

## Attachment A

October 4, 2017

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

**Re: Application of Oak Park Fundamental Learning Center for a Special Use Permit to Operate a Day Care Center to be located at 6441 North Avenue (Calendar No. 16-17-Z)**

Dear Village President and Board of Trustees:

On July 19, 2017, Oak Park Fundamental Learning Center (the "Applicant") filed an application (Calendar No. 16-17-Z) pursuant to Section 3.1("Summary Use Matrix") and Section 4.5.2(H) ("Day-Care Centers") of the Zoning Ordinance of the Village of Oak Park, adopted on February 4, 2002, as amended ("Zoning Ordinance") requesting the issuance of a special use permit to operate a day care center to be located at 6441 North Avenue, Oak Park, Illinois 60302 ("Subject Property"). The application was referred to the Zoning Board of Appeals (the "ZBA") by the Village Board of Trustees on September 5, 2017 pursuant to the authority conferred by Section 2.2.3(C) of the Village Zoning Ordinance, to hold the required public hearing and to make a recommendation to the Village Board.

A public hearing was held on the application in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois on October 4, 2017 at 7:00 p.m. The notice and time and place of said public hearing was duly published on September 13, 2017, in the *Wednesday Journal*, a newspaper of general circulation in the Village. Notice was also posted at the Subject Property and letters were mailed by the Applicant to owners of record within 500 feet of the Subject Property, advising them of the application and the public hearing to be held.

## FINDINGS OF FACT

The ZBA, 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 pursuant to Section 2.2.3(C) and 2.2.3(D) of the Village Zoning Ordinance:

1. The Applicant seeks a special use permit pursuant to Section 3.1(“Summary Use Matrix”) and Section 4.5.2(H) of the Zoning Ordinance to operate a day care center located in the B-1/B-2 General Business District at the Subject Property.

### The Subject Property.

2. The Subject Property is a zoning lot approximately 5,654 square feet located at 6441 W. North Avenue, Oak Park, Illinois, 60302.

3. The Applicant proposes to operate a day care center at the Subject Property (the “Proposal”). The center will accommodate approximately 79 infants/toddles, pre-school and school-aged children.

4. The Subject Property’s currently contains eleven (11) on-site parking spaces.

5. The Subject Property is located on the south side of North Avenue just east of Elmwood Avenue with an alley followed by R-3 Single-Family dwelling to the south, North Avenue followed by the City of Chicago to the north and B-1/B-2 General Business District to the east and west.

6. The Subject Property is improved with a 1 ½ story commercial building.

### The Applicant.

7. The Applicant submitted evidence that the day care center would allow for the successful development of the Subject Property.

8. The Applicant presented evidence that it is ready to move forward with the development of the Subject Property upon the Village's approval of the special use.

9. The ZBA considered the following documents which were submitted into evidence at the time of the Public Hearing, and made part of the Record:

- a. Application for special use permit;
- b. Disclosure of beneficiary;
- c. Pick-up/drop-off protocol;
- d. Responses to the standards for receiving a special use, as conveyed in Section 2.2.3(D);
- e. Sheet A-1: First Floor Plan;
- f. Sheet A-2: Toilet Elevations;
- g. Sheet A-3: Reflected Ceiling-First Floor Plan;
- h. Sheet A-4: Door Schedule;
- i. Site Plan;
- j. Sheet D-1: Demolition-First Floor Plan;
- k. Sheet E-1: Electrical Lighting-First Floor Plan;
- l. Sheet E-2: Electrical Specifications;
- m. Sheet EM-1: Emergency Exit-First Floor Plan; and
- n. Sheet LS-1: Life Safety-First Floor Plan.

Compatibility with Surrounding Uses.

10. The character of the neighborhood is commercial, retail and residential.

11. The proposed day care center is near a transportation corridor and would benefit parents and employees of the proposed day care.

12. The proposed day care center is suitable in the B1-B2 General Business District and compatible with the surrounding neighborhood.

Project Review Team.

13. The Village's Project Review Team ("Team") met to review the Applicant's Proposal. The Team consists of staff members from various internal Village departments.

14. The Team supports the special use application subject to the condition that the flow of traffic in the east-west alley remains westbound as reflected in the Applicant's proposed

pick-up and drop-off plan.

The Need for Zoning Relief.

15. An applicant cannot operate a day care center in the B-1/B-2 General Business District without a special use permit. *Village Zoning Ordinance*, Section 3.9.8(E).

The Special Use Standards.

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

1. 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;
2. 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;
3. 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;
4. 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;
5. The proposed building or use has been considered in relation to the goals and objectives of the Comprehensive Plan or the Village of Oak Park; and
6. There shall be reasonable assurance that the proposed buildings or use will be completed and maintained in a timely manner, if authorized.

17. The evidence shows that the proposed day care center is suitable within the B-1/B-2 General Business District and is compatible with the surrounding neighborhood.

18. The evidence shows that the proposed school would have little overall impact on

traffic patterns, pedestrian traffic or area parking.

19. The evidence shows that the proposed day care center will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

20. Section 3.9.8(E) of the Village Zoning Ordinance requires a special use permit for day care centers in the B-1/B-2 General Business District.

21. The Applicant has provided reasonable assurance that its Proposal will be completed in a timely manner and shall comply with Village building code requirements.

22. The evidence shows that the issuance of a special use permit for the Subject Property is in the best interest of the Village of Oak Park and the Applicant has met the standards pursuant to Section 2.2.3(D) of the Village Zoning Ordinance for the permit.

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## **RECOMMENDATION**

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, the Zoning Board of Appeals, hereby recommends to the President and Board of Trustees pursuant to a vote of 7 - 0, that the special use permit be granted pursuant to Section 3.1 ("Summary Use Matrix") and Section 4.5.2(H) of the Village Zoning Ordinance, for a day care center to be located at 6441 North Avenue, Oak Park, Illinois, by the Applicant, subject to the following conditions and restrictions:

1. The flow of traffic in the east-west alley, as proposed in the Applicant's Pick-up/Drop-off Plan, must remain westbound;
2. The special use permit shall be limited to the Applicant and the use set forth herein, and any expansion in the use or change in the tenant, operator or use of the Subject Property will terminate the special use permit; and
3. In the event that any of the conditions set forth herein shall not be fulfilled at any time in the future, said event shall be deemed a violation(s) of the Zoning Ordinance and the Zoning Administrator shall take appropriate action.

This report adopted by a 7 to 0 vote of this  
Zoning Board of Appeals, this 4<sup>th</sup> day of  
October, 2017.