

## FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

**RE: 3501 South Laramie Avenue, Stickney, Illinois 60804 (the “Property”)  
Hawthorne Racecourse**

### GRANT OF CERTAIN TEXT AMENDMENTS

On June 24, 2020, the Village of Stickney (the “Village”) Zoning Board of Appeals (the “ZBA”) recommended granting certain Text Amendments, as defined and described below, to add the term “racino entertainment complex”, to define the term “racino entertainment complex”, to make the use of a “racino entertainment complex” a special use in the Heavy Industrial (I-2) zoning district, and to provide that restrictions related to the number of buildings on a lot and building height restrictions may be exceeded pursuant to special use, based on the following:

1. Hawthorne Racecourse, LLC, (the “Applicant”), by and through their attorneys Montana & Welch, LLC, submitted an application to the ZBA requesting the following text amendments (the “Text Amendments”) to the Village of Stickney Zoning Ordinance (the “Zoning Ordinance”):

- A. Amendment to Section 3.02 of the Zoning Ordinance. A text amendment to Section 3.02 to create a definition for a “racino entertainment complex”, specifically to define as follows:

“A 'racino entertainment complex' is a complex or grounds that contains horse racing facilities (as such term is defined in the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq.), organization gaming facilities (as such term is defined in the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq., and the Illinois Gaming Act, 235 ILCS 10/1 et seq.), gaming facilities (as such term is defined in the Sports Wagering Act, 230 ILCS 45/1 et seq.), hotel, multi-purpose entertainment venue, parking garage and additional off-street parking facilities, restaurants (including drive-thru and take-out facilities), catering establishments, bars, taverns, cocktail lounges, barns, residences, valet facility, other accessory uses as approved by special use, or any combination thereof.”

- B. Amendment to Section 4.09 of the Zoning Ordinance. A text amendment to Section 4.09 of the Village of Stickney Zoning Ordinance to read as follows:

“Not more than one principal building shall be located on a zoning lot unless the zoning lot is located within the I-2 Heavy Industrial District and authorized by special use. No more than three accessory buildings shall be permitted on any zoning lot except (i) a residential district where no more than one accessory dwelling is permitted on any zoning lot, or (ii) in the 1-

2 Heavy Industrial District pursuant to special use.”

- C. Amendment to Section 4.12 of the Zoning Ordinance. A text amendment to Section 4.12 of the Village of Stickney Zoning Ordinance to read as follows:

“All new buildings and structures shall conform to the regulations established herein for the district in which each building is located except the parapet walls, chimneys, cooling towers, elevator bulk heads, fire towers, stacks and necessary mechanical appurtenances, and structures and buildings within a racino entertainment complex pursuant to special use shall be permitted to exceed the maximum height requirements subject to the height limitations imposed by the Federal Aviation Administration.”

- D. Amendment to Section 11.03 of the Zoning Ordinance. A text amendment to Section 11.03 of the Village of Stickney Zoning Ordinance to add the following special use to the Heavy Industrial (I-2) zoning district appearing in alphabetical order:

“Racino Entertainment Complex”

2. The Property owned and operated by the Applicant benefitting from the proposed Amendments is located in the Heavy Industrial (I-2) zoning district;
3. In accordance with the Illinois Compiled Statutes and the Village’s Zoning Ordinance, notice of the hearing regarding the Applicant’s requested Zoning Relief (the “Hearing”) was published in one or more newspapers published in the Village, including notice published on June 9, 2020 in the Chicago Sun-Times, a copy of which is attached hereto and incorporated herein as Exhibit A, and taxpayer notice was sent via certified mail by the Applicant as stated in the “Affidavit of Notification to Property Owners,” a copy of which is attached hereto and incorporated herein as Exhibit B;
4. At the Hearing, the Applicant provided credible evidence related to the benefit of approving the Text Amendments;
5. In addition to the above and herein, the ZBA hereby makes the following findings of fact:
  - A. **Existing uses of property within the general area in question.** The Applicant further credibly testified that the existing uses in the area shall remain those contemplated within the I-2 Heavy Industrial District, which is intended to provide for heavy manufacturing and industrial uses. A horse racetrack has operated within the aforesaid zoning district for over 100 years with no apparent impact on the existing uses in the general area. Pari-mutuel wagering and recreational areas are located on the Property and in various locations neighboring the Property. The proposed amendments will be of a

similar nature to the horse racetrack and there is no evidence of record that the proposed text amendments will negatively impact the existing uses within the general area. Further, by making a “Racino Entertainment Complex” a special use, the Village will retain the ability to place reasonable conditions upon the operations of such a use in order to minimize any potential negative impacts from the operation on the existing uses within the surrounding area.

- B. **The zoning classification of the property within the general area of the property in question.** As stated above, the zoning classification of the surrounding area is I-2 Heavy Industrial. The proposed text amendments do not undermine the orderly development of property within the general area and, rather, promotes the continued economic viability of the area in similar manner as the recent trend of development.
- C. **The suitability of the property in question for uses permitted under the existing zoning classification and under any proposed amended zoning classification.** As stated above, the property has historically been used as a horse racetrack within the I-2 Heavy Industrial District. The proposed amendments do not change the nature and characteristics of the underlying zoning district but merely add an additional (similar) use to the list of special uses within the I-2 Heavy Industrial District. The property, to the extent applicable is subject to the special use procedures and the application of any conditions imposed under the Stickney Zoning Code, is suitable for the proposed use.
- D. **The trend of development, if any, in the area in question.** This area has traditionally been identified within I-2 Heavy Industrial District. Surrounding properties have been developed as manufacturing, warehousing, and other similar uses. The areas have not seen an influx of residential development. Recently, the region has had an influx of legal gaming facilities. The property at issue has been operated as a horse racetrack for over 100 years. The highest and best use of the pertinent area continues to be in the nature of heavy industrial uses and the proposed amendments will not undermine this trend within the area.
- E. **The extent to which the property values in the area of the subject property affected by the amendment would be diminished by the existing zoning and zoning as amended.** The property has been used as a horse racetrack for over a century. The horse racetrack has long been an anchor in the community. No evidence has been entered supporting the conclusion that property values would be diminished with the passage of the Text Amendments. However, due to the changing nature and economics of the horse racing industry, it is necessary to enact the proposed amendments in order to allow the property to remain competitive and economically viable. The proposed amendments will likely have a positive

impact on property values in the area of the subject property by (i) ensuring the continued economic vitality of the area, (ii) increasing the property tax base of the area, and (iii) providing private investment in public infrastructure benefitting the surrounding area.

- F. **Whether the adoption of the proposed amendment is in the public interest.** For all of the reasons identified above, the proposed amendments are found to be in the public interest.

### **CONCLUSION; CONDITION**

Testimony and other evidence offered at the Hearing demonstrated that the Amendments would be in furtherance of the public health, safety and welfare, that the Amendments would otherwise be in the best interests of the Village, and that they are in conformity with the surrounding community. Accordingly, the ZBA recommends approval of the Amendments.

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Chairman of the Zoning Board of Appeals for the Village of Stickney

**EXHIBIT A**

**PUBLISHED NOTICE**

**EXHIBIT B**

**AFFIDAVIT OF NOTIFICATION TO PROPERTY OWNERS**