



Village of Oak Park

STAFF REPORT

TO: Zoning Board of Appeals

REVIEW DATE: February 2, 2021

FROM: Project Review Team

PREPARED BY: Mike Bruce, Zoning Administrator

P R O J E C T T I T L E

CALENDAR NUMBER: 01-22-Z The Zoning Board of Appeals ("Board") will conduct a public hearing on a special use permit application filed by the Applicant, Massage Fix, LLC. to operate a massage service establishment pursuant to Section 8.3 ("Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 101 N. Marion Street, Suite 302, Oak Park, Illinois ("Subject Property"), Property Index Number 16-07-125-020-0000, in the DT Downtown Zoning District.

A P P L I C A N T I N F O R M A T I O N

APPLICANT: Marie Jones
420 S. Kenilworth Avenue, Unit 9
Oak Park, IL 60302

PROPERTY OWNER: Laverne Collins
PO Box 887
Oak Park, IL 60303

P R O P E R T Y I N F O R M A T I O N

EXISTING ZONING: DT Downtown Zoning District
EXISTING LAND USE: Mixed Use
PROPERTY SIZE: N/A
COMPREHENSIVE PLAN: Downtown Mixed Use

SURROUNDING ZONING AND LAND USES:

NORTH: DT Downtown Zoning District (Kalamata Kitchen Restaurant)
SOUTH: South Boulevard followed by train viaduct
EAST: Marion Street followed by DT Downtown Zoning District (Village Parking Lot)
WEST: DT Downtown Zoning District (The Emerson Building)

A n a l y s i s

Submittals

This report is based on the following documents which were filed with the Development Customer Services Department:

1. Application for Special Use Permit;
2. Project Summary/Business Plan;
3. Responses to the Special Use Standards pursuant to Section 14.2 (E):
4. Floor Plan;
5. Tax Pap; and
6. Picture of Building at 101 N. Marion Street.

Description

The Subject Property is located in the DT Downtown Zoning District. The property is improved with a mixed-use building located at 101-103 N. Marion Street and 1108-1110 North Boulevard. 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. The tenant space at Suite 302 is located on the third floor of the building and is a commercial space.

The Applicant seeks to allow the tenant space to be used as a Massage Fix, LLC. Massage Fix, LLC will be owned and operated by Marie Jones who is a licensed Massage Therapist (#227009622). According to the application, Marie Jones has been a licensed and practicing massage therapist since 2008.

C o m p l i a n c e w i t h t h e Z o n i n g O r d i n a n c e

The Applicant seeks a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park which section requires a special use permit for a massage service establishment in the DT Downtown Zoning District to operate Massage Fix, LLC at the premises above stated premises.

The 2017 Zoning Ordinance changed the regulation of massage establishment from a by-right “personal service use” permitted in all commercial districts to a special use permit in most commercial districts. A special use permit shall be required to operate a message service establishment in the DT Downtown, GC General Commercial, MS Madison Street, NA North Avenue and NC Neighborhood Commercial Zoning Districts.

The 2017 Zoning Ordinance defines a massage service establishment as follows:

“Massage Service Establishment. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered by a licensed massage therapist as required by the State of Illinois. For the purposes of this definition, the following medical practices are not considered a massage service establishment, but are part of a medical/dental clinic per this Ordinance: massage treatment administered by licensed medical practitioners, licensed physical therapists, chiropractors, acupuncturist or other holistic medicine, or similar professional medical person licensed by the state. A massage service establishment does not include ancillary services provided as part of a health club, school, or full-service spa or salon.”

After the hearing, the Zoning Board of Appeals shall transmit to the Village Board a written report of its findings as to compliance of the special use approval standards listed in Section 14.2 (E) (Approval Standards) and give its recommendation to either approve, approve with condition(s) or deny the special use.

Special Use:

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether an approval of the special use is appropriate at the particular location and manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

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.
4. The special use meets the requirements for such classification in this Ordinance.

The Applicant has responded to the approval standards within her application.

C o m p a t i b i l i t y w i t h S u r r o u n d i n g L a n d U s e s

The DT District covers the most concentrated area of retail, service, and office within a pedestrian-oriented shopping district. The district also encourages the integration of residential, especially mixed-use development. The DT Downtown Zoning District is intended for the greater downtown area including three sub-districts.

Specifically, the proposed use would be located within the DT-1 Downtown Central Sub-District. The DT-1 Downtown Central Sub-District covers the most intensely developed portion of the Downtown, which encourages an active, lively mixed-use environment with retail and entertainment located on the ground floor along the street, and a variety of uses above the ground floor, including residential. A massage service establishment operated by a licensed massage therapist by the State of Illinois providing therapeutic massage services would be compatible with the adjacent land uses and is an appropriate use for an above grade use. For the foregoing reasons, the proposed massage service establishment would be compatible with the surrounding land uses.

G e n e r a l I n f o r m a t i o n

Project Review Team

Staff discussed the applicant's request for a special use permit. Staff consists of representatives from various departments and divisions within the Village government. Staff does not have any objections to the proposed massage service establishment at this location.

End of Report.

- c. Applicant
Zoning Board of Appeals members
Rasheda Jackson, Zoning Board of Appeals Attorney
Craig Failor, Village Planner