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

**ORDINANCE
NUMBER 2022-025**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, GRANTING A SPECIAL USE
PERMITTING DOÑA'S FINER FOODS, INC. TO OPERATE A
"FOOD STORE" WITHIN THE RESIDENTIAL (R-1) DISTRICT
(12824 MOZART STREET)**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2022- 025

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
GRANTING A SPECIAL USE PERMITTING DOÑA’S FINER FOODS, INC. TO
OPERATE A “FOOD STORE” WITHIN THE RESIDENTIAL (R-1) DISTRICT
(12824 MOZART STREET)**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now 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 benefits of the residents of the City; and

WHEREAS, the Mayor and the Aldermen of the City of Blue Island have heretofore exercised the power conferred on them pursuant to Chapter 11-31-1, *et seq.* of the Illinois Municipal Code by adopting Chapter 166 of the Code of Ordinances of the City (the “*Zoning Code*”), as amended from time to time; and

WHEREAS, a special use application has been submitted to the City by Doña’s Finer Foods, Inc. (the “*Applicant*”) to allow within the Residential R-1 District a “food store” business (the “*Proposed Special Use*”) on the property located at 12824 Mozart Street, Blue Island, Illinois and as legally described and depicted on Exhibit A (the “*Property*”); and

WHEREAS, the Planning and Zoning Board of Appeals (“*PZBA*”) held a public hearing on April 7, 2022 (the “*Public Hearing*”) as to whether the Proposed Special Use should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said Public Hearing date; and

WHEREAS, the PZBA has filed its findings of fact and recommendations that the Proposed Special Use be granted, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendations, and

WHEREAS, the Mayor and Aldermen of the City deem it advisable and in the best interest of the health, safety, and welfare of the residents of the City to grant the Proposed Special Use subject to the conditions identified herein.

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

Section 1. The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Mayor and Aldermen of the City hereby adopt by reference the findings of fact of the Planning and Zoning Board of Appeals as findings of the Mayor and Aldermen of the City as if completely set forth herein. All documents and exhibits submitted at the aforesaid public hearings are also incorporated by reference into this Ordinance.

Section 3. In addition to the findings set forth in Section 2 hereof, the Mayor and Aldermen of the City further find in relation to the Proposed Special Use as follows:

1. That the Proposed Special Use, subject to the conditions set forth herein, is in fact, a special use listed and authorized in the zoning district within which the property is located;
2. That the Proposed Special Use, subject to the conditions set forth herein, is consistent with the objectives of the City's comprehensive plan and the City's Zoning Ordinance;
3. That the Proposed Special Use, subject to the conditions set forth herein, will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
4. That the Proposed Special Use, subject to the conditions set forth herein, 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.

5. That the Proposed Special Use, subject to the conditions set forth herein, will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided for the Proposed Special Use, subject to the conditions set forth herein;
7. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets surrounding the Proposed Special Use, subject to the conditions set forth herein; and
8. That the Proposed Special Use, subject to the conditions set forth herein, complies with all additional regulations in the City's Zoning Ordinance specific to the R-1 District.

Section 4. A special use, subject to the conditions set forth below, is hereby granted and issued to Doña's Finer Foods, Inc. for a "food store" use in the R-1 District located at 12824 Mozart Street, Blue Island, Illinois, and as legally described on Exhibit A.

This special use permit is subject to the following conditions:

1. That this special use shall be limited to the Applicant and shall not be transferable except upon reapplication, hearing and approval in the manner provided in the Zoning Code;
2. That this special use approval authorizes the conduct of the special use only on the Property and is not transferable to other properties;
3. That any modification or intensification of a special use that alters the essential character or operation of the use in a way not intended at the time the special use was granted, as evidenced by the record or text of the ordinance, shall require a new special use approval;
4. That the approval of a special use authorizes the Property to be used in the manner proposed, but does not alone authorize the establishment or extension of any use, nor development, construction, reconstruction, alteration, or moving of any building, structure, or parking lot without first obtaining any other required permit, including a zoning certificate, building permit and certificate of occupancy;
5. That the special use, subject to the conditions set forth herein, complies with all other

codes and ordinances of the City of Blue Island, the County of Cook, the State of Illinois, and the federal government;

6. That the Applicant shall complete the following repairs or renovations within six months of approval of this Ordinance to comply with City codes and ordinances:
 - a. Remove all retractable security gates (“burglar bars”) from first-floor windows and doors;
 - b. Replace all nonconforming wall signs with a permitted sign or a different type of sign authorized by special use;
 - c. Repair or change the existing awning;
 - d. Remove LED light strips and excess signs from windows so that no more than 40 percent of a window area is covered; and
 - e. Repair or replace the screen surrounding the Property’s trash dumpster;
7. That the special use, subject to the conditions set forth herein, does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
8. That the special use, subject to the conditions set forth herein, provides vehicular access to the property designed so as not to create interference with traffic on surrounding public thoroughfare;
9. That the special use, subject to the conditions set forth herein, shall not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance; and
10. This Ordinance shall be signed by the Applicant to signify acknowledgement of the terms hereof.

Section 5. The Applicant hereunder shall at all times comply with the terms and conditions of the special use and, in the event of non-compliance, said permit shall be subject to revocation.

Section 6. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 7. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect following its passage, approval and publication in pamphlet form as provided by law.

(Left intentionally blank)

ADOPTED this 26th day of April, 2022, pursuant to roll call as follows:

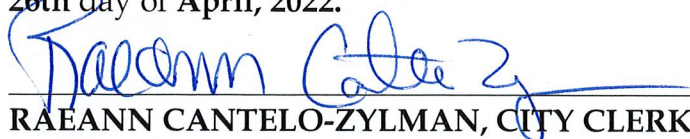
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA	X				
Alderman MONTOYA	X				
Alderman MCGEE			X		
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on April 26, 2022.



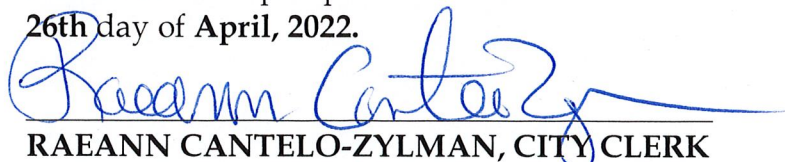
FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
26th day of April, 2022.



RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
26th day of April, 2022.



RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

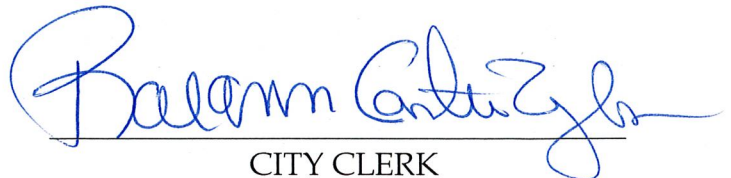
I further certify that on **April 26, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022 - 026** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A SPECIAL USE PERMITTING DONA'S FINER FOODS, INC. TO OPERATE A "FOOD STORE" WITHIN THE RESIDENTIAL (R-1) DISTRICT (12824 MOZART STREET).**

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

The pamphlet form of Ordinance No. **2022 - 025** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **April 26, 2022** 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 **26th** day of **April, 2022**.

CORPORATE SEAL


CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the RESOLUTIONS and BOOKS of the records of said City.

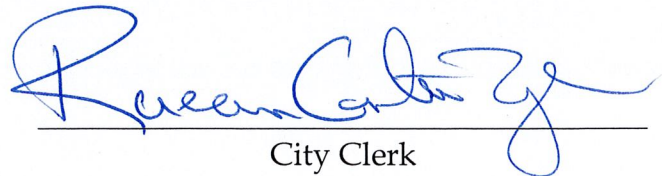
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, GRANTING A SPECIAL USE PERMITTING DONA'S FINER FOODS, INC. TO OPERATE A "FOOD STORE" WITHIN THE RESIDENTIAL (R-1) DISTRICT (12824 MOZART STREET).**

ORDINANCE NO. 2022-025 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **26th day of April, 2022**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Resolution did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Resolution was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **1** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **26th** day of **April, 2022**.

CORPORATE SEAL



City Clerk

Exhibit A

Legal Description

ADDRESS: 12824 Mozart Street, Blue Island, Illinois
PIN: 24-36-109-018-0000, 24-36-109-019-0000

LOTS 1 AND 2 IN BLOCK 1 IN EVERETT H. REXFORD'S ADDITION TO BLUE ISLAND, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 3, 1896 AS DOCUMENT NUMBER 2398185 IN BOOK 70 OF PLATS, PAGE 16, IN COOK COUNTY, ILLINOIS.

**ACKNOWLEDGMENT BY APPLICANT: THE UNDERSIGNED ACKNOWLEDGES
THE CONDITIONS OF THIS ORDINANCE:**

Noemy Leal,
for Doña's Finer Foods, Inc.

Date



**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

FINDINGS OF FACT

**CITY OF BLUE ISLAND PLANNING AND ZONING BOARD OF APPEALS (PZBA)
PUBLIC HEARING OF April 7, 2022**

Applicant: Doña's Finer Foods, Inc.
Property: 12824 Mozart Avenue, Blue Island, IL 60406

On April 7, 2022, the Planning and Zoning Board of Appeals voted (5-0) to adopt the following Findings of Fact and recommend to the City Council approval of a special use for a "food store" within the R-1 District of the Blue Island Zoning Ordinance of 1971, as amended.

The PZBA considered the standards for making a special use recommendation pursuant to Section 166.095(F) of the City Code and found as follows:

- 1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

The PZBA finds that the existing food store is a continuation of the same business owner as before; the only difference is that the business owner is not leasing the food store from the previous property owner, but will now own the property as well. The food store will continue to exist in the same manner as before, which was not detrimental to public health, safety, morals, comfort, or welfare.

- 2) 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;

The PZBA finds the special use will continue to inhabit in the same building as the previous food store, and the new food store will continue to provide for a service that is much needed in a neighborhood that lacks a local supermarket. Customers can simply walk over and shop without the need of an automobile.

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The PZBA finds the food store will not be further expanded upon in an actual manner, and it will continue to inhabit the same commercial physical dimensions. The development of surrounding property will not be affected.

Special Use

- 4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

The PZBA finds the food store will continue to use the same utilities, access roads, and drainage system for the existing building. The applicant intends to provide for the same parking scenario, which has existed before; this means, customers will be allowed to park on the street, and a parking variance is being applied in conjunction with this special use.

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;

The PZBA finds the food store will conform to the existing traffic pattern, and will use the existing onstreet parking for its customers and delivery vehicles. No new curb cuts are being proposed for the food store business.

There is an existing curb cut for ingress and egress, but this is for access for a residential driveway and detached two-car garage. Again, this existing curb cut will remain the same in physical dimensions.

- 6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Planning and Zoning Board of Appeals.

The PZBA finds the special use conforms with the requirements of the city. The applicant will comply with all city ordinances, especially, that deals with parking, trash, and property maintenance.

Based on the foregoing, the Planning and Zoning Board of Appeals recommends that the City Council approve a special use for Doña's Finer foods, Inc. to operate a "food store" use at 12824 Mozart Street, Blue Island, Illinois 60406.

The Planning and Zoning Board of Appeals also recommends that the City Council include the following conditions on the special use permit to ensure the "food store" meets building and zoning code requirements:

- a) *All retractable security gates ("burglar bars") must be removed from the first-floor windows and doors.*
- b) *All nonconforming wall signs must be removed, and the existing awning should be repaired or changed due to physical damage. The Applicant should install a permitted sign, or obtain a special use for a different sign.*
- c) *Excess window signs must be removed so that no more than 40% of a window area is covered, and LED light strips must be removed from the windows.*
- d) *The screen surrounding the Property's trash dumpster must be repaired or replaced.*

Each of these conditions should be met within 6 months of approval.