STAFF REPORT

2019-06P: Special Use Permit

Community Development Department

Council Chambers, 7:30 PM, March 21, 2019

To: Paul Luke, Plan Commission Chairperson
From: Carrie Haberstich, AICP, Planner/CDBG Administrator
Re: 2019-06P: Special Use Permit
3754 Touhy Avenue

Related Cases – 2019-02P: Zoning Map Amendment
2019-03P: Subdivision
2019-04P: Site Plan Approval
2019-05P: Special Use Permit – limited service restaurant
with drive-through
2019-06P: Special Use Permit – outdoor dining

General Information

<table>
<thead>
<tr>
<th>Location</th>
<th>3754 Touhy Avenue</th>
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<tbody>
<tr>
<td>Purpose</td>
<td>To request a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive through in a B2 Commercial zoning district, and any relief that may be discovered during the review of this case. PINs: 10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000</td>
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<tr>
<td>Petitioner</td>
<td>Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC</td>
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<td>Size of Site</td>
<td>33,358 square feet (0.766 acres) with frontage on Hamlin Avenue</td>
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<td>Existing Zoning &amp; Land Use</td>
<td>B2 Commercial – vacant industrial building</td>
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<td>Adjacent Zoning &amp; Land Use</td>
<td>North</td>
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<td></td>
<td>South</td>
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<td></td>
<td>East</td>
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<td>West</td>
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<tr>
<td>Comprehensive Plan</td>
<td>The site is designated as manufacturing/service employment.</td>
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SITE INFORMATION

See case 2019-04P for site and Complete Streets information.

PETITIONER’S SUBMITTAL

**Propose Use:** Skokie Development, LLC is proposing to redevelop three (3) contiguous properties located at 3720 Touhy Avenue, 72[27] Hamlin Avenue and 3721 Chase Avenue. All existing improvements at 3720 Touhy and 7227 Hamlin will be demolished. The existing building at 3721 Chase will be renovated. The proposed redevelopment will include three (3) building structures: a new 4,700 square foot restaurant building with a drive-through for Buona Restaurants; a new 10,500 square foot ... multi-tenant retail/restaurant building; and the renovated 31,860 square foot 3721 Chase Avenue building. The proposed development will be served with street access from Touhy Avenue, Hamlin Avenue and Chase Avenue, and include cross-access with the adjacent Walmart/Touhy Marketplace development to the east. The proposed development will include on-site parking for 261 parking spaces.

The proposed Buona Restaurant incorporates an outdoor dining area for the utilization of its customers during weather permitting seasons. The proposed Buona outdoor dining area is located along the south building elevation, and will be bordered by a decorative iron fence 42 inches tall with some integrated landscaped planting boxes. The outdoor dining area is access through the restaurants main dining area.

**Proposed Use upon the Character of the Neighborhood:** Recently several properties located between Touhy Avenue and Chase Avenue have been redeveloped from industrial uses to new retail/service employment uses. These projects include adjacent Walmart/Touhy Marketplace development, XSport Fitness, and the Mariano’s shopping center development. Skokie Development, LLC is proposing to redevelop older industrial properties with new retail, restaurant and service uses, similar to the trend and referenced development projects.

**Surrounding Property Values:** As the older industrial properties located between Touhy Avenue and Chase Avenue have continued to be redeveloped to their highest and best use with new retail, restaurants, and service uses, these properties have experienced increased property values. The proposed redevelopment will continue this trend, and the new retail, restaurant and service uses introduced will provide new goods and services to the neighborhood, having a positive effect upon surrounding property values.

**Traffic Conditions:** The development site is located in the northeast quadrant of the intersection of Touhy Avenue and Hamlin Avenue. It is bounded by Chase Avenue on the north, the Walmart/Touhy Marketplace shopping center on the east, Touhy Avenue on the south, and Hamlin Avenue on the west. Touhy Avenue is an east-west minor arterial roadway with two through lanes in each direction in the vicinity of the site. Touhy Avenue is under the jurisdiction of Illinois Department of Transportation (IDOT) and carries an annual average daily traffic volume (AADT) of 25,800 vehicles as reported by IDOT in 2014, and has posted speed limit of 35 miles per hour. A parking lane is provided on the north and south side of Touhy Avenue, west of Hamlin Avenue. Parking is not permitted on either side of Touhy Avenue east of Hamlin Avenue. Hamlin Avenue is a north-south collector road with one lane in each direction. Hamlin Avenue is under the jurisdiction of the Village of Skokie to the north of Touhy Avenue and the Village of Lincolnwood to the south of Touhy Avenue. North of Touhy Avenue, Hamlin Avenue is classified as a minor collector road by IDOT, and carries an AADT of 1,800 vehicles. Parking on Hamlin Avenue is prohibited on the west side of the road and permitted on the east side, except on weekdays between 7 AM and 6 PM, to the north of Touhy Avenue. Chase Avenue is an east-west local roadway, under the...
jurisdiction of the Village of Skokie. Parking is permitted on the north side of Chase Avenue [but] prohibited on the south side.

Access to the development will continue to be provided from the existing full-movement driveways on Touhy Avenue, Hamlin Avenue and Chase Avenue. On Touhy Avenue, the driveway is opposite Ridgeway Avenue. On Hamlin Avenue, the two former Bosworth Company driveways will be consolidated into a single driveway. On Chase Avenue, the driveway serving the existing commercial at the north end of the site will remain. Further, a cross-access connection will be provided between the proposed development and the existing Walmart/Touhy Marketplace development to the east.

Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) prepared a Traffic Impact Study of the proposed redevelopment project. KLOA has suggested the following recommendations:

- Hamlin Avenue be widened at its approach to Touhy Avenue to provide a shared through/right-turn lane and a left-turn lane. A high-visibility crosswalk should be provided across the north and south legs of the intersection.
- Further improvements should be considered to the intersection of Hamlin Avenue and Touhy Avenue, including:
  - Via restriping of existing pavement and removal of on-street parking on Touhy Avenue, provide a westbound left-turn [lane] and an eastbound left-turn lane at Hamlin Avenue.
  - Widen the southbound approach on Hamlin Avenue to provide a southbound left-turn lane and a shared through/right-turn lane.
- The full access on Touhy Avenue opposite Ridgeway will be narrowed to provide one lane inbound and one lane outbound with the outbound lane to be under stop sign control. Consideration should be given to restriping Touhy Avenue to provide an eastbound left-turn lane to separate left-turning traffic from the eastbound through traffic flow on Touhy Avenue.
- The recommended improvements to providing turn lanes on Touhy Avenue at its intersections with Hamlin Avenue and with Ridgeway/Proposed Access will result in the total loss of approximately 18 to [20] on-street parking spaces on both sides of Touhy Avenue.

Public Utilities: The existing public utilities are adequately sized to service the proposed development project. The utility services provided to the new construction buildings will be entirely constructed to be located underground. The removal of the existing overhead utilities which extend east from Hamlin Avenue, will require providing a new electrical service feed to the existing BP gas station located to the south and west of the subject site.

Storm Water Detention: As part of a comprehensive redevelopment of the site, the new site improvements will include a storm water detention system design to code, which includes a storm water detention vault to be located under the parking lot, with restricted outflow to the existing Village of Skokie sewer main located under Chase Avenue.

Other Matters Pertaining to the Public Health, Safety, Morals and General Welfare of the Community: Skokie Development, LLC has designed the proposed redevelopment project to be an upscale shopping center development. The proposed project will not endanger public health, safety, morals or general welfare of the community. The new businesses will contribute to the municipal tax base, provide new employment opportunities for the surrounding area, and provide new goods and services to the community.
STAFF ANALYSIS

Staff Comment and Review requests were sent to all pertinent departments and were received from Environmental Health and Planning. Civil Engineering comments are duplicates of those provided for case 2019-04P: Site Plan Approval, and therefore are not included in this report. All other departments returned the requests with no comments regarding the subject case. Comments that specifically impact this special use permit case include:

Environmental Health
An outdoor dining area shall have at least one litter/refuse disposal container.

Planning
Outdoor dining on private property for a limited service restaurant with a drive-through is allowed with a special use permit in the B2 Commercial district. Site plan approval-related items were addressed in case 2019-04P, and drive-through-related items were addressed in case 2019-05P.

Buona is proposing an outdoor dining area on the south side of the building with a 20-seat capacity.

Allowable outdoor dining hours are from 8 a.m. to 10 p.m., but not beyond the posted hours of operation for the restaurant. Outdoor dining is limited to between April 1 and October 31 each year.

APPEARANCE COMMISSION

See case 2019-05P for Buona-related Appearance Commission information.

STAFF RECOMMENDATIONS

Staff recommends that the petitioner’s request for outdoor dining associated with a limited service restaurant with a 2-lane drive-through at 3754 Touhy Avenue in a B2 Commercial district be APPROVED, based upon the Proposed Positive Findings of Fact and subject to the recommended conditions in subdivision case 2019-03P, site plan approval case 2019-04P, special use permit case 2019-05P, and the conditions below.

RECOMMENDED SPECIAL USE PERMIT CONDITIONS

In addition to the conditions of cases 2019-02P, 2019-03P, 2019-04P, and 2019-05P the following conditions shall apply to outdoor dining for a limited service restaurant with a drive-through:
Site and Use

1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)

2. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)

3. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

Maintenance

4. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number <insert condition number> below. (Standard)

5. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units, including 1 waste receptacle in the outdoor dining area and 1 waste receptacle at the restaurant entrance. (Standard)

6. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.

Governance

7. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

8. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

Outdoor Dining 118-85(e)

9. Barriers, fencing, landscaping, and other features shall be utilized to define the outdoor dining area.

10. Hours of operation for the outdoor dining shall be limited to between 8:00 AM and
10:00 PM, but not longer than the posted operational hours of the associated food service facility, if the facility opens later and/or closes earlier than these hours.

11. Dates of operation shall be limited to between April 1 and October 31 in a calendar year.

12. The outdoor dining area shall be exempt from the parking regulations if used or set up less than 7 months in a calendar year.

13. All food preparation must take place inside the associated food service establishment.

14. Adequate refuse disposal shall exist as determined by the Health Department.

15. Advertising or promotional features shall be limited to umbrellas or canopies.

16. All applicable village and state health requirements shall be met.

17. Dining areas will be reviewed each year during the annual restaurant inspection. The outdoor dining permit may be revoked by the Village Manager at any time on 14 days' notice for failure to comply with the regulations set forth in this subsection.

18. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over.

19. The outdoor dining area must be located on a surface approved by the Village Manager or designee.

20. The outdoor dining area shall not be located in a required parking space or block a public sidewalk.

Additional Requirements for Outdoor Dining on Private Property 118-85(e)(2)

21. The outdoor dining shall be on the same lot or within a development that received site plan approval as its associated food service establishment.

22. An outdoor dining area shall not be located within a 15’ sight distance triangle.

ATTACHMENTS

1. Proposed Positive Findings of Fact
2. Floor Plan and Site Plan, dated February 11, 2019
3. Land Use and Zoning Map
### Proposed Positive Findings of Fact 2019-06P: Special Use Permit

**Consideration** | **Finding**
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The request is consistent with the intent of the Comprehensive Plan. | The proposed use is not consistent with the *manufacturing/service employment* land use designation in the Comprehensive Plan; however, it is consistent with the trend of zoning changes and commercial developments along Touhy Avenue between Hamlin and Kedzie Avenues over the past 30 years.  

The request will not adversely affect adjacent properties. | The request is not expected to adversely affect adjacent properties, as it is part of a larger overall development.  

The request is compatible with the existing or allowable uses of adjacent properties. | The request is compatible with the existing or allowable uses of adjacent properties.  

The request demonstrates that adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed. | Adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.  

The request demonstrates adequate provision for maintenance and use of the associated structures. | The request demonstrates adequate provision for maintenance and use of the associated structures.  

The request has considered and, to the degree possible, addressed the adverse effects on the natural environment. | The request has considered and is expected to address any adverse effects on the natural environment.  

The request will not create undue traffic congestion. | The request will not create undue traffic congestion.  

The request will not adversely affect public health, safety, and welfare. | The request will not adversely affect public health, safety, and welfare.  

The request conforms to all applicable provisions of this code, except where relief is granted with the request. | The request conforms to all applicable provisions of this code.