

**ORDINANCE NO. 2022 – 19**

**AN ORDINANCE GRANTING AND APPROVING CERTAIN VARIANCES RELATED TO THE OPERATION OF A FREIGHT TERMINAL AT 4400 RIDGELAND AVENUE**

**WHEREAS**, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VI, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, ISF Chicago LLC owns a portion of and leases a portion (from ComEd) of the property located at 4400 Ridgeland Avenue in the Village of Stickney (the “Subject Property”), which is used for the operation of a freighting and storage operation for the storage of shipping containers, including outdoor storage of such shipping containers (“Permitted Freight Terminal Use”); and

**WHEREAS**, a portion of the Permitted Freight Terminal Use is also located south of the Village limits in Forest View, Illinois and is improved with a permanent structure for the shelter or enclosure of persons, animals, property, or substance of any kind, which also contains an accessible bathroom in accordance with Section 22-705 of the Village of Stickney Municipal Code; and

**WHEREAS**, an application was filed by ISF Chicago LLC, requesting a variance from Article XIX, Sections 22-703 and 22-705 of the Village Code in order to exempt ISF Chicago LLC from adhering to the premises requirements regarding: (a) setbacks for the storage of shipping containers; (b) keeping equipment weighing over one (1) ton, or 2,000 pounds on lots made of constructed surfaces, such as paved, asphalt or concrete surfaces set forth in such Section, provided ISF Chicago LLC causes the implementation of dust mitigation measures and provides adequate screening (fencing and landscaping) for the residential neighborhoods to the north of the Subject Property and otherwise limits the hours of operation creating any material noise to the hours of 7:00 am – 8:00 pm. Monday - Friday, and as needed on Saturday and Sunday (but in any event within the foregoing hours); (c) extending the term of the outdoor storage license for such use; (d) limiting the licensing fees for the outdoor storage license; and (e) requiring a permanent structure with at least one accessible bathroom as defined by the Americans with Disabilities Act and any other applicable federal or state laws be located on the Subject Property; and

**WHEREAS**, the Village’s Plan Commission/Zoning Board of Appeals (the “ZBA”) held a public hearing on October 4, 2022, (the “Public Hearing”), pursuant to proper notice on the proposed Relief; and

**WHEREAS**, said Public Hearing was held in-person; and

**WHEREAS**, at said Public Hearing, testimony and comment was given by the Applicant, the Applicant's agents, Village staff, members of the public, and representatives and members of the ZBA; and

**WHEREAS**, no protest to the proposed Relief request was filed pursuant to Section 12.16 of the Zoning Ordinance, as provided in Appendix A of the Village of Stickney Code of Ordinances Titled, "The Village of Stickney Zoning Ordinance—1980, as amended (the "Zoning Ordinance"); and

**WHEREAS**, based on the testimony given at said Public Hearings, the ZBA made certain findings of fact and conclusions with respect to the Relief and made a recommendation to the Village Board that the Relief be approved subject to the conditions (the "Conditions") stated therein (collectively, the "Findings and Recommendation"); and

**WHEREAS**, a copy of the Findings and Recommendation is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

**WHEREAS**, the Corporate Authorities find (a) the particular physical surroundings, shape or topographical condition of the Subject Property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (b) the conditions upon which the Relief are based are unique to the Subject Property for which the variation is sought; and (c) the Relief will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the Subject Property for which the variation is sought; and

**WHEREAS**, the Corporate Authorities further find that the Relief will advance the orderly and economic development of the surrounding properties;

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

**Section 1. Recitals.** The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

**Section 2. Approval of the Variation.** The Village Board grants a variance to ISF Chicago, LLC (a) to revise the height and location limitations as set forth in Section 22-703 to permit one storage container (i.e. approximately 9 feet in height) within 100 feet of a residential zoning district, and thereafter (i.e. beyond 100 feet) with no limitation other than the maximum height limitation currently set forth in the ordinance (i.e. 50 feet), provided that ISF Chicago, LLC maintains a 10 foot fence (and landscaping) to address any major visibility concerns; (b) to exempt ISF Chicago LLC from adhering to the premises requirements regarding keeping equipment weighing over 1 ton, or 2,000 pounds on lots made of constructed surfaces, such as paved, asphalt or concrete surfaces set forth in Section 22-705, provided ISF Chicago LLC implements dust mitigation measures and provides adequate screening, including fencing and landscaping, for the residential neighborhoods to the north of the Subject Property; and (c) to permit the structure as required in Section 22-705 to be located on ISF Chicago's property located in Forest View, Illinois (provided that ISF Chicago LLC shall cause typical maintenance to any existing structures on the Subject Property).

**Section 3. License Term.** The Village further grants a variation to Sections 22-706 and 22-72 (a) to permit operators of otherwise permitted and licensed outdoor storage operations at the Subject Property to extend their license term from one (1) year to ten (10) years with license fees of \$20,000 to be paid to the Village annually, by January 31 of each year during such term; (b) to limit the increase of such license fees by not more than 5% per year thereafter (from January 31 2033 - January 31, 2038); (c) and to limit the annual license fee to not more than \$25,000 a year until January 31, 2038.

**Section 4. Variance Approval Runs with the Land.** The subject variances shall run with the land and shall otherwise be for the benefit of ISF Chicago LLC, any tenants, operators and future owners and grantees of the Subject Property provided that the use of the Subject Property does not change.

**Section 5. Use of Subject Property.** In the event the Village of Stickney adopts or approves an ordinance prohibiting the operation of a freighting and storage business or the storage of shipping containers, including outdoor storage of shipping containers, as permitted by this Ordinance, at the Subject Property, the operation at the Subject Property shall be considered a legal nonconforming use. The owner of the Subject Property shall comply with the requirements to register legal nonconforming uses set forth in Section 5.05 of Appendix A of the Village Code, provided that if the nonconforming use becomes vacant or unoccupied for a period of eighteen (18) months, then the Subject Property shall not be used except in conformity with the use regulations applicable in the subject zoning district or as otherwise permitted by the Village.

**Section 4. Savings Clause.** This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

**Section 5. Superseder.** Other than as set forth in Section 3 above, all ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6. Severability.** The provisions of this Ordinance are hereby declared to be severable and should any provision 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.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

**PASSED this 18<sup>th</sup> day of October, 2022.**

**AYES: Trustees White, Savopoulos, Milenkovic, Torres, Kapolnek and Hrejsa**

**NAYS: None**

**ABSENT: None**

**ABSTENTION: None**

**APPROVED by me this 18<sup>th</sup> day of October, 2022.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 18<sup>th</sup> day of  
October, 2022.**

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**Audrey McAdams, Village Clerk**

**EXHIBIT A**