

**ATTACHMENT A**

December 6, 2023

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

**Re: Application of Magic Forest Daycare for a Special Use Permit to operate a Day Care Center to be located at 917 S. Oak Park Avenue (Calendar No. 17-23-Z)**

Dear Village President and Board of Trustees:

On September 20, 2023, Magic Forest Daycare (the “Applicant”) filed an application (Calendar No. 02-23-Z) pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) requesting the issuance of a special use permit to operate a day care center named Magic Forest Daycare at 917 S Oak Park Avenue (“Subject Property”).

A public hearing was held on the application by the Village of Oak Park’s (“Village”) Zoning Board of Appeals (“ZBA”) in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois on December 6, 2023 at 7:00 p.m. The notice and time and place of the public hearing was duly published on November 15, 2023, in the *Wednesday Journal*, a newspaper of general circulation in the Village. Notice was also posted at the Subject Property and notices were mailed by the Applicant to owners of record within 300 feet of the Subject Property, advising them of the application and the public hearing to be held.

## FINDINGS OF FACT

The Zoning Board of Appeals (“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 14.2(C)(2), 14.2(D)(1) and 14.2(E) of the Zoning Ordinance:

1. The Applicant seeks a special use permit pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance to operate a day care center located in the NC Neighborhood Commercial Zoning District at the Subject Property.

### The Subject Property.

2. The Subject 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.

3. The Applicant will operate the Unit A commercial space, and the day care will serve approximately 30 children between the ages of one (1) and four (4) years of age (the “Proposal”).

### The Applicant.

4. Cristian De Avila-Perez is the owner of the Subject Property, and the business owner and operator of Magic Forest Daycare.

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

6. 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 permit.

7. 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. Responses to the Standards for Receiving a Special Use, as conveyed in Section 14.2(E) pursuant to the Zoning Ordinance;
- c. Location Map;
- d. Drop off and Pick up Plan;
- e. Floor Plan;
- f. Site Plan;
- g. Title Sheet & Code Analysis;
- h. Plat of Survey; and
- i. Two Clients Testified in Support of Application.

Compatibility with Surrounding Uses.

11. The character of the neighborhood within the NC Neighborhood Commercial Zoning District Zoning District is retail and commercial in nature.

12. The site is physically suitable for the type, density, and intensity of the proposed use.

13. The day care center plans to service approximate 30 children from 6:00 a.m. to 6:00 p.m. Monday through Friday.

14. The Village has received a request from the Applicant to designate four (4) pay-by-plate parking spaces located on the west side of the 900 block of South Oak Park Avenue for a loading/Drop-off zone for the children. If approved, the day care center will be compatible with the surround neighborhood.

Project Review Team.

15. 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.

16. The Team does support the special use permit request to operate a day care

center at the Subject Property.

The Need for Zoning Relief.

17. An Applicant cannot operate a daycare facility in the NC Neighborhood Commercial Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8.1: Use Matrix).

The Special Use Approval Standards.

18. A special use permit may be granted only if evidence is presented to meet the following approval standards pursuant to Section 14.2 (E) of the Zoning Ordinance:

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 [the Zoning] Ordinance, adopted land use policies and the Comprehensive Plan; and
4. The special use meets the requirements for such classification in this [the Zoning] Ordinance.

19. The evidence shows that the proposed day care center is suitable within the NC Neighborhood Zoning District and is compatible with the surrounding neighborhood.

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

21. 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 set forth in Section 14.2(E) of the Zoning Ordinance for the permit.

## **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 6 - 0, that a special use permit be granted to the Applicant to operate a day care center pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance to be located at 917 S. Oak Park Ave, Oak Park, Illinois.

This report adopted by a 6 to 0 vote of this Zoning Board of Appeals, this 6<sup>th</sup> day of December, 2023.