

ATTACHMENT A

June 2, 2021

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

Re: Application of Donn Todd for a Special Use Permit to operate Miller's Auto Detail LLC, a hand car wash and detail center, to be located at 248 Madison Street, Oak Park, Illinois (Calendar No. 07-21-Z)

Dear Village President and Board of Trustees:

On March 8, 2021, Donn Todd (the "Applicant") filed an application (Calendar No. 07-21-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 hand car wash and detail center in the MS Madison Street Zoning District at the property located as 248 Madison Street, Oak Park, Illinois, 60302 ("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 May 5, 2021 at 7:00 pm 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 April 14, 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 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 Village Zoning Ordinance:

1. The Applicant seek a special use permit pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance to operate a hand car wash and detail center in the Village's MS Madison Zoning District.

The Subject Property.

2. The Subject Property is located at 248 Madison Street, Oak Park, Illinois, 60302. The Applicant is the owner of the Subject Property.

3. The Applicant proposes to operate a hand car wash and detail center at the Subject Property ("Proposal"). A car wash is a business for the washing and cleaning of passenger vehicles. Recreational vehicle or other light duty equipment, whether automatic, by hand, or self-service.

4. The Subject Property is located within the MS Madison Zoning District. A special use permit is necessary to operate a hand car wash and detail center in the MS Madison Zoning District.

5. The Applicant asserts that the Subject Property will be used as a detail center only and not a car wash.

6. A car wash/hand car wash is defined by the Zoning Ordinance to include a detail center and there is no independent definition of a detail center in the Zoning Ordinance.

The Applicant.

7. The Applicant is the owner of the Subject Property.
8. The Applicant submitted evidence that a hand car wash and detail center would allow the successful development of the Subject Property.
9. The Applicant presented evidence that it is ready to move forward with the development of the Subject Property immediately upon the Village's approval of the special use permit.
10. 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. Covers Sheet;
 - c. Responses to the Approval Standards for Receiving a Special Use, as conveyed in Section 14.2 (E); and
 - d. Floor Plan.

Compatibility with Surrounding Uses.

11. The character of the neighborhood is retail, office and service uses.
12. A hand car wash and detail center is compatible with other types of uses that exist in the area and the lot is physically suitable for the type, density and intensity of the proposed use.

Project Review Team.

13. The Village's Internal Project Review Team ("Team") met to review the Applicant's Proposal. The team consists of staff members from various Village departments.
14. The Team supports the Applicant's special use application for a hand car wash and detail center in the MS Madison Street Zoning District.

The Need for Zoning Relief.

15. An applicant cannot operate a hand car wash and detail center in the MS Madison Street Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix).

The Special Use Standards.

16. A special use permit may be granted only if each of the following factors are met 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 Ordinance, adopted land use policies and the Comprehensive Plan; and
4. The special use meets the requirement for such classification in this [the Zoning] Ordinance.

17. The evidence shows that the proposed hand car wash and detail center is suitable within the MS Madison Zoning District and is compatible with the surrounding neighborhood.

18. The evidence shows that the proposed hand car wash and detail center will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

19. Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special use permit to operate a hand car wash and detail center in the MS Madison Street Zoning District.

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 and the Applicant has met the standards pursuant to 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 4 - 0 , that the special use permit be granted pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance to operate a hand car wash and detail center to be located at 248 Madison Street, Oak Park, Illinois by the Applicant subject to the following conditions and restrictions:

1. The special use permit shall be limited to the Applicant and the use set forth herein, and any expansion in the use or change in the tenant, operator or use of the Subject Property will terminate the special use permit; and
2. 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.

This report adopted by a 4 to 0 vote of this Zoning Board of Appeals, this 2nd day of June, 2021.