

ORDINANCE NO. 2025-02

AN ORDINANCE GRANTING AND APPROVING A SPECIAL USE PERMIT RELATED TO THE PROPOSED ADDITION OF A RESIDENTIAL UNIT ABOVE A COMMERCIAL UNIT (CAR WASH) FOR THE PROPERTY COMMONLY KNOWN AS 4433 HARLEM AVENUE, STICKNEY, ILLINOIS.

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, 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 related to the effective and orderly development of property located within the Village; 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 individuals residing in, working in and visiting the Village; and

WHEREAS, an application was filed with the Zoning Board of Appeals (the “ZBA”) by Guadalupe D. Preciado Munoz (the “Applicant”) requesting a special use permit (the “SUP”) to install a second-floor residential unit (a watchman unit) (the “Zoning Relief”) at 4433 South Harlem Avenue (the “Property”). The Property is located in the Village’s B-2 Harlem Avenue and Cicero Avenue Business District zoning district and currently has a car wash on the first floor; and

WHEREAS, Section 9.02 of the Village of Stickney 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”), provides that a mixed-use property that contains a commercial use on the first floor and a residential use on the second floor constitutes a special use, thus requiring the approval of a SUP; and

WHEREAS, the Village’s Plan Commission/Zoning Board of Appeals (the “ZBA”) held a public hearing on June 27, 2024 and October 24, 2024 (collectively the “Public Hearings”), pursuant to proper notice on the proposed Zoning Relief; and

WHEREAS, said Public Hearings were held in-person; and

WHEREAS, at said Public Hearings, testimony and comment were given by the Applicant and members of the ZBA; and

WHEREAS, no protest to the proposed Zoning Relief was filed pursuant to Section 12.16 of 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 Zoning Relief and made a recommendation to the Village Board that the Zoning 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(1) that the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety or general welfare; (2) that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; (3) that the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; (4) that adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; (5) that adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets; and (6) that the special use shall in all other respects conform to the applicable regulations of this ordinance and other applicable Village regulations; and

WHEREAS, in light of the above, the Corporate Authorities further find that granting the SUP would not: (a) endanger the public health, safety, morals, comfort, or general welfare of the neighborhood; (b) harm the use or enjoyment of property in the immediate vicinity or damage neighboring property values; (c) impede upon the normal and orderly development and improvement of surrounding property; or (d) alter the essential character of the area;

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 Special Use Permit and Conditions. The Findings and Recommendation are hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the SUP with the Conditions stated therein.

Section 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

PASSED this 4th day of March, 2025.

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

NAYS: None

ABSENT: Trustee Savopoulos

ABSTENTION: None

APPROVED by me this 4th day of March, 2025.

Jeff Walik, President

**ATTESTED AND FILED in my
office this 4th day of
March, 2025**

Audrey McAdams, Village Clerk

EXHIBIT A

FINDINGS AND RECOMMENDATION