



# Village of Oak Park

## STAFF REPORT

**TO:** Zoning Board of Appeals

**REVIEW DATE:** January 8, 2025

**FROM:** Project Review Team

**PREPARED BY:** Mike Bruce, Zoning Administrator

### PROJECT TITLE

**CALENDAR NUMBER:** 21-24-Z

The Zoning Board of Appeals ("ZBA") will conduct a public hearing on a special use permit application filed by the Applicant, Sun Wellness Corp., d/b/a/ Massage Envy, to operate a massage service establishment pursuant to Section 8.3 ("Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 971 Lake Street, Oak Park, Illinois, Property Index Number 16-07-128-031-0000, in the DT Downtown Business Zoning District.

In addition, Section 8.3 (Table 8-1: Use Matrix) prohibits massage service establishments from being located within the first 50 feet of the street lot line at grade level or on the ground floor of any building within the DT-1 and DT-2 Sub-Districts of Downtown. Sun Wellness Corp., d/b/a/ Massage Envy, a massage service establishment, plans to operate on the ground floor of the building within 50 feet of Forest Avenue and Lake Street lot lines.

### APPLICANT INFORMATION

**APPLICANT:** Sun Wellness Corp., d/b/a/ Massage Envy  
6N021 Oak Run Court  
Saint Charles, IL 60175

**PROPERTY OWNER:** Pref Forest Place, LLC  
701 Brazos Street, Suite 1530  
Austin, TX 78701

**PROJECT CONTACT:** Dave King  
1101 Lake Street, Suite 313  
Oak Park, IL 60301

### PROPERTY INFORMATION

**EXISTING ZONING:** DT Downtown Zoning District  
**EXISTING LAND USE:** Mixed Use Planned Development  
**PROPERTY SIZE:** Approximately 140, 000 Square Feet  
**COMPREHENSIVE PLAN:** Mixed-Residential

## SURROUNDING ZONING AND LAND USES:

NORTH: Lake Street followed by DT Downtown Zoning District (Albion Planned Development)  
SOUTH: DT Downtown Zoning District (Low Rise Housing Planned Development)  
EAST: DT Downtown Zoning District (100 Forest Place Residential Building)  
WEST: Forest Avenue followed by DT Downtown Zoning District (Forsyth Commercial Building)

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## A n a l y s i s

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### Submittals

This report is based on the following documents which were filed with the Development Services Department:

1. Proposal;
2. Massage Envy Information;
3. Lease Outline Diagram;
4. Pictures of Site;
5. Application for Special Use Permit;
6. Application for Variance;
7. Responses to the Special Use Standards pursuant to Section 14.2 (E);
8. Response to the Variance Standards pursuant to Section 14.3 (E); and
9. Letter of Support from Downtown Oak Park.

### Description

The Subject Property is a planned mixed multiple-family and commercial development located along Forest Avenue between North Boulevard and Lake Street in the DT Downtown Zoning District. The development consists of the following residential uses on the Subject Property: 99 townhome units along the perimeter of the Subject Property and 141 units in a 15-story building located on Lake Street, opposite the Village's parking structure. The property also has approximately 9,000 square feet of commercial space in the lower level of a three-story module at the corner of Lake Street and Forest Avenue. The Applicant seeks to use approximately 3,600 square feet of this commercial space for a massage service establishment (Massage Envy) at 971 Lake Street. Massage Envy is the nation's largest provider of massage services, offering high-quality therapeutic massage and skincare services.

## C o m p l i a n c e   w i t h   t h e   Z o n i n g   O r d i n a n c e   -   S p e c i a l   U s e

The Applicant seeks a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park that requires a special use permit for a massage service establishment in the DT Downtown Zoning District. The 2017 Zoning Ordinance changed the regulation of massage establishment from a by-right "personal service use" permitted in all commercial districts to a special use permit in most commercial districts.

The 2017 Zoning Ordinance defines a massage service establishment as follows:

“Massage Service Establishment. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered by a licensed massage therapist as required by the State of Illinois. For the purposes of this definition, the following medical practices are not considered a massage service establishment, but are part of a medical/dental clinic per this Ordinance: massage treatment administered by licensed medical practitioners, licensed physical therapists, chiropractors, acupuncturist or other holistic medicine, or similar professional medical person licensed by the state. A massage service establishment does not include ancillary services provided as part of a health club, school, or full-service spa or salon.”

After the hearing, the Zoning Board of Appeals shall transmit to the Village Board a written report of its findings as to compliance of the special use approval standards listed in Section 14.2 (E) (Approval Standards) and give its recommendation to either approve, approve with condition(s) or deny the special use.

#### Special Use:

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether an approval of the special use is appropriate at the particular location and manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not have a substantial or unduly adverse impact on the neighborhood or endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance, adopted land use policies and the Comprehensive Plan.
4. The special use meets the requirements for such classification in this Ordinance.

The Applicant has responded to the special use permit approval standards within his application. As noted above, the Applicant also seeks a variance to allow the proposed use on the ground floor within 50 feet of the two street lines. The Applicant has provided a separate variance application. The ZBA will provide a recommendation for the special use permit that will be forwarded to the Village Board. However, approval or denial of the variance requests will be undertaken by the ZBA only. If the Village Board chooses to deny the special use application, the variances, if approved, would become null and void.

#### **Compliance with the Zoning Ordinance - Variance**

The Applicant seeks a variance from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance that prohibits massage service establishments from being located within the first 50 feet of the street lot line at grade level or on the ground floor of any building within the DT-1 and DT-2 Sub-Districts of Downtown. Sun Wellness Corp., d/b/a/ Massage Envy, a massage service establishment, plans to operate on the ground floor of the building within 50 feet of Forest Avenue and Lake Street lot lines.

The use restrictions of the above section apply to the DT-1 and DT-2 Sub-Districts. 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.

The following are the only uses allowed at grade level or on the ground floor by-right in the DT-1 and DT-2 Sub-Districts.

Antique Store  
Art Gallery  
Auction House  
Brewpub  
Consignment Shop  
Craft Brew Lounge  
Design Studio with Retail  
Gas Station  
Greenhouse/Nursery  
Heavy Retail and Rental  
Outdoor Dining  
Retail Cannabis Establishment  
Restaurant  
Retail Goods Establishment  
Secondhand Goods Dealer  
Specialty Food Service  
Vehicle Dealership: Fully Enclosed  
Vehicle Dealership: Fully Enclosed-Small  
Vehicle Dealership – With Outdoor  
Storage and Display

In contrast, there are many other uses that are allowed within the Downtown Districts if the uses are located on the second floor or more than 50 feet from the street line on the ground floor. The Applicant seeks a variance to allow a real estate brokerage firm use that is permitted in the district but is not permitted at grade or on the ground floor within 50 feet of the street line.

### *Variance Approval Standards*

1. The Zoning Board of Appeals decision must make findings to support each of the following:
  - a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
  - b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.
2. The Zoning Board of Appeals, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
  - a. The granting of the variation will not be detrimental to the public health, safety, and welfare in the neighborhood in which the property is located.
  - b. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.
  - c. The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted land use policies.

The Applicant has responded to the variance standards within their application.

### **C o m p a t i b i l i t y   w i t h   S u r r o u n d i n g   L a n d   U s e s**

The Subject Property is located within the corporate boundaries of the Village of Oak Park in a Zoning District classified as DT-Downtown Zoning District. The DT Downtown Zoning District is intended for the greater downtown area including the three sub-districts. The DT District covers the most concentrated area of retail, service, and office within a pedestrian-oriented shopping district. The district also encourages the integration of residential, especially mixed-use development.

The DT District is divided into three sub-districts. The Subject Property is located within the DT-1 Downtown Central Sub-District. The DT-1 Downtown Central Sub-District covers the most intensely developed portion of

the Downtown, emphasizing an active, lively mixed-use environment with retail and entertainment located on the ground floor along the street, and a variety of uses above, including residential.

The use of the property as a massage service establishment is compatible and pedestrian friendly with the immediately adjacent mixed residential area. The Applicant's ability to use the property as a massage service establishment, even though it is not a permitted use on the ground floor within 50 feet of the street line in the DT-Downtown District, would create a destination-based establishment and also fill a long vacant space. The massage service establishment would provide health and wellness to the community. The For the foregoing reasons, the proposed massage service establishment would be compatible with the surrounding land uses.

## **G e n e r a l I n f o r m a t i o n**

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### Project Review Team

Staff discussed the Applicant's request for a special use permit. Staff consists of representatives from various departments and divisions within the Village government. Staff is in support of the proposed massage service establishment at this location. The proposed use would provide a definite eastern terminus to the Oak Park Village Mall.

The property is located at the most eastern edge of the downtown area where there is no other retail uses on the south side of Lake Street adjacent to the Subject Property. Further, the property along Lake, Forest are not primarily oriented to pedestrian shoppers. Shoppers are required to walk across Forest Avenue and Lake Street to access the property creating a barrier for pedestrian shoppers. The property has never had a retail use and struggles to attract any uses other than medical or office.

In addition to being located at the most eastern edge of Downtown Oak Park, according to the Applicant, "the space is too large for most independent restaurants, and for fitness users the ceiling heights are too low (only 8'6" to bottom of HVAC ductwork & not possible to raise). Medical - the space is too large for independent MD offices & too small for today's hospital off-sites (Elmhurst Hospital occupies 12,000 SF above Cooper's Hawk). Dental - A typical dentist office today is 1,200 - 2,500 SF, not 3,606 SF. In addition, only 900 SF of the total 3,606 SF fronts Lake Street with the remaining space facing Forest Avenue. Space layout & columns are also a challenge for most users." The proposed Massage Envy use is appropriate at this location.

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*End of Report.*

- c. Applicant  
Zoning Board of Appeals members  
Rasheda Jackson, Zoning Board of Appeals Attorney  
Craig Failor, Village Planner