

ATTACHMENT A

November 6, 2018

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

Re: Application of Luisa Long for a Special Use Permit to Operate a Day Care Center to be located at 941 Garfield Street (Calendar No. 13-19-Z)

Dear Village President and Board of Trustees:

On September 17, 2019, Luisa Long (the “Applicant”) filed an application (Calendar No.13-19-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 GC General Commercial Zoning District at 941 Garfield Street, Oak Park, Illinois 60302 (“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 Applicant seeks 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 GC General Commercial Zoning District.

The Subject Property.

2. The Subject Property consists of approximately 1,000 square feet located at 941 Garfield Street, Oak Park, Illinois 60304.

3. The Applicants propose to operate a day care center at the Subject Property (the "Proposal"). The center is for children three to five years of age. The proposed day-care center will have approximately twenty (20) children in one class room from 7:00 a.m. to 6:00 p.m. Monday through Friday.

4. The drop off and pick up for the proposed center will occur at the south side of the 937 Garfield Street building through the private lot off of the alley.

The Applicant.

5. The Applicant is the owner of Oak Park Montessori School, an independent private school located at 935, 937 and 939 Garfield Street (collectively known as 937 Garfield Street).

6. The Applicant is proposing to lease the Subject Property located at 941 Garfield Street to operate a day care center.

7. The off-street parking requirement for the existing Montessori School and accessory day care center will be met by the Applicant.

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

9. The Applicant presented evidence that it is ready to move forward with the development of the tenant space within the Subject Property upon the Village's approval of the special use.

10. 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. Proprietary Interest (Lease);
- c. Project Summary;
- d. Responses to the Approval Standards for Receiving a Special Use, as conveyed in Section 14.2 (E);
- e. Plat of survey; and
- f. Drawings.

Compatibility with Surrounding Uses.

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

12. The Applicant's Montessori School has operated at this location for many years with no complaints.

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

14. The proposed day care center is suitable in the GC General Commercial Zoning District and compatible with the surrounding neighborhood.

Project Review Team.

15. The Village's Internal Project Review Team ("Team") met to review the

Applicants' Proposal. The team consists of staff members from various Village departments.

16. The Team supports the special use application due to the Subject Property being a complement to the existing Montessori school.

The Need for Zoning Relief.

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

Approval Standards.

18. 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 Ordinance.

19. The evidence shows that the proposed day care center is suitable within the GC General Commercial Zoning District and is compatible with the surrounding neighborhood.

20. The evidence shows that the proposed day care center would have little overall impact on traffic patterns, pedestrian traffic or area parking because pick-up/drop-off will take place in the rear of the Montessori School as previously approved by the Village.

21. 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.

22. 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 GC General Commercial Zoning District.

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

24. 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 day care center to be located at 941 Garfield Street, Oak Park, Illinois by the Applicant subject to the following conditions and restrictions:

1. Reasonable soundproofing be added between tenant spaces.
2. The drop off and pick up loading area previously created and operated by the Applicant for the Montessori School will continue to operate for the day care center;
3. 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
4. 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 6th day of November, 2019.