

**ATTACHMENT A**

October 29, 2020

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

**Re: Application of Kizzie and Carlo Harris for a Special Use Permit to Operate a Day Care Center to be located at 266 Lake Street (Calendar No. 12-20-Z)**

Dear Village President and Board of Trustees:

On June 28, 2020, Kizzie and Carlo Harris, (the “Applicants”) filed an application (Calendar No. 12-20-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 to be located in the NC Neighborhood Commercial Zoning District at 266 Lake Street, 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 October 29, 2020 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](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 October 14, 2020, 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 Applicants 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 Applicants seek 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 NC Neighborhood Commercial Zoning District.

#### **The Subject Property.**

2. The Subject Property consists of approximately 1,250 square feet located at 266 Lake Street, Oak Park, Illinois 60302.

3. The Applicants propose to operate a day care center named Little Sprouts Kids at the Subject Property (the "Proposal"). The center will be for children from six-weeks to four years of age. The proposed day-care center will serve approximately fourteen (14) children with three teachers and a director from 7:30 a.m. to 5:00 p.m. Monday through Friday.

4. The drop off and pick up for the proposed center will occur along Cuyler Avenue and/or Lake Street.

#### **The Applicant.**

5. Little Sprouts Kids, LLC, is a daycare currently located 256 Lake Street.

6. The Applicants propose to lease the Subject Property located at 266 Lake Street to operate a day care center. The Subject Property is a two-story mixed use building with a

1,250 square feet commercial space and three apartments on the second floor. The Applicants have received authorization from James Gilchrist, the property owner, to proceed with this application. The Subject Property is grandfathered with no on-site parking spaces.

7. The Applicants submitted evidence that the day care center would allow for the successful development of the tenant spaces at the Subject Property.

8. The Applicants presented evidence that they are ready to move forward with the development of the tenant spaces within the Subject Property upon the Village's approval of the special use permit.

9. 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. Responses to the Approval Standards for Receiving a Special Use, as conveyed in Section 14.2 (E);
- c. Floor plan;
- d. Drop off and Pick up plan; and
- e. Letter/Testimony in support of application.

Compatibility with Surrounding Uses.

10. The character of the neighborhood is commercial and residential.

11. The Subject Property is suitable for the type, density and intensity of the proposed day care center use.

13. The proposed day care center is suitable in the NC Neighborhood Commercial Zoning District and compatible with the surrounding neighborhood.

Project Review Team.

14. The Village's Internal Project Review Team ("Team") met to review the Applicants' Proposal. The team consists of staff members from various Village departments.

15. The Team supports the special use application at the Subject Property and the Village Engineer has no traffic related concerns with the Proposal.

The Need for Zoning Relief.

16. An applicant cannot operate a day care center in the NC Neighborhood Commercial Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix).

Approval Standards.

17. A special use permit may be granted only if 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.

18. The evidence shows that the proposed day care center is suitable within the NC Neighborhood Commercial Zoning District and is compatible with the surrounding neighborhood.

19. The evidence shows that the proposed day care center would have little overall impact on traffic patterns, pedestrian traffic or area parking. The Village Engineer has approved the proposed drop off and pick up times and procedures.

20. The evidence shows that the proposed day care center will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

21. Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special use permit to operate a day care center located in the NC Neighborhood Commercial Zoning District.

22. The Applicants have provided reasonable assurances that its Proposal will be completed in a timely manner and shall comply with Village building code requirements.

23. 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 Applicants have 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 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 day care center to be operated at 266 Lake Street, Oak Park, Illinois by the Applicants subject to the following conditions and restrictions:

1. The Applicants will maintain the drop off and pick up times and procedures approved by the Village Engineer;
2. The special use permit shall be limited to the Applicants 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
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.

This report adopted by a 5 to 0 vote of this  
Zoning Board of Appeals, this 29<sup>th</sup> day of  
October, 2020.