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VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

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ORDINANCE NO. 11 - 47

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF  
HARWOOD HEIGHTS

Passed by the Board of Trustees, December 8, 2011

Printed and Published, December 8, 2011


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By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK

MARK DOBRZYCKI  
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LESTER SZLENDAK

I hereby certify that this document was  
properly published on the date stated above.

  
Village Clerk

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 11-47**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF  
HARWOOD HEIGHTS**

**WHEREAS**, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

**WHEREAS**, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

**WHEREAS**, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

**WHEREAS**, the Corporate Authorities of the Village of Harwood Heights previously adopted Title 17 – Zoning of the Harwood Heights Code of Ordinances (“the Zoning Code”) in 1988 and adopted the official zoning map of the Village simultaneously therewith;

**WHEREAS**, Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14, grants the Village authority to amend its official zoning map from time to time;

**WHEREAS**, periodic comprehensive evaluations of zoning classifications for particular parcels helps to ensure that the zoning designations are up-to-date and appropriate given changing community needs, land use trends and growth patterns within the Village;

**WHEREAS**, the Village has not comprehensively overhauled its official zoning map since its 1988 adoption;

**WHEREAS**, Section 17.52.010(A)(2) authorizes the Village Board to “initiate and decide requests for adoption or amendments to the official zoning map.”

**WHEREAS**, pursuant to the authority so granted, the Village Board commissioned professional planning consultant Houseal Lavigne Associates, LLC (“Houseal Lavigne”) to, *inter alia*, review existing zoning classifications and to propose any revisions thereto deemed necessary or appropriate;

**WHEREAS**, the study commissioned by the Village featured widespread community participation via surveys, workshops, and open meetings, in addition to input from Village officials and staff and was at all times broadly open, transparent and inclusive of Village residents, business owners, officials and employees throughout the process of devising the amendments to the official zoning map which are intended to implement the planning goals articulated by the Village in its Strategic Comprehensive Plan for the built-environment;

**WHEREAS**, the Plan Commission conducted a duly-noticed joint public hearing concerning the proposed zoning map amendments at the at Village Hall on October 26, 2011, which hearing was continued to and concluded on November 14, 2011, to consider both the Village’s application for a comprehensive amendment to the text of the Village Zoning Code (Title 17 of the Village of Harwood Heights Code of Ordinances) and the Village’s application for amendments to its official zoning map (Title 17, Appendix D of the Village of Harwood Heights Code of Ordinances);

**WHEREAS**, all persons present at the two-day Plan Commission public hearing were afforded an opportunity to be heard;

**WHEREAS**, a public notice in the form required by law was given of the initial October 26, 2011 public hearing date by publication in the *Pioneer Press (Harwood Heights/Norridge News)* on October 6, 2011, not more than thirty (30) days nor less than fifteen (15) days prior to the Plan Commission public hearing date;

**WHEREAS**, the Village supplemented the published notice with individually mailed notices to all owners of real property subject to the proposed zoning map amendments, which mailed notices were transmitted via certified mail on October 18, 2011;

**WHEREAS**, the Plan Commission has jurisdiction pursuant to Section 17.52.020(A)(2) of the Village Code to hear zoning map amendment petitions and to make recommendations thereon to the Village Board, and the Village Board has final authority to approve or deny such proposals pursuant to Sections 17.52.010(A)(2) of the Village Code; and

**WHEREAS**, the Village Plan Commission has filed its report of Findings and Recommendations concerning the proposed amendments to the official zoning map, which Findings and Recommendations is attached hereto and incorporated herein as **Exhibit A**, and the Village Board has had an opportunity to review and consider said Plan Commission Findings of Fact and Recommendation to the Village Board of Trustees to Adopt an Ordinance Amending the Official Zoning Map of the Village of Harwood Heights, together with the transcript of the Plan Commission public hearing, all exhibits presented at the public hearing and made a part of the record of proceedings, the standards and criteria by which the proposed amendments are to be judged as set forth in the Village Code and other governing law, and the proposed comprehensive Zoning Code text amendment itself;

**WHEREAS**, the Village Board concurs with the factual findings and legal conclusions rendered by the Plan Commission and substantially agrees with the recommendations made by that body with respect to the approval of the proposed amendments to the official zoning map of the Village of Harwood Heights;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, as follows:

**SECTION 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. Title.** This Ordinance shall be known and may hereafter be referred to as *AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF HARWOOD HEIGHTS.*

**SECTION 3. Enactment of Amendments to Official Zoning Map of the Village of Harwood Heights.**

A. Title 17 (“Zoning”), Appendix A (“Zoning Map”), Section 1(A) (“Approval of Zoning Map”) of the Harwood Heights Village Code of Ordinances, shall be, and hereby is, amended in accordance with the amendments to the official zoning map of the Village depicted in “Proposed Rezoning”, the graphic attached hereto as **Exhibit B**.

B. The Village Clerk is hereby authorized and directed to cause a certified copy of the newly amended official zoning map of the Village of Harwood Heights to be filed with the Cook County Recorder of Deeds.

**SECTION 4. RESOLUTION OF CONFLICTS.**

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

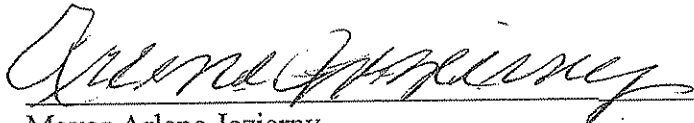
**SECTION 5. SAVING CLAUSE.**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

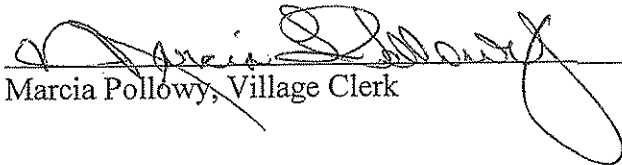
**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed and Approved this 8th day of December, 2011.

  
\_\_\_\_\_  
Mayor Arlene Jezierny

ATTEST:

  
\_\_\_\_\_  
Marcia Pollowy, Village Clerk

**VOTES**

AYES: Trustee Dobrzycki, Gadzinski, Steiner, Mougolias, Schuepfer, Szlendak

NAYS:

ABSENT:

ABSTAIN

EXHIBIT A

VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS  
PLAN COMMISSION

In Re: Application of Village of Harwood Heights } No. 2011-2 (B)  
for Certain Amendments to Official Zoning Map }  
of the Village }

**REPORT OF FINDINGS OF FACT AND RECOMMENDATION**  
**TO THE VILLAGE BOARD OF TRUSTEES**  
**TO ADOPT CERTAIN ZONING CODE MAP AMENDMENTS**

**I. BACKGROUND**

After receiving a \$320,000 Federal Aviation Administration grant to prepare a multi-faceted comprehensive Land Use and Airport Compatibility Plan, the Village of Harwood Heights embarked on a program to analyze the Village's existing land use and infrastructure, identify economic opportunities and update Village Codes in a manner that responds to the Village's proximity to O'Hare International Airport. As part of that effort, the Corporate Authorities retained planning consulting firm Houseal Lavigne Associates, LLC ("Houseal Lavigne") by enacting Resolution 9-11 on September 24, 2009, contracting with Houseal Lavigne to study existing conditions in the Village, identify urban planning, land use and economic issues, and, ultimately, to formulate a new Comprehensive Plan for the Village of Harwood Heights and to propose amendments to the Village's Zoning Code and official zoning map that would implement the vision expressed in the Comprehensive Plan. Following a multi-year study involving widespread community participation, the Plan Commission held a public hearing to consider the proposed amendatory Comprehensive Plan on August 24, 2011. Following that hearing, the Plan Commission unanimously recommended that the Comprehensive Plan be adopted in its entirety. On September 8, 2011, the Village Board unanimously passed a "Motion to Concur with the Plan Commission's Recommendation to Adopt the Strategic Comprehensive Plan as Presented by Houseal Lavigne Associates at a Public Hearing on August 24, 2011 as the Village's New Comprehensive Plan."

At various times throughout the Comprehensive Plan development process, Houseal Lavigne hosted community meetings and workshops for the specific purpose of discussing potential changes to the Village's zoning code and the re-zoning of certain parcels of real property. After the Village adopted its new Comprehensive Plan on September 8, 2011 as set forth above, the Village applied for a comprehensive amendment to its Zoning Code and for amendments to the Village's official zoning map. On behalf of the applicant Village, Houseal Lavigne presented both the zoning code text amendments and map amendments at a public meeting of the Zoning Board of Appeals ("ZBA") on September 12, 2011. Although the ZBA is not formally part of the public hearing process for zoning code and map amendments, the Village presented its proposed zoning amendments at that time in order to provide an extra opportunity - beyond the requirements set out by statute or local ordinance - for detailed disclosure of the proposed amendments, an open discussion of the impact of and rationale for such amendments, and for community input.

The process of formulating the proposed zoning amendments began in late 2009 with meetings between Houseal Lavigne Associates and Village staff, elected and appointed officials. The nearly two-year long process included extensive community outreach efforts, including the conduct of multiple community workshops and meetings, and the issuance of surveys in order to encourage and obtain input from Village residents, public officials, and the business community. Communal input was extensive and the substance of that input was incorporated into the previously-enacted Comprehensive Plan and proposed zoning code text and map amendments.

Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14, grants the Village authority to amend its zoning district classifications and the zoning of particular parcels by ordinance. Likewise, Section 17.52.180 of the Village of Harwood Heights Code of Ordinances ("Village Code") authorizes both types of zoning code (text and map) amendments, and establishes the standards by which proposed amendments are to be evaluated. Section 17.52.010(A)(2) authorizes the Village Board to "initiate and decide requests for adoption or amendments to the official zoning map." Pursuant to the authority so granted, the Village Board commissioned the comprehensive review and study of the existing zoning designations of properties within the Village and the Village is therefore itself the applicant for the amendments to the official zoning map presented to the Plan Commission. The proposed rezonings were recommended by Houseal Lavigne after the Corporate Authorities hired Houseal Lavigne to analyze the Village's official zoning map with extensive community input and oversight and Village staff collaboration.

Pursuant to authority granted by 65 ILCS 5/11-13-14 and Section 17.52.020(A)(2) of the Village Code, the Plan Commission conducted a duly-noticed joint public hearing at the Village of Harwood Heights Village Hall, 7300 West Wilson Avenue, Harwood Heights, IL 60706, to consider both the Village's own application for a comprehensive amendment to the text of the Village Zoning Code (Title 17 of the Village of Harwood Heights Code of Ordinances) and the Village's application for amendments to its official zoning map (Title 17, Appendix D of the Village of Harwood Heights Code of Ordinances). The joint public hearing before the Plan Commission commenced on October 26 and was properly continued to a subsequent date prior to concluding on November 14, 2011. The public hearing featured the Plan Commission's receipt of testimony from Houseal Lavigne, review of the proposed amendments, an opportunity for Plan Commission members to ask questions and seek clarification or explanation of the proposed amendments as needed, and listen to public comment regarding the proposed map amendments, which public comment included the testimony of several affected property owners and the cross-examination of Village witnesses presented by several affected property owners.

As presented to the Plan Commission, the proposed amendments to the Village's official zoning map largely consisted of rezoning properties west of Harlem Avenue from M1 and M2 Manufacturing classifications to B1 ("Neighborhood Shopping District") and B2 ("Central Shopping District") commercial designations. Specifically, the Village seeks the rezoning of 32 individual parcels of property owned by seventeen different property owners as follows:

PIN	Address of Property Owner	City	State	Zip	Zoning Change
12-13-217-047	7239 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4705	M2 to B1
12-13-203-018	4640 N OKETO AVE	HARWOOD HEIGHTS	IL	60706-4601	M2 to B1
12-13-202-013	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-202-014	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-202-019	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-203-023	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-203-024	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-203-025	PO BOX 473	ELMHURST	IL	60126-0473	M1 to B2
12-13-212-042	7310 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4708	M2 to B1
12-13-212-043	7310 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4708	M2 to B1
12-13-212-047	7220 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4706	M2 to B2
12-13-208-037	4613 N OKETO AVE	HARWOOD HEIGHTS	IL	60706-4690	R2 to M1
12-12-419-026	3600 W LAKE AVE	GLENVIEW	IL	60026-1215	M1 to B2
12-13-203-019	4624 N OKETO AVE	HARWOOD HEIGHTS	IL	60706-4601	M2 to B1
12-13-212-046	7230 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4706	M2 to B2
12-13-202-021	4751 N OLCOTT AVE	HARWOOD HEIGHTS	IL	60706-4605	M1 to B2
12-13-203-013	840 N LAKE SHORE DR APT 1301	CHICAGO	IL	60611-2493	M1 to B2
12-13-203-003	7447 W LAWRENCE AVE	HARWOOD HEIGHTS	IL	60706-3411	M1 to B2
12-12-419-027	4800 N HARLEM AVE PC7230	HARWOOD HEIGHTS	IL	60706-3577	M1 to B2
12-13-203-020	7315 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1
12-13-217-044	7315 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1
12-13-217-045	7315 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1
12-13-217-046	7315 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1
12-13-202-020	4701 N OLCOTT AVE	HARWOOD HEIGHTS	IL	60706-4605	M1 to B2
12-13-209-019	4701 N OLCOTT AVE	HARWOOD HEIGHTS	IL	60706-4605	M1 to B2
12-13-209-021	4701 N OLCOTT AVE	HARWOOD HEIGHTS	IL	60706-4605	M1 to B2
12-13-203-017	7300 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4708	M2 to B1
12-13-212-044	7300 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4708	M2 to B2
12-13-217-052	7227 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4705	M2 to B1
12-13-217-053	7227 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4705	M2 to B1
12-13-217-050	7355 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1
12-13-217-051	7355 W WILSON AVE	HARWOOD HEIGHTS	IL	60706-4707	M2 to B1

After reviewing the Village's existing official zoning map (Exhibit C at the Plan Commission public hearing and Title 17, Appendix D of the current Village Code), the Land Use Plan depicted as Figure 8 of the Comprehensive Plan and marked as Exhibit B at the Plan Commission public hearing), the proposed rezoning map depicting with particularity the sites proposed for rezoning to new zoning classifications (Exhibit A at the Plan Commission public hearing), a memorandum prepared by legal counsel explaining the proposed map amendments and the standards by which such amendments are to be judged, testimony from Houseal Lavigne, and testimony and evidence presented by others, including public comment and documentary materials as presented and entered into the record at the public hearing, which is set forth in the minutes and transcript of the public hearing prepared by a court reporter, the Plan Commission deliberated and ultimately voted unanimously as to the recommendation set forth below.

All Plan Commission members other than Demetrios Floudas were present for both sessions of the public hearing on October 26 and November 14, 2011. Demetrios Floudas was absent from the portion of the public hearing that took place on October 26, 2011, but attended the session conducted on November 14, 2011. Plan Commission member Floudas, together with all other members of the Plan Commission, had an opportunity to review the proposed text amendments, transcript of the public hearing and exhibits thereto prior to voting on the recommendation set forth below at the conclusion of the public hearing on November 14, 2011.

Pursuant to Section 17.52.180(A) of the Village of Harwood Heights Zoning Code, the Plan Commission considered the following criteria in evaluating the proposed map amendments to the Zoning Code prior to making a recommendation to the Village Board with respect to the proposed rezonings:

- 1) Whether the proposed map amendments are consistent with the public health, safety, comfort, morals, convenience and general welfare;
- 2) Whether the proposed map amendments are protective of or consistent with the protection of light, air and safety from things that would interfere;
- 3) Whether the proposed map amendments lessen dangers to people and property from storm or flood water runoff;
- 4) Whether the proposed map amendments reduce traffic congestion;
- 5) Whether the proposed map amendments protect the value of land and buildings throughout the Village;
- 6) Whether the proposed map amendments preserve and enhance aesthetic values throughout the Village;
- 7) Whether the proposed map amendments and their effects are consistent with the overall Zoning Code;
- 8) Whether the proposed map amendments are in conformance with the goals and policies of the comprehensive plan, Village Codes and regulations, policies and guidelines;
- 9) Whether the proposed map amendments would amend existing text that was or had become erroneous;
- 10) Whether the area subject to the proposed map amendments has changed in character due to changed infrastructure, other zoning changes, new growth trends, deterioration, or transitions in development;
- 11) Whether the proposed zoning changes are compatible with the surrounding area and the purposes of the proposed zoning district;

12) Whether the map amendments will result in adverse impacts on traffic, safety, parking or the environment (including water, air or noise pollution, too much nighttime lighting, stormwater runoff or other nuisances);

13) Whether adequate public facilities, infrastructure and services are available in the event that the rezoned properties are developed in accordance with its zoning;

14) Whether there is an adequate supply of land available in the immediate area and the community at-large for the existing and amended zoning classification uses to accommodate the needs of the community; and

15) Whether there is a need for the proposed change in zoning designation and whether there will be community benefits as a result.

In addition to the foregoing criteria established by the Village's Zoning Code, the Plan Commission also examined the proposed rezonings in light of the factors established by the Illinois Supreme Court in *LaSalle National Bank of Chicago v. County of Cook*, 12 Ill.2d 40 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960) to evaluate the proposed rezonings, as follows:

16) Examining the existing uses and zoning of nearby property in connection with the proposed rezoning;

17) The extent to which property values are diminished by the particular zoning restrictions imposed by the rezoning;

18) The extent to which any diminishment of property values for rezoned properties is in the service and promotion of the health, safety, morals, and general welfare of the public and balancing those competing priorities;

19) The relative gain to the public as compared to the hardship imposed upon the individual property owner by the rezoning;

20) The suitability of the rezoned properties for the zoned purposes;

21) The length of time the rezoned properties, or any particular rezoned property, have been vacant as zoned considered in the context of land development in the vicinity of the rezoned properties;

22) The Village's need for the uses allowed under the rezoned classification; and

23) The care with which the Village planned the proposed amendments.

After holding a series of preliminary meetings and workshops, extensively reviewing the proposed amendments to the official zoning map of the Village of Harwood Heights, and hosting the requisite public hearing regarding the proposed zoning map amendments and hearing testimony, receiving evidence, and listening to public comment at the hearing, the Harwood Heights Plan Commission makes the following findings of fact and recommendations relative to the subject application for certain amendments identified herein to the official zoning map of the Village of Harwood Heights, currently identified as Title 17, Appendix D to the Village Code:

## II. FINDINGS & CONCLUSIONS

1. The foregoing recitals shall be and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
2. All exhibits, testimony and evidence presented at the public hearing is made a part of the official record of proceedings and is hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
3. The proposed rezoning of the properties set forth in the "Background" section of this Findings and Recommendation implement the long-range planning goals of the Village as articulated in the Village's recently-adopted Comprehensive Plan.
4. The process leading to the formulation of the proposed zoning map amendments was open, inclusive and transparent. The formulation process for the map amendments included, over the course of approximately eighteen months, meetings between Houseal Lavigne and Village staff, a review of the history of zoning relief sought and granted within the Village to determine particular needs and land use patterns, numerous zoning workshops for residents of particular neighborhoods, workshops open to the general public, discussion of Village zoning needs and proposed rezonings presented at multiple previous Plan Commission and Zoning Board of Appeals public meetings, and a previous presentation of the preliminary proposed zoning map amendments at a Village Zoning Board of Appeals meeting conducted on September 12, 2011. Property owners effected by the proposed changes who wished to participate and contribute ideas or express concerns were able to do so via the multiple opportunities set forth above hosted by the Village and properly noticed as open meetings pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*
5. Notice of the Plan Commission public hearing was published in the *Pioneer Press (Harwood Heights/Norridge News)* on October 6, 2011, which publication occurred between 15 and 30 days before the October 26, 2011 public hearing, in accordance with 65 ILCS 5/11-13-14 and in conformance with the requirements set forth in Section 17.52.180(E)(2)(a) of the Village Code.
6. In addition to the aforementioned published notice, the Village mailed individual notice of the public hearing to all owners of real property subject to rezoning on October 18, 2011, via certified mail, return receipt requested, in order to fulfill the additional due process

requirements recently articulated by the Illinois Supreme Court in *Passalino v. City of Zion*, 237 Ill.2d 118 (2009).

7. The Plan Commission public hearing which began on October 26, 2011 was continued until November 14, 2011 for the explicit purpose of allowing affected property owners additional time to gather information, ask questions, present evidence, present testimony and cross-examine applicant Village's planning consultant, John Houseal of Houseal Lavigne.

8. The Village's current Zoning Code was adopted in 1988 and subsequently amended in 2006 to address administration and enforcement issues, enact requirements for new condominiums and condominium conversions, and limit the height and massing of single-family homes. The official zoning map of the Village of Harwood Heights, which appears in Title 17, Appendix D of the Village Code ("Zoning Map") was established in 1988 and, subject to individual rezoning of particular parcels upon the application of property owners, and the establishment of several planned development zoning overlays, has remained intact ever since, without any significant or comprehensive reviews or modifications.

9. An identified Village goal articulated in the Comprehensive Plan is the reclassification and rezoning of manufacturing areas "which are functionally obsolete due to impactful proximity to residential areas, lot size and/or challenging lot configurations, or which do not comply with the land use recommendation of the Comprehensive Plan."

10. Another Village goal expressed in the Comprehensive Plan is that the Village "promote redevelopment or rehabilitation of vacant or underutilized properties within the designated industrial areas of the Village."

11. Most of the zoning classifications depicted in the Zoning Map continue to be appropriate and identify the highest and best uses of properties within the designated zoning district and do not require rezoning in order to meet the changing needs of and land use patterns within the community.

12. Industrial areas in the Village are located in close proximity to residential and commercial areas of the Village and, in some cases, require reclassification in order to promote the gradual, long-term transition of the Village from a manufacturing hub to a commercial and retail destination.

13. Given the density of the Village and the close proximity between non-compatible uses of land, heavy manufacturing, high levels of truck traffic, and other negative externalities associated with intense manufacturing uses, as well as the presence of multiple vacant, blighted and functionally obsolete properties within the existing M1 and M2 zoning classifications, a reclassification of certain parcels from M1 Manufacturing and M2 Manufacturing districts to B1 Neighborhood Shopping and B2 Central Shopping classifications is necessary and desirable.

14. The proposed zoning map amendments address these realities and implement the land use planning objectives articulated in the Comprehensive Plan generally and the goals identified in Paragraphs 9 and 10 in particular.

15. The proposed Zoning Map amendments would rezone 32 distinct parcels of real property in the Village, generally described as certain properties situated west of Harlem Avenue, east of Oriole Avenue, south of Ainslie Street and situated along the south side of Wilson Avenue and north thereof.

16. For discussion and analysis purposes only, the Plan Commission considered the 32 parcels subject to the proposed rezoning as being grouped into several distinct geographic and current zoning designation categories sharing certain common characteristics, as follows:

- a. Category 1: Parcels identified in blue on the proposed rezoning map, which may be generally described as either abutting Lawrence Avenue or enjoying close proximity thereto. These parcels are proposed to be rezoned from a M1 to a B2 zoning classification.
- b. Category 2: 4613 N. Oketo Avenue – proposed rezoning from R2 to M1 (“Old Library Site”). This is the only proposed zoning map amendment that would convert a non-industrial zoning designation to an M1 or M2 classification.
- c. Category 3: Parcels identified in red on the proposed rezoning map, from and including the Village of Harwood Heights Village Hall, 7300 W. Wilson Avenue, eastward towards Harlem Avenue to meet the western border of the existing B2 zoning designation for the Harlem Avenue commercial properties. These parcels are proposed to be rezoned from an M2 to a B2 zoning classification.
- d. Category 4: Parcels identified in yellow on the proposed rezoning map which are located south of Wilson Avenue. These parcels are proposed to be rezoned from an M2 to a B1 zoning classification.
- e. Category 5: Parcels identified in yellow on the proposed rezoning map which are depicted in two “boxes” north of Wilson Avenue, one such area being located on the northwest corner of Wilson and Oketo Avenues and extending northward, and the other such area being located immediately west of the current Village Hall property, beginning with real property owned by Carstens Inc., 7310 W. Wilson Avenue (“the Carstens Property”).

17. The Plan Commission finds that the strengthening the Village’s sales tax base would relieve some of the tax burden on local residents, create additional jobs, provide additional convenience and destination shopping opportunities for Village residents, and provide a revenue stream to support existing and new Village services, which would improve the welfare of Village residents.

18. The Plan Commission finds that the Category 1 parcels are generally characterized by vacant, dilapidated and/or abandoned structures and, further, that such

properties are generally located along the Village's major traffic and commercial corridors, Harlem and Lawrence Avenue.

19. The Plan Commission finds that the Category 2 parcel is geographically situated adjacent to and immediately north of an existing M1 Manufacturing district and that the highest and best use of the building located on that site, the former library building, is consistent with the uses permitted or specially permitted in the Village's M1 Manufacturing zoning district.

20. The Plan Commission finds that the Category 3 parcels include the Village Hall, a surface parking lot servicing Village Hall, a building owned by Consolidated Stamp Manufacturing Company, Inc. and a surface parking lot accessory to the latter building, and a building owned by Lawrence Screw Products, Inc., and that converting these parcels from M2 to B2 would create a deeper and larger B2 zoning district fronting Harlem Avenue, which properties are already zoned B2. This would be consistent with the Land Use Plan identified as Figure 8 of the Comprehensive Plan and enable larger commercial developments to take advantage of the heavily trafficked and signaled intersection located at the intersection of Harlem and Wilson Avenues.

21. The Plan Commission finds that the Category 4 parcels located south of Wilson Avenue are occupied industrial buildings, but that these properties are bordered to the east by a B2 Central Shopping District along Harlem and to the south by commercial uses situated in the Village of Norridge. Moreover, the Category 4 properties are located directly south across Wilson from existing civic uses, including the existing Village Hall and the new Eisenhower Public Library. Rezoning the Category 4 parcels would implement the Land Use Plan identified as Figure 8 of the Comprehensive Plan, which targets the Category 4 parcels for commercial expansion and identifies them as being ideally suited for a commercial zoning designation.

22. The Plan Commission finds that the Category 5 parcels are situated near and amongst existing civic uses and properties that the Village anticipates being utilized for commercial purposes. Specifically, the Carstens Property located east of Oketo Avenue and is situated between the Village Hall and Eisenhower Public Library, neither of which existed at the time that Carstens was established. The Category 5 properties located west of Oketo Avenue designated for rezoning from M2 to B1 (including the Village's water tower site and properties south thereof to Wilson Avenue) are located directly west across Oketo Avenue from the Eisenhower Public Library and immediately south of areas anticipated by the Village to be subject to commercial redevelopment in the near-term.

23. The Plan Commission also heard the objections of the owner of the Carstens Property, including cross-examination from attorney Arnold Karolewski and testimony from owner and executive vice-president of Carstens, Inc., Barbara Vander Kloot, who objected to the proposed rezoning of the Carstens Property (parcels bearing tax identification numbers 12-13-212-042-0000 and 12-13-212-043-0000) from the M2 zoning classification to a B1 designation.

24. The Plan Commission credited testimony that the Carstens Property, located in an approximately 130,000 square foot building used 75% for the manufacture of hospital equipment and 25% for office space, has 72 full-time and 2 part-time employees, and has been in

continuous operation as an industrial use in its current location for more than thirty years with no periods of vacancy.

25. The Plan Commission listened to attorney Karolewski's testimony and cross-examination of presenter John Houseal, in which he asserted that insufficient supporting evidence had been tendered in support of the proposed rezoning of the Carsten's Property, insofar as he alleged that no testimony was offered demonstrating the manner in which the proposed rezoning of the Carstens Property from M2 to B1 would confer benefits to the public health, safety and welfare, the impact such rezoning would have on the value of the Carsten's Property, the long-standing occupancy of the Carstens Property, the vacancy rate in retail areas in the Village, and whether there is a need in the Village for additional B1 Neighborhood Shopping uses.

26. Plan Commission members have been a part of the open process resulting in the formulation of the proposed amendments to the Zoning Map, including open, public community workshops and meetings over the course of approximately one and a half years, and further participated in the transparent Comprehensive Plan development and approval process and, as such, have received adequate information supplemental to the public hearing process from such earlier processes that further addressed the impacts of the proposed Zoning Map amendments on the public health, safety and welfare. As is relevant, such findings are presented herein but in no manner were conclusions drawn outside of the public hearing process critical to the ultimate recommendation made by the Plan Commission.

27. The Plan Commission finds that the close proximity of the parcels subject to rezoning to prime commercial corridors, areas of expanding commercial development and redevelopment, civic facilities, and residential neighborhoods renders such properties unsuited for continued industrial zoning classifications and finds that altering the zoning designations will not force the immediate or near-term cessation of any presently-functioning industrial operations, but that the gradual elimination of such uses on the parcels subject to rezoning is in the interest of the public health, safety and welfare by creating enhanced buffer zones and transition areas between incompatible uses of land.

28. Although the Plan Commission finds that the Carstens Property features a long-tenured, continued viable business that is a valued member of the Village's business community, the Carstens Property is nonetheless situated between civic uses in an immediate area transitioning gradually from industrial uses towards civic uses, and is located within an area earmarked by the Comprehensive Plan for civic expansion to integrate the Village Hall and Library into a "civic core" of compatible uses, which are neither permitted nor specially permitted in the M2 zoning classification, but which are permitted uses (public offices) in the proposed B1 zoning area.

29. The Plan Commission further finds, both with respect to the Carstens Property and any currently-operational industrial uses subject to rezoning consideration, that the Village's non-conforming use, building and structure provisions accommodate the continuation of such operations for an indefinite period of time, insofar as the nonconformities are not intensified or increased.

30. Given the longstanding uninterrupted use of the Carstens Property and the owner's intent to continue such operations going forward, the Plan Commission finds that the proposed rezoning of the Carstens Property will not force the cessation of business operations, but simply prevent the extension or intensification of the manufacturing uses therein, which is deemed to be in furtherance of the public health, safety and welfare in light of the Carsten Property's proximity to existing civic uses attracting visitors from throughout the community and surrounding communities.

31. Section 17.52.180(A) of the Village Code requires that amendments to the Zoning Map be consistent with the general purposes of the Zoning Code as expressed in Section 17.04.020 thereof, and Section 17.52.180(C) mandates that amendments to the Zoning Map meet the criteria for approval set forth in Section 17.52.180(C) of the Village Code.

32. Rezoning the 32 parcels ("the Properties") subject to the Zoning Map amendments as depicted on the Village's proposed rezoning map is consistent with and enhances the public health, safety, comfort, morals, convenience and general welfare by accommodating and promoting the expansion of the Village's commercial base to bolster sales tax revenues and reduce the tax burden on Village residents, creating a pathway for large-scale, coordinated commercial development of retail, restaurants and office uses in appropriate areas located either adjacent to existing commercial uses or on blighted properties that suffer from vacancy or deferred maintenance, particularly with respect to the Category 1, 3 and 4 Parcels, in order to attract customers from outside of the Village to further bolster Village revenues, and by reducing the deleterious impact on adjacent residential and commercial areas created by truck traffic, noise, odors and other externalities associated with industrial uses.

33. In all cases, the proposed Zoning Map amendments are consistent with the protection of light, air and safety by providing for transition areas and increased separation between industrial uses and residential and commercial uses, and by limiting acreage devoted to industrial uses generating noise, truck traffic, and pollution.

34. The proposed map amendments will have no significant impact on storm or flood water runoff, and no anticipated increases in permeable land are anticipated as a result of the proposed Zoning Map amendments (as opposed to the proposed Zoning Code text amendments, which will increase permeable land and provide for improved drainage).

35. Rezoning the Properties from M1 and M2 designations to B1 and B2 zoning classifications should reduce heavy truck traffic in the Village servicing industrial properties and, while commercial redevelopment of vacant and underutilized industrial sites would increase traffic congestion within the Village, it would also serve to concentrate said traffic along the Village's principal and major arterial corridors, Harlem and Lawrence Avenues equipped to handle increased traffic flow, and reduce the use of local streets abutting residential neighborhoods by truck traffic.

36. Given the scope of the proposed rezoning involving the Properties, the Village did not study or present evidence as to the impact of each particular zoning reclassification on the

site subject to a new zoning classification or engage in the appraisal of all properties in the vicinity of the Properties, but the Plan Commission finds that the growth of the equalized assessed value of the Properties lags behind that of the Village as a whole. Finally, the Plan Commission finds that the proposed map amendments protect the value of land and buildings throughout the Village by encouraging the highest and best use of properties and limiting the externalities produced by industrial uses abutting residential and light commercial districts.

37. In all cases, the Plan Commission finds that the proposed map amendments preserve and enhance aesthetic values throughout the Village by implementing the Village's short and medium-term land-use vision and policies expressed by the Comprehensive Plan, including facilitating the redevelopment of blighted industrial parcels and the development of aesthetically pleasing and functionally well-designed retail and commercial shopping areas.

38. The proposed map amendments and their effects are consistent with the overall Zoning Code and the proposed text amendments thereto, particularly with respect to the increased focus on improved buffering and separation between intensive land uses and residential areas.

39. The proposed rezonings are a direct response to the priorities and goals articulated by the Village's Comprehensive Plan and a step towards achieving the land use planning objectives depicted in the Land Use Plan appearing as Figure 8 in the Comprehensive Plan.

40. The Category 1 parcels are blighted, vacant or otherwise underutilized and, as such, the current industrial zoning classifications are outmoded or "erroneous".

41. The Category 2 Parcel is a vacant former library building and, as such, the existing R2 zoning classification had become erroneous insofar as the scale of the improved structure, location and likely future use of the Category 2 Parcel is more consistent with the light industrial uses permitted or specially permitted in the M1 zoning district.

42. The current zoning designation of the Category 3 Parcels does not account for the Village's identification of the subject properties as a commercial expansion area in the Comprehensive Plan, which earmarks the properties as prime locations for new commercial development adjacent to the existing commercial area along Harlem Avenue.

43. While the Category 4 Parcels feature presently operational manufacturing uses, the development patterns in the Village and in Norridge to the south since the adoption of the Zoning Map have left such properties surrounded to the south and east by commercial uses and to the north by civic uses. Though the current zoning designations are not "erroneous" insofar as they fail to describe the actual uses of the Category 4 Parcels, the development patterns and expansion of commercial uses in the vicinity over time has rendered the present zoning designation inappropriate.

44. The Plan Commission finds that the Category 5 parcels are used in accordance with their current M1 zoning designation, but that these properties are situated near (and in some cases surrounded by) civic uses that render the present zoning classification inappropriate going

forward, particularly given the right of such properties to continue operations as nonconforming uses despite such reclassification.

45. With respect to all the Properties, the proposed zoning changes are more compatible with adjacent and nearby uses of property, which primarily feature less intensive use designations and include residential, civic and retail uses.

46. Category 4 and 5 Parcels are suited, upon lapse of nonconforming status, for the purposes of the proposed B1 Neighborhood Shopping zoning district, which Section 17.16.030(A) of the Village Code describes as intended "to provide areas and govern uses therein for a range of shopper and personal service types of establishments in order to serve the general shopping needs of a consumer population that is located in one or more of the neighborhoods adjoining or in the vicinity of the shopping district." The proximity of the Category 4 Parcels to Norridge commercial uses and linkage with the existing B2 district fronting Harlem Avenue render such properties more compatible over time with the purposes of the B1 zoning district. The adjacency of the Category 5 Parcels to existing civic uses affords the owners of such properties a built-in consumer population of governmental employees and visitors and users of civic amenities.

47. The proximity of Category 1 and 3 Parcels to the existing commercial thoroughfares of Harlem and Lawrence Avenues ensures their particular suitability to the purposes for which the B2 zoning classification was established, namely to accommodate prime retail trade activities of Village-wide and regional significance, such as the development of major shopping centers. (See Section 17.16.040(A) of the current Zoning Code.)

48. The Category 2 parcel is well-tailored to the purposes of the M1 Manufacturing zoning district, described in Section 17.20.10(B) of the current Village Code as providing "an environment suitable for industrial activities that require a pleasant and nuisance-free environment and will be compatible with adjacent residential and business uses."

49. The proposed map amendments will reduce adverse impacts on adjacent, less-intensive uses and throughout the Village with respect to truck traffic and environmental contamination by providing for the gradual phase-out of the most intense uses of land authorized in the Village on the designated parcels. Moreover, the redevelopment of such properties consistent with the permitted and specially permitted uses in the new zoning districts will in many cases involve environmental remediation and generate enhanced sales tax revenues which the Village may devote, in part, to addressing persistent flooding and stormwater runoff issues.

50. The Plan Commission finds that existing infrastructure, including with particularity the principal arterial Harlem Avenue and minor arterial Lawrence Avenue, are sufficient to accommodate increased light vehicle traffic generated by new retail, restaurant and office uses permitted in the B1 and B2 zoning districts once the Properties are redeveloped consistently with the new zoning designation.

51. While the Zoning Map amendments will reduce the acreage available in the Village for industrial uses, such uses are nonetheless accommodated in the remaining M1

corridor along Ronald Street and west of Oketo Avenue in the vicinity of Wilson Avenue, which remaining areas are sufficient to accommodate the Village's need to maintain a strong industrial tax and diversified employment base.

52. The increased devotion of land in the Village to commercial uses pursuant to the proposed rezonings ensures that the Village is well-positioned to benefit from the transitioning service-sector-oriented economy when the economy rebounds from the current and recent slow-down.

53. The Plan Commission finds that the proposed zoning changes are necessary to implement the land use policies articulated in the Village's recently-enacted Comprehensive Plan and that the community will benefit from the Village's integrated approach to achieving its planning objectives.

54. In addition to the foregoing criteria established by the Village's Zoning Code, the Plan Commission also examined the proposed rezonings in light of the factors established by the Illinois Supreme Court in *LaSalle National Bank of Chicago v. County of Cook*, 12 Ill.2d 40 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960) in order to further evaluate the proposed rezonings.

55. The existing uses and zoning of nearby properties in connection with the proposed rezoning have been exhaustively documented throughout this Findings & Recommendation. In brief, the Plan Commission finds that Category 1 Parcels are bordered by retail and service-sector uses in the case of the ITW property (PIN 12-12-419-026-0000), and bracketed to the east and west by residential uses in the case of the Category 1 Parcels located west of Oketo Avenue. In both cases, the Village finds that continued classification as M1 properties was no longer useful or appropriate given the changing needs and built-environment of the Village. The Category 2 Parcel, slated for rezoning from R2 to M1, is bordered to the east and south by industrial uses. The Category 3 parcels are bordered to the east by a B2 zoning district along Harlem Avenue and the rezoning of these parcels would allow for larger depth to the commercial district along the Village's primary commercial thoroughfare, Harlem Avenue. The Category 4 Parcels are near existing Norridge commercial uses on the south, commercial uses and a B2 zoning designation to the east, and a mix of civic and industrial uses across Wilson Avenue to the north. The Carstens Property is surrounded by civic uses on the east and west and residential uses to the north. Although presently located in a fairly broad M2 zoning district, the immediately adjacent uses of property on three sides are non-industrial uses. The remaining Category 5 Parcels are located within an area zoned M2, and immediately south of an M1 zoning designation. Nevertheless, the Plan Commission finds that the area to the north is in the process of transitioning in the short-term to commercial uses, while the Eisenhower Library, which brings children to the area and renders it particularly incompatible with heavy truck traffic, is situated on a sizeable planned development parcel to the east.

56. The Plan Commission makes no explicit findings as to the diminution of property values of the particular Properties subject to rezoning, but does find that the proposed map amendments protect the value of land and buildings throughout the Village by encouraging the highest and best use of the Properties and by limiting the negative externalities inflicted upon

abutting residential and light commercial districts that are produced by industrial uses on the Properties, including without limitation, the spread of blight from vacant and underutilized industrial structures, and truck traffic, noise, and environmental contamination from those currently in operation.

57. As set forth in the preceding paragraph, to the extent that any of the Properties experience diminished market value in light of the rezonings (and the Plan Commission declines to make such a finding in the absence of any testimony indicating any such reduction in property values), such diminution is in furtherance of the property owners in the vicinity experiencing increased protections from the deleterious impacts of heavy manufacturing operations, and, more broadly, any diminished property values for the rezoned parcels resulting from the rezonings are the necessary and minimally invasive by-products of the Village's desire to implement the vision expressed in its Comprehensive Plan to encourage commercial development more appropriate to a dense community with abutting residential and retail districts.

58. The Plan Commission concedes that the proposed rezonings may put a strain on effected property owners, particularly those whose properties feature presently operational industrial uses, insofar as the rezoning will, in most cases, reduce or eliminate the ability of such property owners to make major or structural changes to their nonconforming properties or market their properties for future industrial use.

59. The Plan Commission nonetheless finds and concludes that the relative gains to the public at-large and nearby property owners in particular accrued by virtue of the rezonings, as exhaustively documented throughout this Findings & Conclusions, would substantially outweigh the hardships imposed on individual property owners, particularly given the ability of existing property owners to continue operating as nonconforming uses without temporal limitation.

60. The Plan Commission concludes that the Properties are suited for the permitted and specially permitted uses in the proposed zoning reclassifications. The Category 4 and 5 Parcels are well-tailored for the purposes to which properties may be devoted in the B1 Neighborhood Shopping zoning district, which provides for a range of shopper and personal service types of establishments in order to serve local customers, by virtue of the proximity of these properties to retail and service uses immediately south of the properties in Norridge, to the Village's primary commercial corridor along Harlem Avenue, and the customer base provided by nearby R1 and R2 residential districts in addition to the employees and visitors of and to the Village Hall and Eisenhower Library. The Category 1 and 3 Parcels are suited to the B2 Central Shopping zoning classification and its allowance for larger-scale commercial developments due to the size of the parcels and the opportunities for property aggregation for the Category 1 Parcels and the proximity of Category 1 and 3 Parcels to the Harlem and Lawrence Avenue commercial corridors, respectively. As a now-vacant former library bordered alternately by residential and manufacturing uses, the Category 2 parcel is particularly well-suited for conversion to the relatively low-intensity industrial uses permitted and specially permitted in the M1 Manufacturing zoning district, which authorizes light industrial activities "that require a pleasant and nuisance-free environment and will be compatible with adjacent residential and business uses."

61. The Category 1 and 2 Parcels are plagued by extended vacancies and underutilization that negatively affect property values in the area and demonstrate the obsolescence of those properties as currently zoned. Specifically, the Illinois Tool Works site (PIN 12-12-419-026-0000) and Tornado properties (12-13-202-013-0000, 12-13-202-014-0000, 12-13-202-019-0000, 12-13-202-022-000, 12-13-202-023-000, 12-13-202-024-0000, and 12-13-202-022-0000). Only one actively operational property exists between these aggregated categories of properties.

62. The Category 3, 4 and 5 Parcels are presently in operation and have largely been in continuous operation for extended periods of time. The Plan Commission finds that these properties are nonetheless incompatible with the development pattern in the vicinity, which has featured redevelopment of properties for civic uses over the past decade, in addition to the longstanding residential district situated in along Leland Avenue to the north and the commercial district located to the south in the Village of Norridge.

63. While prevailing market conditions dictate that both industrial and commercial land uses are not operating at full capacity within the Village, the Village has expressed its vision for fostering retail and service uses to enhance sales tax generation within the Village and to protect property owners from the deleterious effects associated with industrial properties in close proximity to residential areas in particular. In light of the Village's expressed land use planning goals articulated in the Comprehensive Plan, the Plan Commission finds that the Village requires additional retail and service-oriented uses in order to fulfill the Village's desire to position itself as a retail and entertainment destination.

64. The Plan Commission finds that the collaborative effort of the community, including extensive input and input opportunities by and for Village officials, staff, Village zoning commissions, residents, and businesses over the course of approximately 18 months of study, community meetings, and zoning workshops, has resulted in a rezoning proposal marked by extraordinary care and forethought.

### III. RECOMMENDATION

**NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights Plan Commission, held on October 26 and November 14, 2011 (2011-2 (B)), the Plan Commission hereby recommends approval to the Village Board of Trustees of all proposed amendments to the official zoning map of the Village of Harwood Heights, as applied for by the Village and presented to the Plan Commission at said public hearings.**

**On November 14, 2011, the Village of Harwood Heights Plan Commission voted 7 – 0 to recommend for approval the adoption of the Village's proposed zoning map amendments based on the Findings of Fact as described herein. A copy of the recommended amendments to the official zoning map of the Village of Harwood Heights is attached hereto as Exhibit A. All parcels within the Village not identified by colored shading are not subject to any proposed amendments and shall remain unchanged.**

By:



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**Chris White, Plan Commission Chair**  
**On Behalf of and with the Approval of the Village of**  
**Harwood Heights Plan Commission**

EXHIBIT B

# Proposed Rezoning

## Village of Harwood Heights, Illinois

