

**ATTACHMENT A**

November 6, 2019

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

**Re:    Application of Polished Nail Academy for a Special Use Permit to Construct and  
         Operate a Nail Academy to be located at 1036 Lake Street, Oak Park, Illinois (Calendar  
         No. 14-19-Z)**

Dear Village President and Board of Trustees:

On September 12, 2019, Polished Nail Academy (the "Applicant") filed an application (Calendar No. 14-19-Z) pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Village Zoning Ordinance requesting the issuance of a special use permit authorizing an Educational Facility-Vocational use to operate a nail academy in the DT Downtown Zoning District on the second floor of 1036 Lake Street, Oak Park, Illinois 60301 ("Subject Property").

A public hearing was held on the application in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois on November 6, 2019 at 7:00 p.m. The notice and time and place of said public hearing was duly published on October 16, 2019, 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 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 nail academy located in the DT Downtown Zoning District.

### **The Subject Property.**

2. The Subject Property is located at 1036 Lake Street, Oak Park, Illinois, 60301.

3. The Applicant proposes to operate a nail academy on the second floor of the Subject Property (the "Proposal"). The nail academy will accommodate approximately 15 students and the hours of operation will be Monday through Friday from 6 p.m. to 9 p.m. and Saturday and Sunday from 10 a.m. to 2 p.m.

4. The Subject Property is located on the north side of Lake Street within the DT-1 Downtown Central Sub-District. The sub-district covers the most intensely developed portion of downtown that includes a lively mixed-use environment with retail and entertainment located on the ground floor along the street.

5. The Greater Downtown Master Plan was adopted by the Village Board on March 21, 2005. The plan focuses on revitalizing retail, reducing traffic congestion, improving transit usage, providing additional open space and enhancing the pedestrian environment.

### **The Applicant.**

6. The Applicant submitted evidence that a nail academy would allow 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 immediately 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. Responses to the Approval Standards for Receiving a Special Use, as conveyed in Section 14.2 (E);
- c. Project Summary; and
- d. Floor Plan.

Compatibility with Surrounding Uses.

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

10. A nail academy with approximately 15 students is compatible with other office type uses that exist in the downtown area on the second floor and above.

11. The proposed nail academy is a suitable use on the second floor in the DT Downtown Zoning District and compatible with the surrounding neighborhood.

Project Review Team.

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

13. The Team supports the special use application of a nail academy above grade in the DT Downtown Zoning District.

The Need for Zoning Relief.

14. An applicant cannot operate an educational facility – vocational in the DT

Downtown Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix).

The Special Use Standards.

15. A special use permit may be granted only if each of 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 Ordinance.

16. The evidence shows that the proposed nail academy is suitable above grade within the DT Downtown Zoning District and is compatible with the surrounding neighborhood.

17. The evidence shows that the proposed nail academy would have little overall impact on traffic patterns, pedestrian traffic or area parking because there is available parking at the Village owned Holley Court garage.

18. The evidence shows that the proposed nail academy will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

19. Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special

use permit to operate a nail academy located in the DT Downtown Zoning District.

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

21. 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 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 nail academy to be located at 1036 Lake Street, Oak Park, Illinois by the Applicant subject to the following conditions and restrictions:

1. The special use permit shall be limited to the Applicant 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
2. 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 6<sup>th</sup> day of November, 2019.