



Village of Oak Park

STAFF REPORT

TO: Zoning Board of Appeals

REVIEW DATE: December 6, 2023

FROM: Project Review Team

PREPARED BY: Mike Bruce, Zoning Administrator

PROJECT TITLE

CALENDAR NUMBER: 17-23-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by the Applicant, Magic Forest Daycare, to operate a day care center pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 917 S. Oak Park Avenue, Oak Park, Illinois, Property Index Numbers 16-18-307-0035-0000 (“Subject Property”) in the NC Neighborhood Commercial Zoning District.

APPLICANT INFORMATION

APPLICANT: Magical Forest Daycare
917 S. Oak Park Avenue # A
Oak Park, IL 60304

PROPERTY OWNER: Cristian De Avila-Perez
1307 Scoville Avenue
Berwyn, IL 60402

PROPERTY INFORMATION

EXISTING ZONING: NC Neighborhood Commercial Zoning District
EXISTING LAND USE: Mixed-Use Building with Dwelling Units Above Commercial
PROPERTY SIZE: Approximately 2600 Square Feet
COMPREHENSIVE PLAN: Neighborhood Commercial/Mixed Use

SURROUNDING ZONING AND LAND USES:

NORTH: Public Alley followed by NC Neighborhood Commercial Zoning District (Mixed-Use Building with Prairie State Animal Hospital on Ground Floor)
SOUTH: NC Neighborhood Commercial Zoning District (Town Homes)
EAST: Oak Park Avenue followed by NC Neighborhood Commercial Zoning District (Village Parking Lot)
WEST: Public Alley followed by R-4 Single-Family Zoning District (Single-Family Dwelling Units)

A n a l y s i s

Submittals

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

1. Application for Special Use Permit;
2. Response to Special Use Standards pursuant to Section 14.2 (E);
3. Location Map;
4. Drop off and Pick up Plan;
5. Floor Plan;
6. Site Plan;
7. Title Sheet & Code Analysis; and
8. Plat of Survey.

Description

The Subject Property is located in the NC Neighborhood Commercial Zoning District. The property is improved with a four-story mixed-use building with two commercial units on the ground floor and dwelling units on three floors above the commercial spaces. Cristian De Avila-Perez is purchasing the property. The plan is to operate a day care center from the commercial space of 917 S. Oak Park Avenue, Unit A. The name of the day care center will be Magic Forest Daycare, which will serve approximately 30 children between the ages of one (1) and four (4) years of age.

The Village received a request from Cristian De Avila-Perez to install a "No Parking 15-minute Loading/Drop-off Zone" at 917 S. Oak Park Avenue. The request is to install the loading/drop-off zone in the four (4) pay-by-plate parking spaces located south of the east/west alley on the west side of the 900 block of South Oak Park Avenue. The proposed Loading/Drop-off zone will allow children to be dropped off or picked up from the proposed Magic Forest Daycare at 917 S. Oak Park Avenue, safely and efficiently.

The current on-street parking spaces are pay-by-plate parking, Monday through Saturday, from 8 AM-8 PM. The requested spaces would be designated as a No Parking 15-minute Loading/Drop-off Zone from 7AM to 9AM and 4PM to 6PM Monday through Friday. Outside of the Loading/Drop-off zone time intervals, the four (4) parking spaces would remain open for pay-by plate parking.



Compliance with the Zoning Ordinance

A special use permit shall be required to operate a duly licensed day care center in all commercial zoning districts. Thus, the Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by Magical Forest Daycare, to operate a day care center in Unit A of the building pursuant to Section 8.3 (“Table 8-1: Use Matrix”) of the Oak Park Zoning Ordinance at the property located at 917 S. Oak Park Avenue.

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 permit 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 approval standards within its application.

Following 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.

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 surrounded by the following uses: to the south, four (4) individually owned townhomes; to the west is a single-family dwelling unit; to the north is a mixed-use commercial/residential building; to the east, is Oak Park Avenue followed by a village owned parking lot.

The character of the neighborhood – is retail and commercial in nature, especially north of the alley. However, the uses south of the alley are interrupted by nonretail uses. The area immediately below the alley is not a vibrant retail area. The Subject Property will not be used as a retail space. The use as a day care center is an appropriate use for this building. The use of the space as a day care center does not necessarily promote shopping or dining along the corridor. However, a driver may notice a shop or restaurant that could be a potential stop next time they visit the district.

The proposed day care center plans to service approximately 30 children at a time, which is a small day care center. If the Village approves four (4) parking space to be designated as a "No Parking 15-minute Loading/Drop-off Zone", the day care center should be a good neighbor that will serve the surrounding neighborhood without causing vehicular/pedestrian conflicts along the corridor. Due to the small size of the day care center and the conversion of on-street parking spaces to a loading zone, the proposed use should be compatible with the surrounding neighborhood.

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

Project Review Team

The Village Project Review Team met to discuss the proposed special use application. The Team consists of representatives from various departments and divisions within the Village government. The Team is in support of the proposed day care center for the reasons stated above.

End of Report.

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