



# Village of Oak Park

## STAFF REPORT

**TO:** Zoning Board of Appeals

**REVIEW DATE:** May 3, 2023

**FROM:** Project Review Team

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

### PROJECT TITLE

**CALENDAR NUMBER:** 03-23-Z The Zoning Board of Appeals (“ZBA”) will conduct a public hearing on a special use permit application filed by the Applicant, Mel Garland, on behalf of Think Big Academy, to operate a day care center pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 845-847 Madison Street, Oak Park, Illinois, Property Index Number 16-18-106-012-0000 (“Subject Property”) in the MS Madison Street Zoning District.

### APPLICANT INFORMATION

**APPLICANT:** Mel Garland on behalf of Think Big Academy  
1235 N. Ridgeland Avenue  
Oak Park, IL 60302

**PROPERTY OWNER:** Alfio Bernardi & Stanislao Di Maio  
845 Madison Street  
Oak Park, IL 60302

### PROPERTY INFORMATION

**EXISTING ZONING:** MS Madison Street Zoning District  
**EXISTING LAND USE:** Day Care Center/Auto Repair Shop  
**PROPERTY SIZE:** 72.448' x 144' = 10,432.5 Square Feet  
**COMPREHENSIVE PLAN:** Corridor Commercial/Mixed Use

### SURROUNDING ZONING AND LAND USES:

**NORTH:** Madison Street followed by MS Madison Street Zoning District (Robinson’s Ribs)  
**SOUTH:** R-3-35 Single-Family Zoning District (Two-Family Residence)  
**EAST:** Carpenter Avenue followed by MS Madison Street Zoning District (Mixed-Use Development)  
**WEST:** Public Alley followed by MS Madison Street Zoning District (Core Power Yoga)

## 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 Zoning Administrator-Development Customer Services Department:

1. Application for Special Use Permit;
2. Project Summary;
3. Area Map;
4. Drop off and Pick up Plan;
5. Response to Special Use Standards pursuant to Section 14.2 (E);
6. Title Commitment;
7. Purchase Contract with Contingency;
8. Floor Plan (Existing);
9. Floor Plan (Proposed); and
10. Plat of Survey.

### Description

The Subject Property is located in the MS Madison Street Zoning District. The property is improved with a one-story commercial building. A day care center has operated at this location since 2000. Kings Kidz Academy, a day care center, currently operates in the norther portion of the building since 2006. Town & Country Import Cars, an auto repair shop, operates from the southern portion of the building.

Think Big Academy is the contract purchaser of the property and the Applicant for the special use permit application. The Applicant is required to obtain a special use permit to expand the day care center use into the southern portion of the building. The Applicant proposes to cease operating the auto shop, renovate the entire building and expand the day care center use throughout the entire building. Think Big Academy expects to serve approximately 90 children between the ages of 6 weeks to 5 years old after the expansion. In addition, Think Big Academy plans to offer after school proگرامing consisting of STEM, Language Arts, and Art/Music classes for approximately 45-50 kids between ages 6-12.

### **Image of existing site.**



## 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

Section 4.5.2 H (Day Care Centers) of the Zoning Ordinance of the Village of Oak Park requires a special use permit to operate a duly licensed day care center in all commercial zoning districts. The day care center use of the northern portion of the building existed as a nonconforming use as it legally existed prior to 2002 when the current special use permit requirements were adopted to operate a day care center. In 2000, a day care operated in this tenant space and became a legal nonconforming use in 2002, and may continue to operate in its current location until the use is discontinued or abandoned for a period of six months. In 2006, Kings Kidz was able to operate as a legal nonconforming day care center.

A nonconforming use may not be expanded or enlarged within any structure. Think Big Academy, can operate in the same space as Kings Kidz as a legal nonconforming use. However, the nonconforming use cannot be expanded into the southern portion of the building. A special use permit application is required to expand the day care center use into the southern portion of the building currently occupied by Town & Country Import Cars. Thus, the Zoning Board of Appeals ("Board") will conduct a public hearing on a special use permit application filed by Mel Garland, on behalf of Think Big Academy, to operate a day care center in the entire building pursuant to Section 8.3 ("Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance at the property located at 845-847 Madison Street.

### 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 permit 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 its application.

Following 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.

## 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 Subject Property is surrounded by the following uses: To the south, a two-flat residence; to the west is a parking lot and a building housing a Yoga Studio; to the north Madison Street followed by commercial uses; to the east, is a vacant lot soon to be a development site. As stated above, a day care center has been in operation since 2000 and has served approximately thirty-seven (37) children at a time. The new contract purchaser, Think Big Academy, proposes to serve approximately 90 children. The existing center (Kings Kidz) is compatible with the surrounding land uses and has served the surrounding neighborhoods. If the drop off and pick is not monitored, the intensity of the proposed day care center compared to the existing day care center could lead to traffic and parking concerns, and thus may not be compatible with the surrounding neighborhood.

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

### Project Review Team

The Village Project Review Team met to discuss the proposed special use application. The Team consists of representatives from various departments and divisions within the Village government. The Team is in support of the proposed day care facility.

However, Staff has concerns about the operation of the day care center causing undue parking and traffic issues due to the size of the proposed day care, if the day care facility owners do not enforce proper drop off and pick up protocol and parents are not following the rules. The fact that there will be a development across the street to the east, taking up on-street parking on Carpenter could compound the drop off and pickup process.

Think Big Academy updated their site plan and provided their drop/off and pick up procedure per Staff's request. The new site plan features indoor parking. This plan, according to the Applicant, will serve approximately 90 kids. In addition, this plan will decrease the number of expected employees to 12.

Parents would enter the building from Carpenter Street in their vehicle, drop off or pick-up their kid(s) and then exit into the alley toward Madison Street. The Academy is requesting that the Village designate the west side of Carpenter street as a stacking area for parents during their busy hours between 7am-9am & 4pm-6pm. This will allow parents waiting to drop-off or pickup their kids to stack on the west side of Carpenter street. If approved for zoning, Staff would designate the west side of Carpenter between Think Big Academy's driveway and Madison Street for "No Parking Loading Zone 7-9am and 4-6pm Mon-Fri" to accommodate the drop-off and pickup operations. The Applicant notes that there is free parking located on Carpenter Street that is currently being used by the Auto Shop's employees and customer vehicles scheduled for repairs.

Seven (7) parking spaces for staff are shown on the site plan inside the building along the south end, including one accessible stall. According to the Applicant's Architect, the existing garage doors would be open continuously during the drop off and pick up hours (7-9:20 am and 4-6:20 pm). To exhaust the air naturally the doors would be open for 20 minutes after the last car has exited the building. Additionally, the Architect says that the Applicant would install a thru wall Air Cleaner/filter system for fresh air intake and exhaust. See the proposed site plan in the application.

If approved for zoning, the project would still need to meet all building code regulations before a building permit would be issued for the facility. In addition, Staff requests conditions be placed in the Findings of Fact requiring the day care owner revise their drop-off and pickup plan to include the following:

1. Require drivers to enter from Madison Street and stack along the west side of Carpenter;
2. Install right turn only signage in their building requiring vehicles to turn right (north) into the alley to avoid additional traffic in the alley south of the site; and
3. Require the day care owner to pay the Village for costs to install signage and allow for the mounting of signage on the building for right turn only 7-9am and 4-6pm Mon-Fri restrictions for northbound alley traffic at Madison Street, pending Village Board approval of a separate Ordinance for this restriction.

*End of Report.*

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