

## ATTACHMENT A

July 20, 2016

President and Board of Trustees  
Village of Oak Park  
123 Madison Street  
Oak Park, Illinois 60302

Re: Application for Special Use and Allowance for 1144 Lake Street, referred to the Zoning Board of Appeals. 15-16-Z.

Dear Trustees:

On May 15, 2016, Nicholas P. Karris (the "Applicant") filed an application (Calendar No. 06-16-Z) with the Zoning Board of Appeals for the Village of Oak Park, seeking a filed an application for issuance of a special-use permit, pursuant to Section 3.1 of the Zoning Ordinance of the Village of Oak Park, authorizing the use of a financial institution bank located in a tenant space at 1144 Lake Street. In addition, the Applicant requests an allowance from Section 3.9.3 (F) (2) (y) of the Transit-Related Retail Overlay District ("T-RROD") use restrictions, which section prohibits financial institutions to be located within 50 feet from any street line in specified areas adjacent to and in close proximity to mass transit stations.

Michael Quinn, Chairperson of the Zoning Board of Appeals (the "ZBA"), set Wednesday evening, July 20, 2016, at 7:00 p.m. as the date and hour of a public

hearing to be held in the Council Chambers of the Oak Park Village Hall, Madison Street and Lombard Avenue, Oak Park, Illinois.

The notice of the time and place of said public hearing was duly published on June 15, 2016, in the “The Wednesday Journal,” a newspaper of general circulation in the Village of Oak Park, and a sign notifying the passers-by of these proceedings was posted on the Subject Property.

This Zoning Board of Appeals, having fully heard and considered the testimony of all those present at the hearing who wished to testify and being fully advised in the premises, makes the following findings and recommendations to the President and Board of Trustees, pursuant to Sections 2.2.3 and 2.2.4(D) of the Village Zoning Ordinance:

The Subject Property.

1. The five-story building is located at the northeast corner of Harlem Avenue and Lake Street, with the tenant space at 1144 Lake Street (the “Subject Property”).
2. The Subject Property is located in the B-4 Downtown Business District and in a Transit-Related Retail Overlay District (“T-RROD”).
3. The Applicant is proposing to open a Bank of America prototype “financial Center” at the front portion of the Subject Property, which would front on Lake Street.
4. The Applicant feels that “bank facilities can be utilized by clients for key meetings and client networking events,” and that “[a]fter their due diligence of the market, and despite the offer of significant financial assistance [no other tenant prospects] have proceeded to lease” the Subject Property.
5. The front portion of the ground-floor space in the building has been vacant since Borders vacated the premises in 2011.

#### History of Subject Property Before the ZBA.

6. The Applicant was before this Board in 2014.

7. At that time, the Zoning Board of Appeals recommended to the Village Board that a special use permit be approved to operate a UFC Gym at the Subject Property at a public hearing on April 24, 2014.

8. The Village Board approved the special use in May of 2014.

9. Moreover, the ZBA recommended and the Village Board approved a different special use for Harken Medical Center facility in the rear of the Subject Property in March of 2016.

#### The Applicant.

10. The Applicant, as the longtime owner of the Subject Property, has struggled to find a replacement tenant for the property since the Borders tenant left in 2011.

11. The Applicant has actively marketed the Subject Property with multiple brokerage firms and has worked closely with local organizations to find new tenants that fit on this prime corner within downtown Oak Park.

12. The Applicant is proposing to allow Bank of America to operate in the front portion of the Subject Property.

13. The proposed Bank of America prototype Finance Center is planned to be rolled out to other facilities in the Chicago area and nationwide. These Centers are typically located in high-traffic, street-level locations and are designed to complement the downtown aesthetic.

14. These Centers offer a wide range of services such as mortgage, investment, financial planning, and small business lending services.

15. The proposed bank would be promoted nationally and help create a potential halo to other Oak Park business development efforts.

16. The Applicant presented evidence of his struggle to find a replacement tenant from the Subject Property since Borders left in 2011, including: active marketing of the Subject Property with multiple brokerage firms and working closely with local organizations to find new tenants that fit on the high-profile corner within downtown Oak Park.

17. The Applicant submitted the following written documentation in support of their application, which documents were considered by the ZBA:

- a. Application for Zoning Variation
- b. Project Summary
- c. Response to Standards
- d. Site Plans-Tenant Layout
- e. Loan Policy of Title Insurance.

18. Additionally, the ZBA received into evidence a letter from Downtown Oak Park , dated July 16, 2016, urging denial of the special use.

#### Special Use Standards

19. Section 3.1 (Summary Use Matrix) of the Zoning Ordinance of the Village of Oak Park, which section relates to permitted uses within the Village of Oak Park, requires a special use permit to allow a financial institution in the B-4 Downtown Business District.

20. A financial institution is a special use in the B-4 Downtown Business District. The proposed development meets all other regulations of the Zoning Ordinance. (Zoning Ordinance, § 3.1.)

21. A special use permit may be granted and the applicable district regulations modified only if evidence is presented to meet the following standards pursuant to Section 2.2.3(D) of the Zoning Ordinance:

- a. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;
- b. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;
- c. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations;
- d. The proposed building or use complies with the more specific standards and criteria established for the particular building or use in question by Sections 2.2.7 (Planned Development Procedures) and 4.5 (Special Uses) of this Zoning Ordinance;
- e. The proposed building or use has been considered in relation to the goals and objectives of the Comprehensive Plan of the Village of Oak Park; and
- f. There shall be reasonable assurance that the proposed buildings or use will be completed and maintained in a timely manner, if authorized.

22. The evidence indicated that the proposed financial institution is necessary and desirable to provide a service that is in the interest of public convenience at the Subject Property.

23. The evidence indicated that the proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities or other matters affecting the public health, safety and general welfare. The evidence indicated that the proposed financial institution would not have a significant impact on traffic patterns or pedestrian traffic or area parking. The proposed bank would only have ten (10) employees, who would park in the Holly Court Garage. Vehicular clients would also park there, but the majority of anticipated clients would be pedestrian traffic from the immediate area.

24. The evidence indicated that the proposed financial institution will permit and encourage the development and use of neighboring property in accordance with the applicable district regulations.

25. The evidence indicated that the Applicant's proposal is not subject to any more specific standards or criteria in Sections 2.2.7 and 4.5 of the Village Zoning Ordinance.

26. The proposal furthers certain economic development goals of the Comprehensive Plan in that it provides a needed service for the residents of the Village.

27. The evidence indicated a reasonable assurance by the Applicant that its proposal will be constructed and completed in a timely manner if authorized.

28. As conditioned below, the evidence indicated that the issuance of a special use permit allowing the proposed financial institution on the Subject Property is in the best interest of the Village of Oak Park.

Allowance.

29. Section 3.9.3 (F) (2) (“Use Restrictions”) lists uses that shall not be located at grade level or on the ground floor of any building or structure unless located at least fifty (50) feet from any street line. These listed uses are considered incompatible with or detract from retail vitality on the ground floor of buildings in areas adjacent and in close proximity to mass transit stations. Section 3.9.3 (F) (2) (y) specifically lists financial institutions as not being allowed on the ground floor within 50 feet of any street line. Bank of America, a financial institution, is proposed to be located on the ground floor within 50 feet of Lake’s street line.

30. Under Section 2.2.3 (E) of the Zoning Ordinance of the Village of Oak Park, an allowance from Section 3.9.3 (F) (2) (y) may be granted within the special use.

**RECOMMENDATIONS**

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Zoning Board of Appeals, hereby recommends to the President and Board of Trustees the GRANTING of a special-use permit, pursuant to Section 3.1 of the Zoning Ordinance of the Village of Oak Park, authorizing the use of a financial institution bank located in a tenant space at 1144 Lake Street, with the additional allowance from Section 3.9.3 (F) (2) (y) of the Transit-Related Retail Overlay District (“T-RROD”) use restrictions, which prohibits financial institutions to be located within 50 feet from any street line in specified areas

adjacent to and in close proximity to mass transit stations, by a vote of 5-0-1, SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the Applicant's and tenant's use of the Subject Property comply in all other ways to the building and zoning requirements of the Village of Oak Park.
2. That the Applicant's and tenant's use of the Subject Property substantially comply with the depictions in the plans and drawings submitted and taken into evidence by the ZBA.
3. That the special use be limited to the Bank of America Financial Center discussed in the Applicant's proposal.
4. Upon the failure or refusal of the Applicant or tenant to comply with any of the foregoing conditions and restrictions, this special use shall become null and void and the Zoning Administrator is instructed to bring such Zoning Ordinance enforcement as may be indicated under the circumstances

This Report ADOPTED by a 5-0-1 vote of the Zoning Board of Appeals at a public meeting this 20<sup>th</sup> Day of July, 2016.