

**ATTACHMENT A**

April 12, 2023

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

**Re: Application of Comedy Plex LLC, for a Special Use Permit to operate a Live Performance Venue to be located at 1128 Lake Street (Calendar No. 07-23-Z)**

Dear Village President and Board of Trustees:

On March 3, 2023, Comedy Plex LLC (the “Applicant”) filed an application (Calendar No. 07-23-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 live performance venue at 1128 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 April 12, 2023 at 7:00 p.m. The notice and time and place of the public hearing was duly published on March 15, 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 live performance venue located in the DT Downtown Zoning District.

### **The Subject Property.**

2. The Subject Property is improved with a one-story commercial building with a basement.

3. The Applicant plans to operate a comedy club and performance space under the name “The Comedy Plex” in the basement tenant space (the “Proposal”).

4. The Comedy Plex will host 90-minute comedy shows, comedy and actor training classes/workshops, photo sessions, bingo events, and after school and summer programs for kids.

### **The Applicant.**

5. The Applicant is the contract purchaser of the Subject Property. 1123 LLC is the owner of the Subject Property and has consented to this filing of the Application.

6. The Applicant submitted evidence that the live performance venue would allow for the successful development of the Subject Property.

7. 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.

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;
- 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. Elevation of Tenant Space;
- g. Title Commitment;
- h. Purchase Contract with Contingency;
- i. Floor Plan (Existing);
- j. Floor Plan (Proposed);
- k. Plat of Survey; and
- l. Letters of support.

Compatibility with Surrounding Uses.

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

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

11. The addition of a comedy club to the DT Downtown Zoning District will add diversity to the existing entertainment options, and it will 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 live performance

venue at the Subject Property. The Applicant has the responsibility to inform all guests of its venue that they shall not stop, stand or park in the private drive/alley owned by the 1120 Club Condominium Association.

The Need for Zoning Relief.

14. An Applicant cannot operate a live performance venue in the DT Downtown Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8.1: Use Matrix). A “live performance venue” is defined as a “facility for the presentation of live performances, including musical acts, theatrical plays or acts, stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players. A live performance venue does not include any adult entertainment.”

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 live performance venue 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 6 - 0, that a special use permit be granted to the Applicant to operate a live performance venue pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance to be located at 1128 Lake Street, Oak Park, Illinois.

This report adopted by a 6 to 0 vote of this Zoning Board of Appeals, this 12<sup>th</sup> day of April, 2023.