

## **FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**RE: 3501 South Laramie Avenue, Stickney, Illinois 60804 (the “Property”)  
Hawthorne Racecourse**

### **GRANT OF A SPECIAL USE PERMIT**

On June 24, 2020, the Village of Stickney (the “Village”) Zoning Board of Appeals (the “ZBA”) recommended granting a special use permit (“SUP” or “Special Use”) to operate a “racino entertainment complex<sup>1</sup>” (the “Proposed Use”) in the Village’s Heavy Industrial (I-2) zoning district, based on the following:

1. Hawthorne Racecourse, LLC (the “Applicant”), by and through its attorneys Montana & Welch, LLC, submitted an application to the ZBA requesting a SUP to operate a racino entertainment complex (the “Racino Entertainment Complex”) at the Property; and
2. The Property owned is located in the Village’s Heavy Industrial (I-2) zoning district; and
3. In accordance with the Illinois Compiled Statutes and the Village’s Zoning Ordinance, notice of the hearing regarding the Applicant’s requested SUP (the “Hearing”) was published in one or more newspapers published in the Village, including notice published on June 9, 2020 in the Chicago Sun-Times, a copy of which is attached hereto and incorporated herein as Exhibit A, and taxpayer notice was sent via certified mail by the Applicant as stated in the “Affidavit of Notification to Property Owners,” a copy of which is attached hereto and incorporated herein as Exhibit B. Also published with this notice was a notice for certain text amendments, including amendments to amend Sections 3.02 to add the definition of “racino entertainment complex”, Section 4.09 to allow for an exception to the number of buildings on a lot requirement pursuant to special use, Section 4.12 to allow for buildings to exceed certain height requirements in a “racino entertainment complex” pursuant to special use, and Section 11.03 to add “racino entertainment complex” to the list of special uses; and
4. At the abovementioned Hearing, the Applicant provided credible evidence that: (a) the Applicant owns the 107 acre site and has operated a horse race track at this location for over 100 years; (b) the Applicant is statutorily eligible, by law, to

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<sup>1</sup> The Applicant, Hawthorne Racecourse, LLC., also filed an application for certain text amendments to amend Sections 3.02 to add the definition of “racino entertainment complex”, Section 4.09 to allow for an exception to the number of buildings on a lot requirement pursuant to special use, Section 4.12 to allow for buildings to exceed certain height requirements in a “racino entertainment complex” pursuant to special use, and Section 11.03 to add “racino entertainment complex” to the list of special uses.

operate a “racino”<sup>2</sup>; (c) the Applicant has applied to the Illinois Gaming Board for a license to operate a “racino” at the Property in accordance with the foregoing; (d) the Applicant intends to and will completely rehabilitate, remodel, and update the existing building as well as the grounds surrounding the existing building and other improvements on the Property; (e) the Applicant intends to and will construct a parking garage, restaurants, and other facilities at the Property, and future plans include the building of a hotel on neighboring lots as well as other developments in congruence to the proposed Racino Entertainment Complex; (f) the Applicant intends to and will provide for increased water retention on the Property, will use pervious surfaces when possible, and will use other water retention mitigation efforts; (g) the Applicant intends to and will use the construction methods provided for in the 2018 Building Code, National Electric Code, Life Safety Codes, and other related recent editions of certain code requirements (the “2018 Codes”); (h) the Applicant has initiated meetings with the Illinois Department of Transportation (“IDOT”) to place a traffic light at the intersection of 35<sup>th</sup> Street and Cicero Avenue to allow for safe entry into the Property; (i) that the IDOT application process for the foregoing traffic light shall be initiated by the end of July 2020; (j) the Applicant also intends to and will construct a roundabout onsite to alleviate traffic and per the Applicant’s engineer, Kening, Lindgren, O’Hara, Aboona, Inc. (“KLOA”), a 45 foot emergency vehicle has a sufficient turn radius to navigate the turn; (k) the Applicant intends to and will have 2,885 onsite parking spaces that will be compliant with the Americans with Disabilities Act (the “ADA”) and parking on the public street will not be allowed; (l) the existing height of the building is 85 feet and the proposed height of the new or remodeled structures based on the Plans, *infra*, submitted is approximately and not exceeding 165 feet; and (m) in support of its application, the Applicant submitted materials, presented via projector, which included certain plans, drawings and narratives, a copy of which can be found at the office of the Village Clerk (the “Plans”)<sup>3</sup>; and

5. The Plans submitted by the Applicant include the following:
  - A. A narrative report, dated 06/24/2020, drafted by Aria Group Architects, Inc. (the “Aria Group”); and
  - B. Proposed Site Plan and Design Presentation: prepared by Aria Group; and
  - C. Alterations & Additions of an Existing Horse Race Course at Hawthorne Casino & Race Course: prepared by Aria Group, which is composed of:
    - a. Overall Plans (Sheet No. T1-9a and T1-9b): prepared by Aria Group, with an issue date of 12/06/2019 and last revision date of 06/11/2020, including some conceptual renderings;
    - b. Garage Exterior Elevations (Sheet No. 13A4.1): prepared by Aria Group, with an issue date of 12/06/2019 and last revision date of 06/11/2020;
    - c. Exterior Elevations (Sheet No. 04A4.1, 00A4.1 and 00A4.2): prepared

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<sup>2</sup> Subject to an application to do so being approved by the State of Illinois as set forth below.

<sup>3</sup> Copies of the plans presented are available through the Zoning Administrator and the Village Clerk for the Village of Stickney.

- by Aria Group, with an issue date of 12/06/2019 and last revision date of 06/11/2020;
- d. Exterior Elevations (Sheet No. 00A4.2): prepared by Aria Group, with an issue date of 12/06/2019 and last revision date of 06/11/2020; and
- e. Architectural Site Plan (Sheet No. SP1.1): prepared by Aria Group, with an issue date of 12/06/2019 and last revision date of 06/11/2020.
- D. Parking and traffic overflow plans prepared by KLOA, which is composed of:
  - a. KLOA Memorandum dated 06/22/2020;
  - b. Traffic Tables 1, 2 and 3: prepared by KLOA, dated 12/12/2019
  - c. Proposed Roundabout (Alternative 2): prepared by KLOA, dated 12/03/2019;
  - d. Proposed Right of Way (Alternate 3): prepared by KLOA, dated 12/10/2019; and
  - e. Preliminary Proposed Intersection Geometrics (Alternate 3): prepared by KLOA, dated 12/10/2019;
- E. Construction traffic flow and parking plans: prepared by W.E. O’Neil; and
- F. Landscaping for new development plans, prepared by Christy Webber Landscapes, which is composed of:
  - a. Initial Concept Presentation: prepared by Christy Webber Landscapes, dated 06/22/2020;
  - b. Detail Plan – Main Entry Drive: prepared by Christy Webber Landscapes, dated 06/11/2020;
  - c. Detail Plan – North and South Foundation: prepared by Christy Webber Landscapes, dated 06/11/2020;
  - d. Intent Images – Hardscape & Details: prepared by Christy Webber Landscapes, dated 06/11/2020;
  - e. Intent Images – Planting: prepared by Christy Webber Landscapes, dated 06/11/2020; and
  - f. Conceptual Planting Palette – Trees, Shrubs, Groundcovers and Perennials: prepared by Christy Webber Landscapes, dated 06/11/2020;
- G. Site Improvement Plans, prepared by Safeco Inc., which is composed of:
  - a. Overall Site Plan: prepared by Spaceco, Inc. (“Spaceco), issue date of 12/30/2019 and last revision date of 06/11/2020;
  - b. Overall Existing Conditions Plan: prepared by Spaceco, issue date of 12/30/2019 and last revision date of 06/11/2020;
  - c. Geometric Plans (1-6): prepared by Spaceco, issue date of 12/30/2019 and last revisions date of 06/11/2020;
  - d. Proposed Drainage Exhibit: prepared by Spaceco, issue date of 12/30/2019 and last revision date of 06/11/2020; and
  - e. Utility Plans (1-6): prepared by Spaceco Inc., issue date of 12/30/2019 and last revision date of 06/11/2020;
- H. Security plans (Sheets ES0.01 through ES0.07): prepared by Reliable Security, issue date of 12/19/2019 and last revision date of 02/20/2020; and
- I. Lighting and sound management plans, including the Lighting Plan prepared by Chicago Lightworks, issue date 01/08/2020 and last revision

- date of 02/14/2020; and
  - J. Design and construction team information; and
  - K. Future phases of development information; and
  - L. Turn radius information related to public safety vehicles from KLOA dated 6/24/2020; and
  
- 6. The following items were marked as exhibits at the Hearing as follows:
  - A. Affidavit of Notification of Property Owners – Exhibit 1; and
  - B. Certification of Mailings of Notifications of Property Owners – Exhibit 2; and
  - C. Letter to Property Owners of Record – Group Exhibit 3; and
  - D. Certification of Published Notice in the Chicago Sun-Times on June 9, 2020 – Exhibit 4; and
  - E. The Plans as described above and herein – Exhibit 5; and
  
- 7. Based on the Plans submitted, and as part of the proposed Special Use, the Applicant’s proposed Special Use, if granted, is not subject to the lot limitations in Section 4.09 and certain height restrictions in Section 4.12 (excepting mandatory FAA height restrictions) but, rather, shall be subject to any similar conditions required as part of the SUP. The overall proposed Special Use is in conformance with the Plans submitted, the testimony given at the Hearing, and are further consistent with the application for certain text amendments submitted by the Applicant; and
  
- 8. In addition to the above and herein, the ZBA hereby makes the following findings of fact:
  - A. **That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, or general welfare.** The Applicant submitted the Plans related to the development, maintenance, and operation of the proposed Special Use. Further, extensive testimony was elicited from professional consultants, village staff, and other interested parties at the Hearing. Provided that the Racino Entertainment Complex is developed, maintained, and operated in substantial compliance with the Plans as well as the Conditions provided for and defined herein, *infra*, the ZBA finds that the proposed Special Use will not be detrimental to or endanger the public health, safety or general welfare of the surrounding area, the public or the Village generally; and
  
  - B. **That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.** The Property has been utilized as a horse racetrack for 100 years with numerous years thereof there being permitted pari-mutuel wagering being held on-site. Based on the evidence elicited at

the hearing, the proposed Special Use will not have any greater impact on the surrounding properties than did the operations of the original horse racetrack. Further, provided that the proposed Special Use substantially complies with the Plans and the Conditions provided for and defined herein, *infra*, the ZBA finds that the proposed Special Use will likely have a net positive impact on the property in the immediate vicinity and increase surrounding property values; and

- C. **That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.** The applicable zoning district of the area surrounding the Property is I-2 Heavy Industrial District. The properties in this area have developed around, and historically operated in the presence of, a horse racetrack. The ZBA finds that the proposed Special Use, subject to compliance with the submitted Plans and Conditions provided for and defined herein, *infra*, will not impede the normal and orderly development and improvement of the surrounding property for uses contemplated within the I-2 Heavy Industrial District. The ZBA further finds that the improvements contemplated in the Plans will likely create a more conducive business environment for the surrounding properties within the I-2 Heavy Industrial District; and
- D. **That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.** The Plans submitted by the Applicant as part of the record contemplate significant investment in utilities, access roads, drainage, lighting and other facilities. The ZBA finds that, provided that the proposed Special Use is developed, maintained, and operated in substantial compliance with the submitted Plans as well as the Conditions provided for and defined herein, *infra*, said proposed Special Use shall provide adequate public facilities; and
- E. **That adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.** The Plans submitted by the Applicant as part of the record contemplate significant investment in infrastructure to ensure adequate ingress and egress to the property as to minimize traffic congestion in the public streets. The ZBA finds that provided that the Special Use develops, maintains and operates in substantial compliance with the submitted Plans as well as the Conditions provided for and defined herein, *infra*, said proposed Special Use shall provide adequate ingress and egress; and
- F. **That the Special Use shall in all other respects conform to the applicable regulations of this ordinance and other applicable village regulations, except as such regulations may in each instance be modified by the Village pursuant to the recommendation of the Zoning Board of Appeals.** Provided that the Racino Entertainment Complex is

developed, maintained and operated in substantial compliance with the Plans submitted as part of the record as well as the Conditions provided for and defined herein, *infra*, the ZBA finds that the proposed Special Use shall conform to all applicable regulations. Further, the ZBA finds that the proposed Special Use's compliance with such regulations shall be a condition of the grant of the Special Use; and

9. Upon hearing the testimony, reviewing the Plans, and taking all relevant information into consideration, the ZBA hereby finds that the grant of the SUP shall be subject to the following conditions (the "Conditions"):
  - A. The Applicant shall comply with the Village Code of Ordinances (the "Village Code") as currently stated, and further shall comply with the 2018 Codes. However, in the event that Village Code conflicts or is inconsistent with the 2018 Codes and/or the Plans, the Plans shall control and govern to the extent of any such conflict or inconsistency. The terms, provisions, rights and obligations granted under this Special Use touch and concern and shall be appurtenant and shall run with the Property and any portion thereof; and
  - B. The SUP shall be approved on the condition that the complex shall be erected and maintained in substantial compliance with the Plans presented by the Applicant. If the requested SUP is granted, any substantial change in the Plans as presented will require the Applicant to reappear before the ZBA for additional relief. Any updates to the Plans which are in substantial compliance with the Plans shall require review and approval solely by the Village Zoning Administrator; and
  - C. The SUP shall be granted and conditioned upon approval by the Illinois Department of Transportation, the Illinois Gaming Board, the Federal Aviation Administration, the Metropolitan Water Reclamation District of Greater Chicago, and the Cook County Department of Transportation, as applicable, or other applicable regulatory authorities with jurisdiction related to the proposed changes to the intersection of 35<sup>th</sup> Street and Cicero Avenue as presented in the Plans. If the requested SUP is granted, any substantial change in the plans as presented will require the Applicant to reappear before the ZBA for additional relief; and
  - D. All parking shall be in compliance with the American with Disabilities Act as well as all other applicable federal, state, or local laws with the numbers and parameters set forth above; and
  - E. All operations, controls, and regulatory conditions imposed by the Illinois Gaming Board and the Illinois Horse Racing Board shall be adhered to by the Applicant, as set forth in item C above; and
  - F. All signs on the exterior of the Property shall be erected in compliance with the

Village Code and further that the Applicant shall meet and confer with certain designees of the Village in good faith related to the design, brightness, animation and other relevant factors related any exterior signs erected upon the Property, including but not limited to the proposed signs on Cicero Avenue and Laramie Avenue, to ensure such elements are similar in nature to the signage of Rivers Casino in Des Plaines, Illinois; and

- G. The Applicant shall designate a “project liaison” to facilitate communications with the Village and the Village will likewise designate a project liaison; and
- 10. In light of the above, the ZBA further finds and restates that granting the SUP would not: (a) endanger the public health, safety, morals, comfort, or general welfare of the neighborhood; (b) harm the use or enjoyment of property in the immediate vicinity or damage neighboring property values; (c) impede upon the normal and orderly development and improvement of surrounding property; or (d) alter the essential character of the area.

### **CONCLUSION; CONDITIONS**

The Applicant provided evidence that the requested SUP would comply with the requirements set forth in the Zoning Ordinance, as amended. Testimony at the public hearing on the proposed Amendments further demonstrated and the ZBA further finds that the Amendments would be in furtherance of the public health, safety and welfare, and that the Amendments would otherwise be in the best interests of the Village. Furthermore, the ZBA finds that the Proposed Use will not alter the essential character of the area nor negatively impact neighboring property values. Based on the foregoing, the ZBA recommends granting the SUP, as presented, subject to the Conditions stated herein.

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Chairman of the Zoning Board of Appeals for the Village of Stickney

**EXHIBIT A**

**PUBLISHED NOTICE**



**EXHIBIT B**

**AFFIDAVIT OF NOTIFICATION TO PROPERTY OWNERS**