

ATTACHMENT A

August 3, 2016

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

Re: Application of S&G Bender, LLC ("Spenga Fitness") for Special Use for an athletic facility to be located at the rear unit of 1136 Lake Street, Cal. No. 16-16-Z.

Dear Trustees:

On or about June 10, 2016, S&G Bender, LLC, of 1140 Lake Street, Oak Park, Illinois, through its agent Chris Rogala, (the "Applicant") filed an application for issuance of a special use permit, pursuant to Section 3.1 ("Summary Use Matrix") of the Zoning Ordinance of the Village of Oak Park pursuant to Section 2.2.3(E), to authorize the use of an athletic facility in the rear tenant portion of the ground floor of 1136 Lake Street, Oak Park, Illinois (the "Subject Property"), currently owned by Raza Holdings, LLC, 5219 N. Harlem Avenue, Chicago, Illinois. This matter was referred to the Zoning Board of Appeals, (the "ZBA"), pursuant to the authority conferred by Section 2.2.3 of the Zoning Ordinance, to hold the required public hearing and to make recommendation to the Village Board of Trustees.

A public hearing was scheduled for a regular meeting of the ZBA on August 3, 2016, at 7:00 p.m. in the Council Chambers of the Village Hall, Madison and Lombard, Oak Park, Illinois. Notice of the time and place of this public hearing was

published on June 29, 2016, in the “Wednesday Journal,” a newspaper of general circulation in the Village of Oak Park. A notice was posted at the Subject Property and letters were also mailed to owners of record within 500 feet of the Subject Property by the Applicant, advising them of the proposal and the public hearing to be held, pursuant to the ZBA rules. The ZBA held the hearing at such time and place, at which a quorum of this Commission was present.

Having heard and considered the testimony and evidence received at the public hearing, the ZBA makes the following findings:

FINDINGS OF FACT

The Subject Property.

1. The Subject Property is approximately 5,300 square feet, located on the north side of Lake Street.
2. This tenant space is located in the B-4 Downtown Business District and a Transit-Related Retail Overlay District (“T-RROD”).
3. The five-story building at 1140 Lake Street is located on the north side of Lake Street one building east of Harlem Avenue.
4. Said building has been divided into three separate units (1140, 1138 and 1136 Lake).
5. The Applicant seeks a special use permit to operate Spenga Fitness in the rear tenant space of the property located at 1136 Lake Street, behind Nando Chicken and the Cannabis Dispensary, a location that would not require any relief from the T-RROD.

6. According to the Applicant, Spenga Fitness is a unique fitness franchise that includes one (1) hour classes comprised of 20 minutes of spin, 20 minutes of strength training and 20 minutes of yoga.

7. Small items such as Spenga clothing and bottled drinks would be sold in the fitness studio.

8. The Applicant provided a written application, along with the following supporting materials, that were entered into the record at the public hearing:

1. Application for Special Use Permit
2. Disclosure of Beneficiary
3. Project Summary
4. Response to Standards
5. Special Warranty Deed
6. ALTA Land Title Survey
7. Floor Plan
8. First Floor Plan-Concept H
9. Affidavit of Notice
10. Plans.

Compatibility with the Neighborhood.

9. The character of the neighborhood is concentrated retail, office and service uses.

10. The proposed use would be located in a vacant tenant space at the rear of the building, which will not impact the retailers located along Lake Street.

11. The proposal would feature a small retail component.

12. The proposed use may attract potential customers from surrounding communities that could increase foot traffic in the area, which in turn could support the already existing businesses.

13. Thus, the proposal would be compatible with the neighborhood.

14. Mr. Gail Landers, witness for Fitness Formula Clubs, expressed concerns over fairness in competition and parking near its Lake Street facilities, and mentioned potential development agreement competition issues.

The Greater Downtown Master Plan.

15. The Greater Downtown Master Plan was adopted by the Village Board on March 21, 2005, as an update to the Central Business District Master Plan approved in 1994.

16. The Plan focuses on revitalizing retail, reducing traffic congestion, improving transit usage, providing additional open space and enhancing pedestrian environment.

17. The Land Use Framework designates Lake Street, between Harlem and Kenilworth Avenues, as a primary retail street in the Village of Oak Park. The framework established for primary retail streets are as follows:

- a. "Provide new sites with large floor plates for anchor retail uses. Anchor retail sites are strategically located to draw additional customers to existing local retail businesses within the core retail district."
- b. "Maintains a mix of parcel sizes that will accommodate both local and national retailers."

- c. Suggests relocating non-retail ground-floor uses to other sites downtown and replacing them with retail uses over time.”
- d. “Provides additional development sites that can offer diversity to the current mix of retail uses.”

18. The addition of a small boutique health club is an appropriate use for the area. In addition, the proposal would feature a small retail component.

The Project Review Team.

19. On Monday, June 20, 2016, the Village Project Review Team met to review the Applicant’s proposal.

20. The Team consists of representatives from various departments and divisions within the Village government.

21. The Project Review Team supports the request for a special use permit to allow Spenga Fitness to use the vacant rear portion of the building.

Special Use Standards.

22. In order for the Applicant to operate the use as proposed in the B-4 Downtown Business District, a special use permit is required. (Zoning Ordinance, § 3.1.)

23. A special use permit may be granted and the applicable district regulations modified only if evidence is presented to meet the following standards pursuant to Section 2.2.3(D) of the Zoning Ordinance:

- a. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;

- b. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;
- c. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations;
- d. The proposed building or use complies with the more specific standards and criteria established for the particular building or use in question by Sections 2.2.7 (Planned Development Procedures) and 4.5 (Special Uses) of this Zoning Ordinance;
- e. The proposed building or use has been considered in relation to the goals and objectives of the Comprehensive Plan of the Village of Oak Park; and
- f. There shall be reasonable assurance that the proposed buildings or use will be completed and maintained in a timely manner, if authorized.

24. The evidence indicated that the proposed fitness studio is necessary and desirable to provide a service that is in the interest of public convenience at the Subject Property.

25. The evidence indicated that the proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities or other matters affecting the public health, safety and general welfare. The evidence indicated that the fitness studio would not have a significant impact on traffic patterns or pedestrian traffic or area parking.

26. The evidence indicated that the proposed fitness studio will permit and encourage the development and use of neighboring property in accordance with the applicable district regulations.

27. The evidence indicated that the Applicant's proposal is not subject to any more specific standards or criteria in Sections 2.2.7 and 4.5 of the Village Zoning Ordinance.

28. The proposal furthers certain economic development goals of the Comprehensive Plan in that it provides a needed service for the residents of the Village.

29. The evidence indicated a reasonable assurance by the Applicant that its proposal will be constructed and completed in a timely manner if authorized. The Applicant indicated that the final plans would be complete within a few weeks and that the targeted opening date was from November 2016 to January 2017.

30. As conditioned below, the evidence indicated that the issuance of a special use permit allowing the fitness studio on the Subject Property is in the best interest of the Village of Oak Park.

RECOMMENDATIONS

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, this Zoning Board of Appeals, sitting as a Zoning Commission, hereby recommends, pursuant to a vote of 6-0, to the President and Board of Trustees that the special use permit be GRANTED, pursuant to Section 3.1 ("Summary Use Matrix") of the Zoning Ordinance of the Village of Oak Park, to authorize the use of the proposed health club to operate at the rear commercial tenant space at 1136 Lake Street, Oak Park, Illinois, SUBJECT TO the following conditions and restrictions:

1. That this special use shall be limited to the current use and Applicant, and any expansion in the use or change in the tenant, operator or use of the Subject Property will terminate this special use;

2. That in the event that any of these conditions and restrictions shall not be fulfilled at any time in the future, said events shall be deemed a violation(s) of the Zoning Ordinance and the Zoning Administrator shall take appropriate action.

This report adopted by a 6-0
vote of this Zoning Commission,
this 3rd Day of August, 2016.