

October 27, 2020

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

**Re: Application of the Village of Oak Park for
Consideration of Amendments to the Village
of Oak Park Zoning Ordinance Regarding
Exceptions to the 50-Foot Setback Retail
Use Restriction in the DT-1 and DT-2 Sub-
Districts – PC 20-10**

Dear President and Board of Trustees:

In October of 2020, the Village of Oak Park (“Applicant”), submitted an application for consideration of amendments to the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) with the Plan Commission (“Commission”). The Applicant requested that the Commission consider whether to amend the Zoning Ordinance to modify the exceptions to the fifty foot (50’) setback retail use restriction in the DT-1 and DT-2 Sub- Districts, to allow art and fitness studios, health clubs, indoor recreation and business service centers to operate within that setback (together the “Amendments”).

Notice and Hearing.

On October 7, 2020, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation within the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a public hearing on the application on October 27, 2020, at which time and place a quorum of the members of the Commission was present.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant is the Village of Oak Park.
2. The Applicant asked the Commission to consider whether it is appropriate to make the Amendments to the Zoning Ordinance.
3. The Zoning Ordinance was adopted in its current form in September of 2017 and it has been amended several times since then.
4. The Commission heard testimony regarding the proposed Amendments.

Standards.

5. The following are standards for approval of text amendments in Subsection 14.1(E)(2) of the Zoning Ordinance:
 - a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
 - b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
 - c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
 - d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
 - e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
 - f. The extent to which the proposed amendment creates nonconformities.
 - g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

6. The Commission finds that the Amendments satisfy the standards in Subsection 14.1(E)(2), and that approval of the requested Amendments is appropriate.

7. The Amendments would allow for the following additional non-retail uses within the first fifty feet (50') of the street lot line in the DT-1 and DT-2 Sub-Districts: art and fitness studios, health clubs, indoor recreation and business service centers.

8. Allowing these uses within the first fifty feet (50') of the street lot line in the DT-1 and DT-2 Sub-Districts is appropriate given the rapidly changing nature of retail business and the need to allow for a reasonable scope of non-retail uses in buildings operated under the retail requirement.

9. Specifically, the Commission finds that making the Amendments to the Zoning Ordinance will promote the public health, safety, and welfare, will make the regulations in the Zoning Ordinance more closely aligned with the intent of the Zoning Ordinance and Comprehensive Plan of the Village of Oak Park, and will further the land planning goals of the Village of Oak Park.

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, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the Village President and Board of Trustees that the application be GRANTED, and that the Amendments be made to the Zoning Ordinance, as set forth in **EXHIBIT A** attached hereto and made a part hereof.

This report adopted by a 7 to 0 vote of the Plan Commission, sitting as a Zoning Commission, this 27th day of October, 2020.

EXHIBIT A
AMENDMENTS
(attached)

The following amendments to the Zoning Ordinance are recommended, with additions underlined.

Article 8 “Uses”

Section 8.3 “Use Restrictions”

Subsection 8.3.A.1. “DT District”

“1. Only uses that are listed as permitted or special within the “retail” category of Table 8-1 for the DT District are allowed within the first 50 feet of the street lot line at grade level or on the ground floor of any building, with the following exceptions:

- a. Personal service establishment is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- b. Live performance venue is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.
- c. Design studio with retail is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.
- d. Specialty food service is only allowed at grade level or on the ground floor if it maintains a retail and/or restaurant component.
- e. This restriction also applies to temporary uses with the following exceptions: temporary pop-up business and temporary real estate sales office/model unit are permitted at ground level or on the ground floor within the first 50 feet of the street lot line
- f. Work Lounge is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- g. Art and Fitness Studio is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- h. Health Club is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- i. Recreation, Indoor is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- j. Business Service Center is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.”