

ATTACHMENT A

September 17, 2020

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

Re: Application of Rey Shallwani for a Special Use Permit to Operate Excel Driving School to be located at 103 N. Oak Park Avenue, Unit C, Oak Park, Illinois (Calendar No. 09-20-Z)

Dear Village President and Board of Trustees:

On August 13, 2020, Rey Shallwani (the “Applicant”) filed an application (Calendar No. 09-20-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 authorizing an educational facility-vocational use to operate a driving school in the DT Downtown Zoning District at the property located as 103 N. Oak Park, Illinois, 60301 (“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 September 17, 2020 at 7:00 pm 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 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 September 2, 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 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 seek a special use permit pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance to operate an educational facility-vocational use to operate a driving school in the Village's DT Downtown Zoning District.

The Subject Property.

2. The Subject Property is located at 103 N. Oak Park Avenue, Oak Park, Illinois, 60301. The Applicant has received authorization from the Nora Curtin, the property owner, to proceed with this application.

3. The Applicant proposes to operate a driving school at the Subject Property ("Proposal"). The driving school will accommodate approximately 8-15 students and classes will take place one to three days a week for two hours. Driving lessons will rarely originate or end at the driving school so no added traffic or parking will infiltrate the downtown area.

4. The Subject Property is located within the DT Downtown District and specifically within the DT-2 Hemingway Sub-District. The DT-2 Hemingway Sub-District is intended to accommodate the vital, historic business community located in Downtown Oak Park. It is characterized by an environment that is pedestrian-friendly, mid-rise in scale and mixed-use in

nature which providing a wide range of retail and service uses.

The Applicant.

5. The Applicant submitted evidence that a driving school would allow the successful development of the Subject Property.

6. The Applicant presented evidence that he is ready to move forward with the development of the Subject Property immediately upon the Village's approval of the special use permit.

7. 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); and
- c. Project Summary.

Compatibility with Surrounding Uses.

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

9. A driving school with 8-15 students per class is compatible with other office type uses that exist in Downtown Oak Park area on the upper floors.

10. The proposed driving school would bring foot traffic to the downtown area and would be compatible with the surrounding neighborhood.

Project Review Team.

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

12. The Team supports the Applicant's special use application for a driving school in the DT Downtown Zoning District.

The Need for Zoning Relief.

13. An applicant cannot operate an educational facility – vocational use in the DT Downtown Zoning District on the ground floor without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix).

The Special Use Standards.

14. 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 [the Zoning] Ordinance.

15. The evidence shows that the proposed driving school is suitable within the DT Downtown Zoning District and is compatible with the surrounding neighborhood.

16. The evidence shows that the proposed driving school would have little overall impact on traffic patterns or area parking because the driving lessons rarely originate or end at the school and the school's instructors park their vehicles at their homes.

17. The evidence shows that the proposed driving school will provide a service that is in the interest of public convenience and will contribute to the general welfare of the community.

18. Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special use permit to operate a driving school located on the ground floor in the DT Downtown Zoning District.

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

20. The evidence shows that the issuance of a special use permit for the Subject Property is in the best interest of the Village 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 an educational facility-vocational use to operate a driving school to be located at 103 N. Oak Park Avenue, 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 17th day of September , 2020.