



# Village of Oak Park

## STAFF REPORT

**TO:** Plan Commission

**REVIEW DATE:** March 20, 2024

**FROM:** Village Staff

**PREPARED BY:** Craig Failor, Village Planner

### PROJECT TITLE

**PC 24-02/03: Zoning Ordinance Text Amendment/Special Use – Principal Parking Lots.** The Petitioner, SDOP Corporation, seeks a text amendment to the Oak Park Zoning Ordinance as follows: An amendment to Article 2 (“Definitions & Rules of Measurement”), Section 2.3 (“Definitions”), by adding a definition for “Parking Lot (Principal)” and amending the definition of “Parking Lot”, amending Article 8 (“Uses”) to add “Parking Lot (Principal)” as a special use in the DT district, and amending Section 8.3 (“Use Restrictions”), subsection A. (“DT Districts”) 1., by adding a new subsection k. establishing the allowed location of a principal parking lot. The Applicant is also requesting a Special Use permit to allow a principal parking lot.

### APPLICANT INFORMATION

**APPLICANT / OWNER:** SDOP Corporation, a Delaware Corporation,  
110 North Wacker Drive, Suite 4000,  
Chicago, Illinois 60606

**PROPERTY ADDRESS:** “The Shops of Downtown”  
401-435 North Harlem Avenue,  
1128-1165 Westgate Street and  
1137-1147 Lake Street

### Analysis

#### Description

The Applicant has two requests;

1. The first request is to amend the Zoning Ordinance to allow the establishment of a principal parking lot in the Downtown Zoning District.
2. The second request is for special use approval of a principal parking lot in the Downtown Zoning District for the Shops of Downtown commercial center.

Both of these requests will go to the Village Board for final approval. Each request should be considered *separately* and a recommendation shall be made for each application.

## Z o n i n g   O r d i n a n c e

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1. *Text amendment* in Article 2 (“Definitions & Rules of Measurement”), Section 2.3 (“Definitions”), by adding a definition for “Parking Lot (Principal)” and amending the definition of “Parking Lot”, amending Article 8 (“Uses”) to add “Parking Lot (Principal)” as a special use in the DT district, and amending Section 8.3 (“Use Restrictions”), subsection A. (“DT Districts”) 1., by adding a new subsection k. establishing the allowed location of a principal parking lot.

The Plan Commission and Village Board must consider the following standards when determining appropriateness of the proposed Zoning Ordinance **Text Amendment**.

### Standards for Text Amendments:

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
  - b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
  - c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
  - d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
  - e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
  - f. The extent to which the proposed amendment creates nonconformities.
  - g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.
2. *Special use* approval to allow a principal parking lot in the Downtown Zoning District for the Shops of Downtown Commercial center.

The Plan Commission and Village Board must make findings to support each of the following **Special Use** standards.

### Standards for Special Uses:

- a. 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.
- b. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
- c. 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.
- d. The special use meets the requirements for such classification in this Ordinance.

## History – Reason for applications.

The applicant approached the Village with a need to modify their private parking strategy in order to better support their business’ stipulations. Simultaneously, the Village indicated their concern for numerous vehicles being towed from their private lot. The applicant proposes the public/private parking concept considered as part of these applications where a two-tiered parking strategy could be implemented. One tier would allow patrons who visit the Shops of Downtown businesses to exit at no fee. However, the second tier allows a user, who wishes to patronize a business outside of the Shops of Downtown suite, the opportunity to use the parking lot, but they would be required to pay a user fee upon exiting. The fee will be similar to the public parking garage system fee in the Downtown area as detailed in their application within their Standards and Background section of the applications.

Currently the only parking lot “types” allowed in the downtown area, in addition to village-owned pay garages and lots, are accessory parking areas associated with commercial and residential land uses. In fact, the current Shops of Downtown parking lot is considered an accessory use. These parking areas are ancillary to the principal use of office, retail, residential, etc. This proposal would be the first of its kind relative to ownership; public vs. private principal parking use. Staff has asked that specific street frontages be excluded from this provision in order to prohibit surface parking lots from fronting on key commercial streets in the Greater Downtown area.

The following represents the proposed modifications to the Zoning Ordinance text:

## **ARTICLE 2. DEFINITIONS & RULES OF MEASUREMENT**

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITIONS
- 2.4 RULES OF MEASUREMENT

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### **2.3 DEFINITIONS**

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**Parking Lot (Principal). Privately-owned open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles for compensation. Village-owned parking lots are exempt from regulations under this Zoning Ordinance.**

Parking Lot (**Accessory**). An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles **as an accessory use** ~~whether for compensation or at no charge.~~ **located where permitted in Section 10.2. Village-owned parking lots are exempt from regulations under this Zoning Ordinance.** ~~With the exception of Village-owned parking lots, all parking lots must be accessory to a principal use.~~

## **ARTICLE 8. USES**

- 8.1 GENERAL USE PERMISSION
- 8.2 USE MATRIX
- 8.3 USE RESTRICTIONS
- 8.4 PRINCIPAL USE STANDARDS
- 8.5 TEMPORARY USE STANDARDS

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**8.3 USE RESTRICTIONS**

Certain use restrictions apply to the following districts and/or geographic areas.

**A. DT District**

The use restrictions of this section apply to the DT-1 and DT-2 Sub-Districts.

1. Only uses that are listed as permitted or special within the “retail” category of Table 8-1 for the DT District are allowed within the first 50 feet of the street lot line at grade level or on the ground floor of any building, with the following exceptions:

- a. Personal service establishment is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- b. Live performance venue is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.
- c. Design studio with retail is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.
- d. Specialty food service is only allowed at grade level or on the ground floor if it maintains a retail and/or restaurant component.
- e. This restriction also applies to temporary uses with the following exceptions: temporary pop-up business and temporary real estate sales office/model unit are permitted at ground level or on the ground floor within the first 50 feet of the street lot line
- f. Work Lounge is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- g. Art and Fitness Studio is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- h. Health Club is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- i. Recreation, Indoor is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- j. Business Service Center is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
- k. Parking lot (principal) is allowed at grade level within the first 50 feet of any street lot line, except the street lot lines of Lake Street and Oak Park Avenue.**

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TABLE 8-1: USE MATRIX																		
Use	R-1	R-2	R-3 -50 & -35	R-4	R-5	R-6	R-7	DT	HS	GC	MS1	NA	NC1	RR1	OS	I	H	Use Standard § = Section

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<b>Transportation</b>																		
Drive-Through Facility										S	S	S			S			\$8.4.I
Helipad																	S	\$8.4.K
<b><u>Parking Lot (Principal)</u></b>								<b><u>S</u></b>										<b><u>\$8.3A(1)k.</u></b>

## Recommendation

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Staff supports both requests.

While this will be a new concept in the Downtown District – relative to ownership operations, it is not unlike other pay-to-park village parking lots. The proposal, if approved, will result in a more user-friendly parking system for the Shops of Downtown and their patrons. This should result in less vehicular towing from the parking lot and more system control for the property owner. It will also allow non-patrons of the Shops of Downtown an additional opportunity for parking in the west end of this business district, albeit at a cost, but in a surface parking lot situation. The parking system will be controlled solely by the property owner. The Village of Oak Park will not be associated with maintaining or monitoring the parking lot's function.

The application's appendix indicates the hours of operation to be 24 hours, 7 days a week which includes a fee schedule that starts with a 30-minute grace period. The surface parking lot as proposed will be a benefit to the Downtown business community, especially for afterhours related activities, such as events at the Comedy Plex, restaurant dining, etc. The lot will also provide an alternative to garage parking and limited on-street parking.

*End of Report.*

- c. Plan Commission  
Gregory Smith; Plan Commission Attorney  
Emily Egan, Development Services Director  
Michael Bruce, Zoning Administrator

**Lake Street**

