

ORDINANCE

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE
A RECEPTION/BANQUET FACILITY AT 6435 NORTH AVENUE FOR A ONE-YEAR PERIOD**

WHEREAS, on March 16, 2022 an application for a special use permit was filed by Oxford Bank & Trust-Trust #1869 (“Petitioner”) requesting the issuance of a special use permit to operate a reception/banquet facility in the NA North Avenue Zoning District at the property commonly known as 6435 North Avenue, Oak Park, Illinois (“Subject Property”); and

WHEREAS, at a meeting held on June 1, 2022, the Zoning Board of Appeals held a public hearing on the Petitioner’s application for the special use permit; and

WHEREAS, notice of the public hearing was duly published in the *Wednesday Journal* on March 16, 2022; and

WHEREAS, the Zoning Board of Appeals recommended that the special use permit be granted for the Subject Property by a vote of five (5) in favor and zero (0) against; and

WHEREAS, the Zoning Board of Appeals adopted its written Findings of Fact and Recommendation on the application at its meeting of June 1, 2022, which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the President and Board of Trustees have received the Findings of Fact and Recommendation of the Zoning Board of Appeals with respect to the application for the special use permit at the Subject Property; and

WHEREAS, the President and Board of Trustees have determined that the granting of the special use permit for the use set forth in the Petitioner’s application is in the best interests of the Village subject to the terms and conditions set forth in the Findings of Fact and Recommendation of the Zoning Board of Appeals and this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Adoption of Findings of Fact and Recommendation. The Findings of Fact and Recommendation of the Zoning Board of Appeals attached hereto as Attachment A are adopted by the President and Board of Trustees and incorporated herein.

Section 3. Special Use Permit Granted. The application of the Petitioner for a special use permit in a NA North Avenue Zoning District to operate a reception/banquet facility at the

Subject Property is granted, subject to the terms and conditions set forth in the Zoning Board of Appeals' Findings of Fact and Recommendation. The special use permit granted herein shall expire on June 21, 2023 and the Petitioner shall be entitled to reapply for the renewal of the special use permit on or before said date. The application fee for the renewal of the special use permit is waived.

Section 4. Execution of Ordinance. As a condition of the special use permit granted herein, this Ordinance shall be executed by the Petitioner to signify its agreement to the terms hereof.

Section 5. Violation of Conditions. Any violation of (i) any term of conditions set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approval granted pursuant to this Ordinance.

Section 6. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced at the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

Section 7. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED this 21st day of June, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman	✓			
Trustee Buchanan	✓			
Trustee Enyia	✓			
Trustee Parakkat	✓			
Trustee Robinson	✓			
Trustee Taglia	✓			
Trustee Walker-Peddakotla	✓			

APPROVED this 21st day of June, 2022.

Vicki Scaman
Vicki Scaman, Village President

ATTEST

Christina M. Waters
Christina M. Waters, Village Clerk

Published in pamphlet form this 21st day of June, 2022.

Christina M. Waters
Christina M. Waters, Village Clerk

ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER TO THE CONDITIONS OF THIS ORDINANCE:

PETITIONER – OXFORD BANK & TRUST-TRUST #1869

Chetranda Grey
By: Chetranda Grey
Its: Sole Beneficiary

Date: June 28, 2022

ATTACHMENT A

June 1, 2022

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

Re: Application of Chetranda Grey for a Special Use Permit to operate a reception/banquet facility to be located at 6435 North Avenue (Calendar No. 09-22-Z)

Dear Village President and Board of Trustees:

On March 16, 2022, Chetranda Grey (the "Applicant") filed an application (Calendar No. 09-22-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 reception/banquet facility located at 6435 North Avenue, Oak Park, Illinois ("Subject Property").

A public hearing was held on the application by the Village of Oak Park's ("Village") Zoning Board of Appeals ("ZBA") by remote participation on June 2, 2022 at 7:00 p.m. with live audio available and optional video. The meeting was streamed live and archived online for on-demand viewing at www.oak-park.us/commissiontv as well as cablecast on VOP-TV, which is available to Comcast subscribers on channel 6 and ATT U-Verse subscribers on channel 99. The remote public hearing is authorized pursuant to Section 7(e) of the Open Meetings Act. 5 ILCS 120/7(e). The notice and time and place of the public hearing was duly published on March 16, 2022, 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 reception/banquet facility located in the NA North Avenue Zoning District at the Subject Property (“Proposal”).

The Subject Property.

2. The Subject Property is situated along the south side of North Avenue between Rossell Avenue and Elmwood Avenue.

3. The Subject Property is currently used as a church on Sundays for which a variance was granted on January 5, 2022. Churches require a variance in the R-7 Multi-Family Zoning District.

The Applicant.

4. Oxford Bank & Trust-Trust #1869 is the owner of the Subject Property and the Applicant is the sole beneficiary of Oxford Bank & Trust-Trust #1869.

5. The Applicant submitted evidence that the banquet/reception facility 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. Project Summary;
- c. Responses to the standards for receiving a special use, as conveyed in Section 14.2(E) pursuant to the Zoning Ordinance;
- d. Site Plan;
- e. Title Survey; and
- f. Pictures of interior space.

Compatibility with Surrounding Uses.

8. The character of the neighborhood within the NA North Avenue Zoning District is mainly commercial, but higher density residential and mixed-use development is also encouraged.

9. The operating hours of the banquet/reception facility are proposed to be from 6:00 pm to 10:00 pm Monday through Sunday. The banquet/reception facility may have a negative impact on the adjacent residential neighborhood due to patrons parking in the neighborhood as there is not adequate on-site parking for patrons.

Project Review Team.

10. 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.

11. The Team supports the special use permit request to operate a banquet/reception facility if the ZBA places certain restrictions on the facility.

12. The Team recommends that the facility be restricted from operating from 10:00 p.m. to 6:00 a.m. Monday through Saturday.

13. The Team recommends that the maximum permitted occupancy of the facility be limited to 50 persons or less due to limited parking for the facility and due to the facility being

located adjacent to a residential neighborhood.

The Need for Zoning Relief.

14. An Applicant cannot operate a banquet/reception facility in the NA North Avenue Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8.1: Use Matrix).

The Special Use Approval Standards.

15. 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.

16. The evidence shows that the proposed banquet/reception facility is suitable within the NA North Avenue Zoning District and is compatible with the surrounding neighborhood.

17. The evidence shows that the banquet/reception facility may add to the vibrancy of the neighborhood during evening hours.

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

19. 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 5 - 0, that the special use permit be granted pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance for a banquet/reception facility operated by the Applicant to be located at 6435 North Avenue, Oak Park, Illinois subject to the following conditions:

1. The Applicant shall be restricted from operating the facility from 10:00 p.m. to 6:00 a.m. Monday through Saturday; and
2. The maximum permitted occupancy of the facility shall be limited to 50 persons or less; 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; and
4. The special use will expire in one year or on June 21, 2023 and the Applicant will be entitled to reapply.

This report adopted by a 5 to 0 vote of this Zoning Board of Appeals, this 1st day of June, 2022.