



# Village of Oak Park

## STAFF REPORT

**TO:** Zoning Board of Appeals

**REVIEW DATE:** December 4, 2024

**FROM:** Project Review Team

**PREPARED BY:** Mike Bruce, Zoning Administrator

### PROJECT TITLE

**CALENDAR NUMBER:** 19-24-Z

The Zoning Board of Appeals ("ZBA") will conduct a public hearing on a special use permit application filed by the Applicant, Rui Spa, to operate a massage service establishment pursuant to Section 8.3 ("Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 423 ½ N. Marion Street, Oak Park, Illinois, Property Index Number 16-07-101-008-0000, in the NC Neighborhood Commercial Zoning District.

### APPLICANT INFORMATION

**APPLICANT:** Rui Spa  
1187 Heavens Gate  
Lake In The Hills, IL 60156

**PROPERTY OWNER:** 1101 Chicago Avenue, LLC.  
2215 N Dayton Street  
Chicago, IL 60614

### PROPERTY INFORMATION

**EXISTING ZONING:** NC Neighborhood Commercial Zoning District  
**EXISTING LAND USE:** Mixed Use Building  
**PROPERTY SIZE:** N/A  
**COMPREHENSIVE PLAN:** Neighborhood Commercial/Mixed-Use

#### SURROUNDING ZONING AND LAND USES:

**NORTH:** Chicago Street followed by NC Neighborhood Commercial Zoning District (Commercial Building)  
**SOUTH:** NC Neighborhood Commercial Zoning District (Two-Story Commercial Building)  
**EAST:** Marion Street followed by NC Neighborhood Commercial Zoning District (Commercial Building))  
**WEST:** Public Alley followed by NC Neighborhood Commercial Zoning District (Commercial Building)

## A n a l y s i s

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### Submittals

This report is based on the following documents which were filed with the Development Customer Services Department:

1. Application for Special Use Permit;
2. Responses to the Special Use Standards pursuant to Section 14.2 (E), and
3. Floor Plan.

### Description

The Subject Property is located at the southwest corner of Forest Avenue and Lake Street located in the DT Downtown Zoning District. The property is improved with a two-story building with commercial and office uses on the ground floor and office uses above. The development has on-street parking along the front and side of the building.

The Applicant seeks a special use to allow the tenant space (423 ½ N. Marion Street) to be used as a massage service establishment. Rui Li is the owner of "Rui Spa." Rui Li is not currently a licensed massage therapist. However, he has plans to obtain his license.

## C o m p l i a n c e   w i t h   t h e   Z o n i n g   O r d i n a n c e

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The Applicant seeks a special use permit from Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance of the Village of Oak Park that requires a special use permit for a massage service establishment in the NC Neighborhood Commercial Zoning District. The 2017 Zoning Ordinance changed the regulation of massage establishment from a by-right "personal service use" permitted in all commercial districts to a special use permit in most commercial districts.

The 2017 Zoning Ordinance defines a massage service establishment as follows:

"Massage Service Establishment. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered by a licensed massage therapist as required by the State of Illinois. For the purposes of this definition, the following medical practices are not considered a massage service establishment, but are part of a medical/dental clinic per this Ordinance: massage treatment administered by licensed medical practitioners, licensed physical therapists, chiropractors, acupuncturist or other holistic medicine, or similar professional medical person licensed by the state. A massage service establishment does not include ancillary services provided as part of a health club, school, or full-service spa or salon."

After the hearing, the Zoning Board of Appeals shall transmit to the Village Board a written report of its findings as to compliance of the special use approval standards listed in Section 14.2 (E) (Approval Standards) and give its recommendation to either approve, approve with condition(s) or deny the special use.

### Special Use:

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether an approval of the special use is appropriate at the particular location and manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

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.
4. The special use meets the requirements for such classification in this Ordinance.

The Applicant has responded to the approval standards within her application.

### **C o m p a t i b i l i t y   w i t h   S u r r o u n d i n g   L a n d   U s e s**

The NC Neighborhood Commercial Zoning District is intended for commercial uses that serve the local community. The NC District applies to clusters of commercial uses that are more pedestrian-oriented in character and located in close proximity to residential neighborhoods.

A massage service establishment providing health and wellness to the community would be compatible with the adjacent uses in the building and is an appropriate use above grade or on ground level. For the foregoing reasons, the proposed massage service establishment would be compatible with the surrounding land uses.

### **G e n e r a l   I n f o r m a t i o n**

#### Project Review Team

Staff discussed the Applicant's request for a special use permit. Staff consists of representatives from various departments and divisions within the Village government. Staff does not have any objections to the proposed massage service establishment at this location.

*End of Report.*

- c.      Applicant  
          Zoning Board of Appeals members  
          Rasheda Jackson, Zoning Board of Appeals Attorney  
          Craig Failor, Village Planner