

ATTACHMENT A

May 3, 2023

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

Re: Application of Mel Garland for a Special Use Permit to operate a Day Care Center to be located at 845 – 847 Madison Street (Calendar No. 03-23-Z)

Dear Village President and Board of Trustees:

On January 13, 2023, Mel Garland (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 Think Big Academy at 326 Lake Street (“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 May 3, 2023 at 7:00 p.m. The notice and time and place of the public hearing was duly published on February 8, 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 MS Madison Street Zoning District at the Subject Property.

The Subject Property.

2. There is an existing day care center located at the Subject Property in the MS Madison Street Zoning District, and the property is improved with a one-story commercial building.

3. For the last 23 years, the Subject Property has been home to several day care centers. Kings Kidz currently operates in the northern portion of the building.

4. Town & Country Import Cars, an auto repair shop, operates in the southern portion of the building, but will cease operation upon approval of Applicant's special use permit.

5. The Applicant plans to expand the existing day care center into the southern portion of the building and reopen the day care center under the name "Think Big Academy" (the "Proposal").

6. The day care center will provide care for approximately 90 children from the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday.

The Applicant.

7. The Applicant is the contract purchaser of the Subject Property. Alfio Bernardi and Stanislao Di Maio are the owners of the Subject Property and have consented to the filing of the Application.

8. The Applicant submitted evidence that the day care center would allow for 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 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. Project Summary;
- c. Area Map;
- d. Drop off and Pick up Plan;
- e. Responses to the Standards for Receiving a Special Use, as conveyed in Section 14.2(E) pursuant to the Zoning Ordinance;
- f. Title Commitment;
- g. Purchase Contract with Contingency;
- h. Floor Plan (Existing);
- i. Floor Plan (Proposed); and
- j. Plat of Survey.

Compatibility with Surrounding Uses.

11. The character of the neighborhood within the MS Madison Street Zoning District is mainly commercial.

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

13. A day care center has been in operation since 2000. The new daycare center, Think Big Academy, will continue to serve the community.

Project Review Team.

14. 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.

15. The Team is in support the special use permit request to operate a day care center at the Subject Property.

16. The Team has concerns about the expected traffic issues with the day care servicing approximately 90 children and employing 12 staff members.

17. The Team requests that the following conditions be incorporated into the special use permit upon approval:

- a. Drivers should be required to enter from Madison Street and stack along the west side of Carpenter Avenue;
- b. The Applicant must install “Right Turn Only” signage on the building that requires vehicles to turn right (north) into the alley to avoid additional traffic in the alley south of the Subject Property; and
- c. The Applicants shall be required to reimburse the Village for the cost to install and mount appropriate signage to the building that will indicate “Right Turn Only” from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Monday through Friday for all northbound alley traffic at Madison Street. A separate ordinance shall be required to be adopted by the Village Board which provides for these restrictions and shall be a condition of approval for the special use permit.

The Need for Zoning Relief.

18. An Applicant cannot operate a daycare facility 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 Approval Standards.

19. 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.

20. The evidence shows that the proposed day care center is suitable within the MS Madison Street Zoning District and is compatible with the surrounding neighborhood.

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

22. 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 4 - 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 845-847 Madison Street, Oak Park, Illinois subject to the following conditions and restrictions:

- a. Drivers should be required to enter from Madison Street and stack along the west side of Carpenter Avenue;
- b. The Applicant must install "Right Turn Only" signage on the building that requires vehicles to turn right (north) into the alley to avoid additional traffic in the alley south of the Subject Property; and

c. The Applicants shall be required to reimburse the Village for the cost to install and mount appropriate signage to the building that will indicate “Right Turn Only” from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Monday through Friday for all northbound alley traffic at Madison Street. A separate ordinance shall be required to be adopted by the Village Board which provides for these restrictions and shall be a condition of approval for the special use permit.

This report adopted by a 4 to 0 vote of this Zoning Board of Appeals, this 3rd day of May, 2023.