustees

CATHLEEN COSSIDENT ITALIA  
ANTHONY J. PRIGNANO  
ARTURO J. MOTA  
MARY RAMIREZ TACONI  
JAIME ANGUIANO  
ANTHONY N. ABRUZZO

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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 23<sup>RD</sup> day of JUNE 2009

**ORDINANCE NO. 1292**

**AN ORDINANCE GRANTING CERTAIN LAND USE RELIEF FOR THE PROPERTY COMMONLY KNOWN AS 1001 N. 25 TH AVENUE, IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

\* \* \* \* \*

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

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk (the “Village Clerk”), the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, Augusta Place, LLC (the “Petitioner”) owns and/or controls certain real property located within the Village commonly referred to as 1001 N. 25<sup>th</sup> Avenue, Melrose Park, Cook County, Illinois 60160, and more particularly described in the legal description incorporated herein by reference (the “Subject Property”); and

**WHEREAS**, the Petitioner, on or about May 11, 2009, submitted a petition (the “Petition”) for zoning relief to the Village (A copy of the Petition including all exhibits are incorporated herein by reference) which included a request for variation from the parking

requirements as set forth in, related to and resulting from Title 17 of the Municipal Code of Melrose Park (the “Code”); and

**WHEREAS**, the Petitioner specifically sought a decrease in the number of required parking spaces for the Subject Property from One Hundred Thirty-Three (133) spaces to One Hundred Eleven (111) spaces; and

**WHEREAS**, the Village Combined Planning and Zoning Board of Appeals (“PZBA”), following due notice, convened a public hearing (the “Public Hearing”) in order to accept evidence and receive public comment regarding the Petition; and

**WHEREAS**, the Petition is in furtherance of Petitioner’s proposed redevelopment of the Subject Property, which will consist of a multi-story building for retail, office and residential uses; and

**WHEREAS**, at said Public Hearing of the PZBA, evidence was presented, comment solicited and due consideration given to the Petition; and

**WHEREAS**, after due consideration and thoughtful discussion, the PZBA voted to recommend that the President and Village Board (collectively the “Corporate Authorities”) grant the specific relief requested by Petitioner, as further set forth herein; and

**WHEREAS**, to memorialize its recommendations, the PZBA presented written “Findings of Fact” to the Corporate Authorities, a copy of which is attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, the Corporate Authorities have determined and do hereby find and determine that it is advisable, necessary and in the best interest of the Village and its residents to grant, approve and authorize the specific relief requested by Petitioner, as further set forth herein; and

**WHEREAS**, all hearings which were required by law to be held have been convened and all such hearings, including but not limited to the PZBA Public Hearing, were held pursuant to duly published and posted notice thereof and were in all respects in accordance with applicable law; and

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

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board 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 grant, approve and authorize the specific relief requested by Petitioner, as further set forth herein, for the Subject Property.

**Section 03. Invocation of Authority.**

This Ordinance is adopted pursuant to the authority granted to the Village by the 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. VARIATION**

### **Section 10.00 Findings.**

That the Corporate Authorities, after thoughtful consideration, hereby accept the PZBA's Findings of Fact and based thereon and such other testimony and evidence, hereby find and determine that the Petition, as submitted by Petitioner, is in harmony with the general purpose and intent of the Village and the Village Municipal Code.

That the Corporate Authorities further find and determine that to impose the strict letter of the requirements of the Village Municipal Code on Petitioner's proposed development of the Subject Property would impose practical difficulties and cause a particular hardship.

That the Corporate Authorities further find and determine that the request and need for the Variation is to conform with the surrounding area, and further find and determine that the granting of the Variation will not alter the essential character of the Village and/or the immediate area surrounding the Subject Property.

### **Section 11.00 Grant of Variation.**

That the Corporate Authorities, based on the above findings and the written Findings of Fact of the PZBA, hereby authorize, approve and grant the Petition, specifically approving a decrease in the number of required parking spaces for the Subject Property from One Hundred Thirty-Three (133) spaces to One Hundred Eleven (111) spaces, with the following conditions:

(a) That the Petitioner not increase the number of residential units proposed to be constructed on the Subject Property, namely, four (4) residential units, as has been set forth in the plans, documents and testimony submitted by Petitioner in the Petition and at the Public Hearing;

(b) That the Petitioner does not increase the aggregate square footage as that set forth in the plans, documents and testimony submitted by Petitioner in the Petition and at the Public Hearing;

(c) That the Subject Property be used only for office and retail on the lower floors, and only for residential uses on the uppermost floor;

(d) That the Subject Property not be used for a restaurant or other higher-intensity use, as such would increase the parking demands of the Subject Property beyond what the Petition and Petitioner had presented;

(e) That the Subject Property, notwithstanding anything to the contrary, comply with all other parking requirements as set forth in the Americans with Disabilities Act, the Illinois Barriers Act, the Illinois Accessibility Code and all other requirements in local or county ordinance and state law;

(f) That the number and orientation of parking spaces, driveway lanes, turning radii, alley access, public right-of-way access and including access to and usage of underground parking facilities, are subject to further review and conditions as determined by the Village Fire Department, the Village Police Department, the Village Engineer and the Village Building Department, specifically regarding, but not limited to, life and safety issues.

**Section 12.00 Other Actions Authorized.**

That the Corporate Authorities hereby authorize and direct that the necessary and appropriate Village officials and Village employees take all action reasonably required to carry out and give effect to the purpose and intent of this Ordinance.

**Sections 11.00 – 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles and sections 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 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part thereof of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section, or part thereof 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 Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof been included.

**Section 18.00 Superseder.**

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

**Section 19.00 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.

**Section 20.00 Effective Date.**

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

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

AYE VOTES: Trustee Italia, Trustee Prignano, Trustee Mota,  
Trustee Taconi, Trustee Anguiano, Trustee Abruzzo

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 TWENTY-SECOND DAY OF JUNE, 2009.

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salémi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: June 22, 2009  
Published in pamphlet form: June 23, 2009