

STAFF REPORT

2022-22P: Zoning Map Amendment

Community Development Department

Council Chambers, 7:30 PM, August 4, 2022

To: Paul Luke, Plan Commission Chairperson
From: Carrie Haberstich, AICP, Planning Supervisor
Re: **2022-22P: Zoning Chapter Amendment – from B3 and M1 to B4**
5404-5440 Touhy Avenue and 7235 Linder Avenue
Subject Case: 2022-22P: Zoning Map Amendment
Related Cases: 2022-23P: Site Plan Approval
2022-24P: Subdivision/Dedication

General Information		
<i>Location</i>	5404-5440 Touhy Avenue and 7235 Linder Avenue PINs: 10-28-312-029-0000 and 10-28-312-030-0000 (B3 to B4); and 10-28-312-022-0000, 10-28-312-023-0000, 10-28-312-024-0000, and 10-28-312-028-0000 (M1 to B4)	
<i>Purpose</i>	To amend the zoning map from B3 Business and M1 Office Assembly Industry to B4 Regional Mixed-Use Shopping.	
<i>Petitioner</i>	Chicago Title Land Trust Company as Trustee under Trust Agreement dated 7/16/1962 known as Trust #17767 on behalf of Linder Touhy LLC	
<i>Size of Site</i>	272,516± SF with frontage on Touhy and Linder Avenues	
<i>Existing Zoning & Land Use</i>	B3 Business and M1 Office Assembly Industry – retail, manufacturing, vacant retail, and industrial	
<i>Adjacent Zoning & Land Use</i>	North	M1 Office Assembly Industry – industrial, public safety
	South	B4 Regional Mixed-Use Shopping – retail, restaurants
	East	B3 Business – limited service restaurant M1 Office Assembly Industry – automobile repair, hand car wash, dry cleaning and laundry, restaurant
	West	B3 Business – limited service restaurant, retail, bank, outpatient care center
<i>Comprehensive Plan</i>	The site is designated as manufacturing/service employment.	

PETITIONER'S SUBMITTAL

Note: References in the application materials to the RX Regional Mixed-Use Shopping district should be understood as B4 Regional Mixed-Use Shopping district, as "RX" was a working district title at the time the petitioner submitted applications for Plan Commission consideration.

Linder Touhy LLC is requesting zoning map amendment, site plan, and subdivision/ dedication approvals to accommodate a proposed mixed-use development. Please see the attached "Land Use Statement re: Effects of Touhy & Linder Mixed-Use Development" for additional details.

The petitioner is requesting to amend the zoning map to change the existing B3 Business and M1 Office Assembly Industry zoning districts, known as 5404-5440 Touhy Avenue and 7235 Linder Avenue, to B4 Regional Mixed-Use Shopping. The petitioner is requesting the rezoning in order to construct a 2-phase mixed-use development with first floor retail sales or services and upper-story residential over nonresidential uses, and provide on-site stormwater management (cases 2022-23P to 2022-24P).

STAFF ANALYSIS

Staff reviewed the request and found that the proposed *other residential and retail/service employment* uses are not consistent with the *manufacturing/service employment* use identified in the Comprehensive Plan. Despite the inconsistency, the property is between properties zoned B3 Business, across the street from a B4 Regional Mixed-Use Shopping zoning district, and located on an arterial street.

Staff supports the request provided ample transportation and infrastructure improvements are made; on-site pedestrian, bicycle, and large delivery/emergency vehicles can safely navigate the site; and there is no further encroachment of *non-manufacturing/service employment* uses north of the subject site without a review of and update to the Comprehensive Plan.

STAFF RECOMMENDATIONS

Staff recommends that the petitioners' request to amend the zoning map to change the zoning district for 5440 Touhy Avenue from B3 Business to B4 Regional Shopping, and change the zoning district for 5404-5418 Touhy Avenue and 7235 Linder Avenue from M1 Office Assembly Industry to B4 Regional Shopping, be **GRANTED**, subject to the attached Proposed Positive Findings of Fact.

ATTACHMENTS

1. Proposed Positive Findings of Fact for 2022-22P
2. Zoning Map

**PROPOSED POSITIVE
FINDINGS OF FACT**

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<i>Consideration</i>	<i>Finding</i>
The map amendment is consistent with the Comprehensive Plan or development trends in the area that have taken place since the affected property was placed in the present zoning district.	The proposed zoning map amendment is not consistent with the Comprehensive Plan; however, it is consistent with development trends in the area that have taken place since the affected properties were placed in their present zoning districts.
After identifying the existing uses and zoning districts in the area, the property in question is more suitable for the uses allowed under proposed zoning district than the existing zoning district.	After identifying the existing uses and zoning districts in the area, the subject site is more suitable for the uses allowed under proposed zoning district than the existing zoning districts.

ZONING MAP

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