

February 2, 2022

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

**Re: Application of Massage Fix, LLC for a Special Use Permit to operate a massage service establishment to be located at 101 N. Marion Street (Calendar No. 1-22-Z)**

Dear Village President and Board of Trustees:

On November 27, 2021, Massage Fix, LLC (the "Applicant") filed an application (Calendar No. 1-22-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 massage service establishment located at 101 N. Marion Street, Suite 302, 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 January 5, 2022 at 7:00 p.m. with live audio available and optional video. The hearing was streamed live and archived online for on-demand viewing at [www.oak-park.us/commissiontv](http://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 December 15, 2021, 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 massage service establishment located in the DT Downtown Zoning District at the Subject Property.

### The Subject Property.

2. The Subject Property is improved with a mixed-use building located at 101-103 N. Marion Street and 1108-1110 North Boulevard.

3. The Marion Street addresses (east side) contain retail uses, while the North Boulevard addresses are for access to the office and residential units located above grade at the Subject Property.

4. The Applicant proposes to operate Massage Fix, LLC, a massage service establishment, at the Subject Property (the “Proposal”).

### The Applicant.

5. The Applicant is a licensed massage therapist and will be leasing the Subject Property. Laverne Collins is the owner of the Subject Property and has consented to the filing of this Application.

6. The Applicant submitted evidence that the massage service establishment would allow for the successful development of the Subject Property.

7. The Applicant presented evidence that she is ready to move forward with the development of the Subject Property upon the Village's approval of the special use permit.

8. 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/Business Plan;
- c. Responses to the Standards for Receiving a Special Use, as conveyed in Section 14.2(E) pursuant to the Zoning Ordinance;
- d. Floor Plan;
- e. Tax Pap; and
- f. Picture of Building Located at 101 N. Marion Street.

Compatibility with Surrounding Uses.

9. The character of the neighborhood within the DT Downtown Zoning District is mainly retail, service and offices within a pedestrian-oriented shopping district.

10. More specifically, the proposed use would be located within the DT-1 Downtown Central Sub-District which encourages an active, mixed-used environment with retail and entertainment on the ground floors and multiple uses above ground floor.

11. The proposed massage service establishment would be compatible with the surrounding land uses.

Project Review Team.

12. 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.

13. The Team supports the special use permit request to operate a massage service establishment at the Subject Property.

The Need for Zoning Relief.

14. An Applicant cannot operate a massage service establishment in the DT Downtown 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 massage service establishment is suitable within the DT Downtown Zoning District and is compatible with the surrounding neighborhood.

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

18. 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 7 - 0, that the special use permit be granted, pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance for a massage service establishment operated by the Applicant to be located at 101 N. Marion Street, Oak Park, Illinois.

This report adopted by a 7 to 0 vote of this Zoning Board of Appeals, this 2<sup>nd</sup> day of February, 2022.