

ATTACHMENT A

October 29, 2020

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

Re: Application of Don Oliphant for Special Use Permit for a drive-through facility to be located at 6209 North Avenue (Calendar No. 11-20-Z)

Dear Village President and Board of Trustees:

On June 4, 2020, Don Oliphant (the "Applicant") filed an application (Calendar No. 11-20-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 to operate a drive-through facility located at 6209 North Avenue ("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 October 29, 2020 at 7:00 p.m. 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 30, 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 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 drive-through facility located in the NA North Avenue Zoning District at the Subject Property.

The Subject Property.

2. The Subject Property is a zoning lot approximately 125’ X 288,01’ located at the southwest corner of North Avenue and Lombard Street in Oak Park, Illinois, 60302 owned by the Applicant.

3. The lot is currently being renovated for a fitness facility called Oak Park BodyworX to be operated by the Applicant and the lot is located in the NA North Avenue Zoning District.

4. The Applicant proposes to create a drive-through facility at the southwest corner of the existing building at the Subject Property (the “Proposal”).

5. The drive-through facility will operate between the hours of 7:00 a.m. to 7:00 p.m. selling smoothies and shakes.

6. The existing parking lot will accommodate thirty-four (34) onsite parking space while only five (5) onsite parking spaces are required by the Zoning Ordinance.

7. The proposed drive-through facility will have three (3) car stacking drive-through

lanes and a bail-out-lane which will lead traffic back to North Avenue.

The Applicant.

8. The Applicant submitted evidence that the drive-through facility would allow for the successful development of the Subject Property.

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

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. Project Summary;
- c. Responses to the standards for receiving a special use, as conveyed in Section 14.2(E) pursuant to the Zoning Ordinance;
- d. Site Plan; and
- e. Plat of survey.

Compatibility with Surrounding Uses.

10. The character of the neighborhood within the NA North Avenue Zoning District is commercial, retail, and residential uses.

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

12. The drive-through is designed to meet the standards set forth for drive-through facilities pursuant to Section 8.4 (I).

13. The Proposal includes a fence along the rear of the property to provide a buffer and transition between the commercial district on North Avenue and the residential properties to the south. The Applicant will also remove the CMU wall on the Subject Property.

Project Review Team.

14. 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.

15. The Team supports the special use permit request to construct and operate a drive-through facility.

The Need for Zoning Relief.

17. An Applicant cannot construct a drive-through facility in the NA North Avenue Zoning District without a special use permit. *Zoning Ordinance*, Section 8.3 (Table 8.1: Use Matrix).

The Special Use Approval Standards.

18. 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.

19. The evidence shows that the proposed drive-through facility is suitable within the NA North Avenue Zoning District and is compatible with the surrounding neighborhood.

20. The evidence shows that the proposed drive-through facility would have little

overall impact on traffic patterns, pedestrian traffic and area parking.

21. The evidence shows that the proposed drive-through facility would include a fence in the rear of the property to provide a buffer between the commercial district on North Avenue and the residential properties to the south. The Applicant will also remove the CMU wall on the Subject Property.

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

23. 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 4 - 1, that the special use permit be granted, pursuant to Section 8.3 (Table 8.1: Use Matrix) of the Zoning Ordinance for a drive-through facility operated by the Applicant for Oak Park BodyworX to be located at 6209 North Avenue, Oak Park, Illinois.

This report adopted by a 4 to 1 vote of this Zoning Board of Appeals, this 29th day of October, 2020.