
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2019-039**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PARKING
VARIANCE FOR A SHARED USE PARKING LOT IN
BLUE ISLAND, ILLINOIS.**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

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JOHNNY RINGO HILL
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JAMES KLINKER**

Aldermen

ORDINANCE NO. 2019-039

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PARKING
VARIANCE FOR A SHARED USE PARKING LOT IN
BLUE ISLAND, ILLINOIS**

WHEREAS, the Zoning Board of Appeals heard a petition for a parking variance for a shared use municipal parking lot shared between Three Corners Development and the City, at 12800 S. Western Avenue, Blue Island, Illinois, 60406. The applicant requested the Zoning Board of Appeals to permit an “after the fact” parking variance for a shared use parking lot, which was “originally” agreed upon between Three Corners Development and the City in a lease agreement signed on December 11, 2018 (*Ordinance No. 2018-065*). This zoning review was for a non-binding, informational overview of the lease agreement and its terms, and to approve a shared use parking lot variance; and

WHEREAS, the legal description of the property is set forth in Exhibit “A” (the “*Property*”).

WHEREAS, the existing zoning classification of the property is a Commercial District (C1) zone; and

WHEREAS, the Zoning Board of Appeals (the “*Zoning Board*”) caused the appropriate notice of hearing on the application to be published in accordance with § 166.095(D) of the Blue Island Code of Ordinances; and

WHEREAS, on July 8, 2019, the Zoning Board held a public hearing to hear testimony and consider the petition, along with all other requested and supporting documents submitted by the Applicant; and

WHEREAS, the Zoning Board of Appeals after due consideration has found that:

- (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located (*The applicant requested a shared use parking variance to help compliment the use of the property to provide medical services for the public.*);
- (b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district (*The applicant proposes to alleviate the parking congestion in the immediate vicinity by providing parking for its medical users. A medical use of this type attracts many vehicles. If parking in the City lot is not provided, the users of the medical facilities medical users will compete for a shortage of onstreet parking.*);
- (c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises (*The applicant did not create the existing parking hardship associated with the old Masonic Temple Building because the legacy building was constructed with no offstreet parking.*);
- (d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood (*The applicant is trying to compensate for the lack of offstreet parking associated with the old Masonic Temple Building. The applicant is trying to mitigate the parking problem by providing for a shared use parking lot that accommodates the users of the medical facilities and commercial users in the immediate vicinity.*);

- (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety *(The applicant leased an existing municipal parking lot that was constructed before the parking variance was ever applied. The existing parking lot will not be expanded, but simply renovated per the City's requirement to bring it up to current building, engineering, and Americans with Disability Act codes.)*;
- (f) The proposed variation will not alter the essential character of the neighborhood *(The applicant leased an existing municipal parking lot that was created many years ago to serve the commercial businesses within the immediate vicinity with offstreet parking.)*; and
- (g) The proposed variation is in harmony with the spirit and intent of this chapter *(The existing municipal parking lot will remain a parking lot in character, and the shared use will help alleviate parking in the immediate vicinity.)*; and

WHEREAS, a true and correct copy of the Findings of Fact and Recommendation of the Zoning Board of Appeals is attached hereto as Exhibit "B."

WHEREAS, the Zoning Board of Appeals has recommended a parking variance for a shared use parking lot which is located at 12800 S. Western Avenue; and

WHEREAS, the Mayor and City Council of the City of Blue Island, after due consideration, have determined that a parking variance be allowed for a shared use parking lot at 12800 S. Western Avenue, Blue Island, Illinois, 60406, be granted subject to the following conditions:

1. Applicant will provide for improved handicap accessibility access once the existing parking lot is repaved and restriped.
2. Applicant will coordinate with the City for the installation of new light poles and lighting fixtures.
3. Applicant will comply with the building permit process regarding all modifications of the existing parking lot including those required pursuant to the lease with the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Blue Island, County of Cook and State of Illinois, as follows:

Section One

That the recitals and findings set forth above are incorporated herein by reference, the same as if they were fully set forth herein verbatim, and they are adopted as the findings of the City Council.

Section Two

The written findings of fact and recommendation of the Zoning Board relative to the petition requesting a parking variance for a shared use parking lot are hereby accepted, incorporated herein by reference in their entirety, and adopted as the findings of the City Council. All documents and exhibits submitted at the public hearing concerning this petition are also incorporated by reference into this Ordinance.

That the City Clerk of the City of Blue Island is hereby authorized to issue a parking variance to allow for a shared use parking lot, for the parking lot located at 12800 S. Western Avenue, Blue Island, Illinois, subject to the following conditions:

1. Applicant will provide for improved handicap accessibility access once the existing parking lot is being repaved and restriped.
2. Applicant will coordinate with the City for the installation of new light poles and lighting fixtures.
3. Applicant will comply with the building permit process regarding all modifications to the existing parking lot including those required pursuant to the lease with the City.

Section Four

That the parking variance for a shared use parking lot may be revoked by the City Council of the City of Blue Island upon application being made to the City Council by the Blue Island Building Department, or any interested party, and upon a finding by the City Council that the conditions herein established have not been complied with.

Section Five

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Six

This ordinance shall be in full force and effect from and after its passage and approval as required by law.

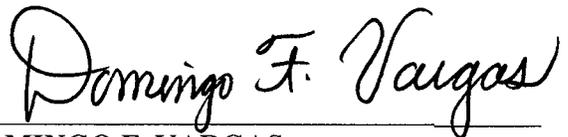
Section Seven

That the City Clerk is further directed to forward a copy of this ordinance to the applicant as notification of the passage and approval of this ordinance.

ADOPTED this 27th day of August, 2019, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Johnson			X		
Alderman Alexander	X				
Alderman Bilotto	X				
Alderman Cazares			X		
Alderman Rita	X				
Alderman Donahue	X				
Alderman Hawley	X				
Alderman Fahrenwald	X				
Alderman Mech	X				
Alderman Hill	X				
Alderman Cantelo-Zylman	X				
Alderman Carr	X				
Alderman Slattery			X		
Alderman Klinker	X				
Mayor Vargas					
TOTAL	11		3		

APPROVED by the Mayor on August 27, 2019.



DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
27th day of August, 2019.



RANDY HEUSER, CITY CLERK

PUBLISHED in pamphlet form this
27th day of August, 2019.



RANDY HEUSER, CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

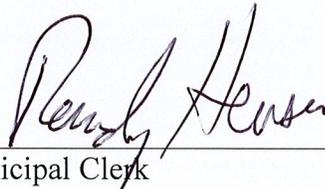
I further certify that on **August 27, 2019** the Corporate Authorities of such municipality passed and approved Ordinance No. **2019 – 039** entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PARKING VARIANCE FOR A SHARED USE PARKING LOT IN BLUE ISLAND, ILLINOIS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2019 – 039** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **August 27, 2019** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **27th** day of **August, 2019.**

(SEAL)



Municipal Clerk

EXHIBIT A
Legal Description

PIN: 25-31-103-038-0000

Legal Description:

LOTS 5 AND 6 ON THE SUBDIVISION OF LOTS 5 AND 6 IN BLOCK 4 IN WATTLE'S ADDITION TO BLUE ISLAND IN THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, EXCEPTING THEREFROM THAT PART OF THE SOUTH 16 FEET OF SAID LOT 6 LYING EAST OF THE NORTHERLY PROJECTION OF THE EAST LINE OF LOT 3 IN THE RESUBDIVISION OF LOT 9 IN BLOCK 4 IN THE AFORESAID WATTLE'S ADDITION TO BLUE ISLAND, ALL IN COOK COUNTY, ILLINOIS.

Common Address: 12800 S. Western Avenue, Blue Island, Illinois 60406

EXHIBIT "B"

**RECOMMENDATION OF THE
BLUE ISLAND ZONING BOARD OF
APPEALS**

(Intentionally Left Blank)



City of Blue Island
Building & Zoning Department
13051 Greenwood Avenue
Blue Island, IL 60406
Office (708) 597-8606
Fax (708) 396-2686
building@cityofblueisland.org

Date: Monday, July 8, 2019 (Zoning Board of Appeals Hearing)
To: Members of the Zoning Board of Appeals (ZBA)
From: Howard M. Coppari, Community Development Manager
Subject: Variance Request for a Shared Use Parking Lot in a C-1 Zone

This zoning review is for a non-binding, informational overview of the lease agreement and its terms.

Introduction:

Three Corner Development is requesting a variance for a shared use municipal parking lot, which is owned by the city and leased to the applicant in a long-term manner (a nineteen year lease agreement).

The property is zoned Commercial District (C-1), and the property, a parking lot, is located at 12800 S. Western Avenue in Blue Island. Currently, the subject property is situated in a commercial neighborhood within the City.

Notification requirements for this application have been satisfied. A legal notice was published in the *Daily Southtown*, which is part of the Chicago Tribune Media Group, and a sign was posted on the property.

Staff Analysis:

Three Corner Development is applying for a variance for a shared use municipal parking lot.

Three Corners Development, which recently purchased the former *Masonic Temple Building* earlier last year. As part of their building acquisition, the private company decided to lease an abutting public parking lot as well.

The company entered into an agreement with the City of Blue Island, especially the City Council, to lease the municipal parking for a long-term lease agreement to use all fifty-four (54) parking spaces from Monday through Friday from 6:00 AM to 9:00 PM and on Saturday and Sunday from 7:00 AM to 5:00 PM. The City Council approved *Ordinance Number 2018-065* on December 11, 2018, which authorized a lease with 12757 S. Western Avenue, LLC (also known as Three Corners Development) to allow a for private entity to use a public parking lot.

The applicant will make the following improvements to the “physical” parking lot property, which includes landscaping, resurfacing, striping, conformance with American with Disability Act, and better lighting. All of these improvements will be made within the first twelve (12) months of the lease agreement.

By allowing Three Corners Development to modify and maintain the existing parking lot; the city will have a modern and a more up-to-date public parking facility. Unfortunately, 12757 S. Western Avenue, LLC will use all fifty-four (54) parking spaces for a great portion of the day for seven days a week, while the surrounding businesses and residences can park their vehicles at the public parking facility, after hours, from Monday through Friday from 9:00 PM to 6:00 AM and on Saturday and Sunday from 5:00 PM to 7:00 AM.

Staff understands this situation is unfair for many surrounding businesses and residences near 12800 S. Western Avenue, but please remember that Three Corner Development already negotiated with the City Council on the long-term lease agreement; especially, on the days and hours before the Zoning Board of Appeals could hear this unique variance request for a shared use facility.

Staff Report (Continued)

Staff was not employed when a good portion of the negotiation took place between both parties. Staff would have suggested that the Zoning Board of Appeals to review the lease agreement for the shared parking before it was finalized by the City Council on December 11, 2018. Again, it is an unfortunate situation.

Staff requested the applicant, Three Corner Development, to apply for a variance for a shared use parking “as an after the fact” variance. This sounds terrible, but it was the right thing to do to rectify the administrative error that occurred last year. The variance in question is shown below:

Section 8.7(4)c. - To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

Even though the City Council already approved the long-term lease agreement by ordinance, the Zoning Board of Appeals has the right to review the variance for a shared, offstreet, public parking facility on the merits that it conforms to the Zoning Ordinance.

As part of the *Section 5.8(5) Control of Off-Street Parking Facilities*, the Zoning Board of Appeals has the authority, especially in cases, where a parking facility is permitted on another land; the parking facility shall be in the same procession as the zoning lot occupied by the building to which the parking facility is considered an “accessory” use. Such dual procession may be either occupied by deed (ownership) or by a long-term lease (rental); the term of such a long-term lease is to be determined by the Zoning Board of Appeals through an open and transparent process.

In other words, the Zoning Board of Appeals is tasked with the responsibility to review the variance for a shared use parking lot, and to review the long-term lease agreement between the applicant and the city. The Zoning Board of Appeals can also review the landscape site plan, which was submitted for the improved parking lot and give additional comments on the zoning process.

The building lot and the parking lot are both separated by another zoning lot in between them, which is owned by Pest Management Services. The tenant that will inhabit the *Masonic Temple Building* will be Cook County Health & Hospital System (CCHHS). CCHHS has agreed to lease the entire building from Three Corners Development. Part of the tenant lease agreement was to secure parking for its employees and visitors. The municipal parking lot will be used by CCHHS during the agreed upon days and hours negotiated by Three Corners Development (also known as 12757 S. Western Avenue, LLC) with the city. The renovated building will be known as the “*Blue Island Medical Clinic.*”

The Cook County Health & Hospital System offers the following services: anesthesiology, cardiology, dermatology, diabetes, endocrinology, emergency medicine, family medicine, gastroenterology, general medicine, hematology, oncology, infectious diseases, nephrology, neurology, obstetrics, gynecology, ophthalmology, maxillofacial, otolaryngology, pathology, pediatrics, podiatry, psychiatry, pulmonary, radiology, imaging, rheumatology, trauma, burns, and urology. Not necessary all of these services will be offered in the *Blue Island Medical Clinic* building, but referrals to other places like hospitals and larger private institutions will be done as well.

As part of the zoning review of this unique situation, staff noticed that a parking variance is not required by the applicant per *Section 5.8(7) Off-Street Parking and Loading Specifics*. The properties in question, the building lot

Staff Report (Continued)

and the parking lot, are both located in a Commercial District (C-1) Zone, which exempts off-street parking and loading. This means CCHHS will not need to comply with the *Number of Parking Spaces* required by zoning.

However, as part of their “internal” tenant lease agreement with Three Corners Development, CCHHS chose to lease fifty-four (54) parking spaces from the city in an indirect manner. This aspect in leasing “physical” parking spaces from the city would not have been required by zoning, but it was done as part of a “private” tenant lease agreement between CCHHS and Three Corners Development.

Similar businesses that surround the *Masonic Temple Building* do not provide for off-street parking and loading as well. All businesses are all exempt from the parking requirements within the C-1 Zone. This creates a “bigger” problem because many business in the immediate vicinity are using the same public parking lot.

Staff can only reiterate that the City Council took into consideration the parking concerns on the shared parking lot within the immediate area when the City Council approved the long-term lease agreement by ordinance on December 11, 2018. If not, the City Council could have never approved such a lease agreement in the first place.

Standards for a Variance:

After hearing the testimony from the applicant, the Zoning Board of Appeals will review the standards for the issuance of a variance as set forth in Article VIII, Section 8.7 (3) (a) through (g), inclusive, and finds as follows:

- (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;

The lessee will provide a “financial” return to the City of Blue Island through an annual rent payment commensurate with the appraised value of the lot, through maintenance of the lot, and improvements that will be made by the lessee.

- (b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district;

The lease between 12757 S. Western Avenue, LLC and the City will alleviate the potential for an increase in parked cars on Western Avenue and adjacent streets. Also, the lease stipulates the above comments of rent payment, maintenance, and improvement to the lot.

- (c) The alleged hardship has not been created by any person presently having a proprietary interest in the premises;

Correct. There is no alleged hardship, rather this lease seeks to prevent future hardship, reduce costs for the City, and provide an additional source of revenue for the City in rent payments for the use of the lot.

- (d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

The lot will remain open to the public during specified hours, maintenance of the lot will be assumed by 12757 S. Western Avenue, LLC alleviating the City of Blue Island of that responsibility, and improvements to the lot will be made by 12757 S. Western Avenue, LLC

Staff Report (Continued)

conditional upon approval from the City of Blue Island (see site plan), and the lessee will pay rent to the City.

- (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety;

The lot will be improved based on attached site plan, and seeks to reduce the potential of future congestion in the public streets.

- (f) The proposed variation will not alter the essential character of the neighborhood; and

The parking lot will remain a parking lot, thereby maintaining the essential character of the neighborhood.

- (g) The proposed variation is in harmony with the spirit and intent of this chapter.

Very much so. The parking lot will remain being a parking lot and it will help alleviate parking on Western Avenue and adjacent streets.

<https://3cornersdevelopment.com/projects/cook-county-health-blue-island-medical-clinic/>

Additional Staff Recommendations:

Staff requires that prior to a *Certificate of Occupancy* being issued, a completed civil engineered plan is submitted and reviewed by Robinson's Engineering to ascertain everything is complied with Ordinance Number 2018-065; especially, with the "physical" improvements for the municipal parking lot that includes landscaping, resurfacing, striping, conformance with American with Disability Act, and better lighting.

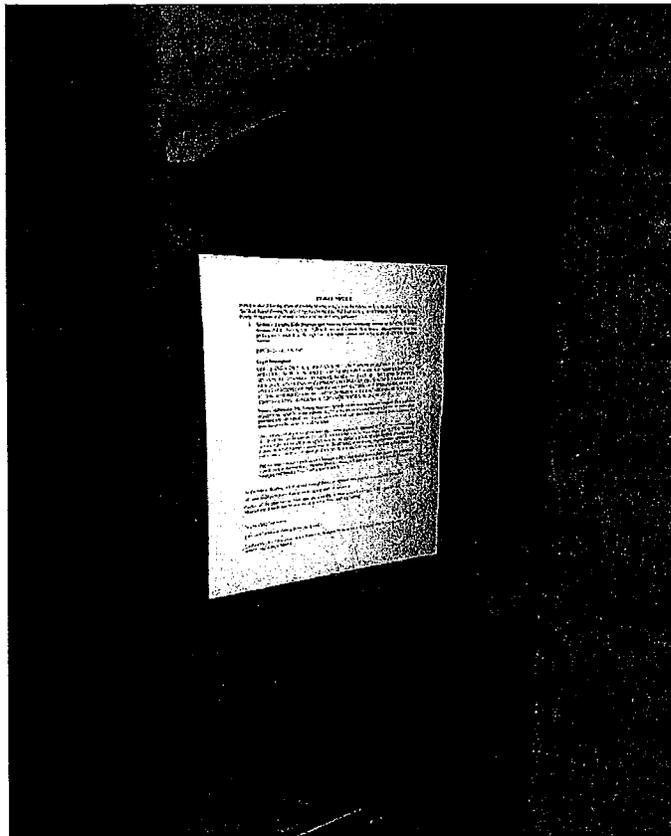
Attachments:

- Zoning Relief Application for a Variance
- Applicant's Zoning Letter; Standards for a Variation
- Authorized Agents Letter
- Legal Description; Plat of Leased Premises with Alley Excluded
- City of Blue Island Lease Agreement; Ordinance Number 2018-065
- Landscape Architectural Plan – Five Pages of Plans
- Blue Island Parking Lot Aerial Plan
- Blue Island Parking Lot Aerial Plan with Overlay
- Existing Parking Lot Photos
- Newspaper Proof
- Application Fee; Sign Security Deposit

Staff Photos (taken on 06-26-19):



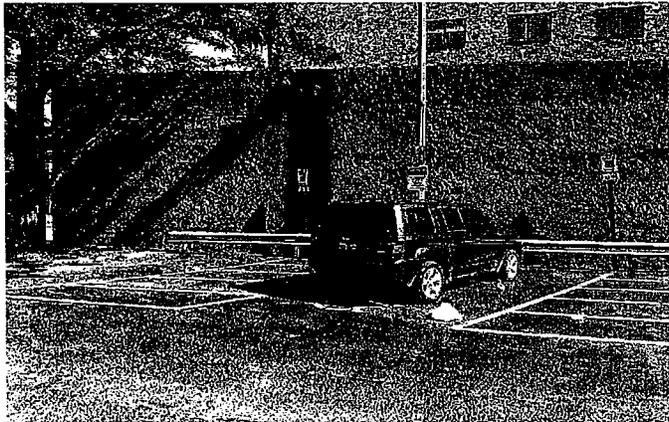
Zoning sign advertising the shared use parking variance.



A second zoning notice on the building that will use the parking.



Photo of the existing public parking lot being used.



Two handicap parking spaces shown on the existing parking lot.



Front yard of existing landscaping for the parking lot.



Rear yard of existing landscaping for the parking lot.



Existing pole sign to be removed by zoning. Non-conforming.