To: Paul Luke, Chairman, Skokie Plan Commission
From: Mike Voitik, Planning Technician
Re: 2023-20P: Special Use Permit
5238 Touhy Avenue

**General Information**

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>5238 Touhy Avenue</th>
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<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>To obtain approval for a special use permit for outdoor dining</td>
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<tr>
<td><strong>Petitioner</strong></td>
<td>Bond Touhy LLC, on behalf of Mike Joudeh</td>
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<tr>
<td><strong>Size of Site</strong></td>
<td>126,580 square feet (2.906 acres)</td>
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<tr>
<td><strong>Existing Zoning &amp; Land Use</strong></td>
<td>B2 Commercial – motor vehicle parts and accessories store with automotive repair facility, sports and recreation education facility, shoe store, limited service restaurant</td>
</tr>
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</table>

**Adjacent Zoning & Land Use**

<table>
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<tr>
<th><strong>North</strong></th>
<th>B3 Business – hotel, full service restaurant, bar</th>
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<tbody>
<tr>
<td><strong>South</strong></td>
<td>B2 Commercial – limited service restaurant, electronics and appliances sales, pet supplies sale, clinic, vacant commercial, personal service use, limited service restaurant with drive-through</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>R2 Single-Family – detached residences</td>
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<tr>
<td></td>
<td>B2 Commercial – limited service restaurant with drive-through (under construction)</td>
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<tr>
<td><strong>West</strong></td>
<td>B3 Business – hotel, full service restaurant, bar</td>
</tr>
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</table>

**Comprehensive Plan**
The site is designated as retail/service employment.

**SITE INFORMATION**

- The site contains a 1-story multitenant commercial building. The outdoor dining area is proposed to be located in front of the westernmost tenant space.
- The site is accessible from driveways at Touhy Avenue and Laramie Avenue.
- Overhead utilities run along the north side of the subject site as well as within the Laramie Avenue parkway adjacent to the subject site.
Complete Streets

- Public sidewalks are present along Touhy Avenue and Laramie Avenue.
- A long-term bike route is proposed to be located on Carpenter Road, 1½ blocks west of the subject site.
- Bicycle parking is not currently available at the subject site.
- The site is directly served by the Pace 226 Oakton Street and Pace 290 Touhy Avenue buses.
- The site is within walking distance of residential neighborhoods, services, and schools.
- Pedestrian access to the building is available from Touhy Avenue and from Laramie Avenue.

STAFF ANALYSIS

Petitioner’s Submittal

The petitioner is requesting a special use permit for outdoor dining at the existing Qahwah House limited service restaurant at 5238 Touhy Avenue in a B2 Commercial district. The outdoor dining area will be located within the existing concrete-paved sidewalk that is located in front of the business and will contain 7 tables with seating for 4 persons. A new wooden canopy will be constructed over the outdoor dining area to provide partial shade for customers. Nine prefabricated wooden planters will be constructed to provide a decorative barrier along the south and west sides of the outdoor dining area. Bollards will be installed within the planters to protect the outdoor dining area from the adjacent parking lot. Two trash receptacles will be provided within the outdoor dining area for customer use and an additional receptacle will be placed across from the front entrance to the restaurant.

Comments

Staff comments and review sheets were sent to all pertinent departments. Other than the Planning Division comments below, all others did not respond or approved the request without comment.

Planning Division

The Planning Division recommends approval of the special use permit for outdoor dining. The use will provide a seasonal alternative for patrons who wish to eat at the restaurant. All conditions in §118-85(e) of the Skokie Village Code relating to the operation of the outdoor dining area must be adhered to.
APPEARANCE COMMISSION

Appearance Commission reviewed case 2023-18A at the June 14, 2023 meeting. A certificate of appropriateness was awarded with no conditions.

STAFF RECOMMENDATIONS

Staff recommends that the petitioner’s request for a special use permit for outdoor dining at 5238 Touhy Avenue in a B2 Commercial district be APPROVED, based upon the Proposed Positive Findings of Fact and subject to the standard special use permit conditions.

STANDARD SPECIAL USE CONDITIONS

1. The petitioner shall operate and maintain the outdoor dining area in substantial conformance with the final Village approved bollard location plan/outdoor seating area plan dated <insert date of final approved plan>.
2. 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.
3. The owner of every occupied commercial premises used for the sale of packaged or prepared food and the sale of automotive products shall supply at least one approved covered container for litter at the main entrance to the premises for use by customers. The owner of the premises shall be responsible for the removal of litter every four hours.
4. Barriers, fencing, landscaping, and other features shall be utilized to define the outdoor dining area.
5. Use of the area 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.
6. Dates of operation shall be limited to between April 1 and October 31 in a calendar year.
7. Outdoor dining areas shall be exempt from the parking regulations if used or set up less than 7 months in a calendar year.
8. All food preparation must take place inside the associated food service establishment.
9. Adequate refuse disposal shall exist as determined by the Health Department.
10. Advertising or promotional features shall be limited to the umbrellas or canopies.
11. All applicable Village and State health requirements shall be met.
12. 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.
13. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over.

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

15. The petitioners shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations.

16. 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.

17. The petitioners 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.

ATTACHMENTS

1. Proposed Positive Findings of Fact
2. Bollard Location Plan/Outdoor Seating Area Plan, dated August 2, 2023
3. Schematic 3D Render/Existing Site Plan, dated August 2, 2023
4. Aerial and Zoning Map
**Proposed Positive Findings of Fact  2023-20P: Special Use Permit**

Community Development Department  
Council Chambers, 7:30 PM, August 17, 2023

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Finding</th>
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<tbody>
<tr>
<td>The request is consistent with the intent of the Comprehensive Plan.</td>
<td>The request for a special use permit for outdoor dining is consistent with the intent of the retail/service employment land use identified in the Comprehensive Plan.</td>
</tr>
<tr>
<td>The request will not adversely affect adjacent properties.</td>
<td>There should be no adverse effects created by the proposed use upon the adjacent properties or businesses.</td>
</tr>
<tr>
<td>The request is compatible with the existing or allowable uses of adjacent properties.</td>
<td>The request is compatible with the existing or allowable uses in the area.</td>
</tr>
<tr>
<td>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.</td>
<td>Adequate public facilities will exist to serve the requested use.</td>
</tr>
<tr>
<td>The request demonstrates adequate provision for maintenance and use of the associated structures.</td>
<td>Adequate provision for maintenance and use of the associated structures is demonstrated by the request.</td>
</tr>
<tr>
<td>The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.</td>
<td>No adverse effects on the environment will be created by the proposed use.</td>
</tr>
<tr>
<td>The request will not create undue traffic congestion.</td>
<td>Undue traffic congestion will not be created by the proposed use.</td>
</tr>
<tr>
<td>The request will not adversely affect public health, safety, and welfare.</td>
<td>There should be no adverse effect upon public health, safety, and welfare.</td>
</tr>
<tr>
<td>The request conforms to all applicable provisions of this code, except where relief is granted with the request.</td>
<td>The request conforms to all applicable provisions of this code.</td>
</tr>
</tbody>
</table>
OUTDOOR DINING AREA

OUTDOOR DINING ANALYSIS:
- CHAIRS: 20
- BENCH: 22'-0" = 264" / 18" PER PERSON = 14.67 = 14 PEOPLE
- TABLES: 7 TABLES PROPOSED
- TRASH RECEPTACLE: 3 TOTAL
- WOOD PLANTERS: 9 TOTAL
- BOLLARDS: 8 TOTAL

OUTDOOR DINING – QAWAH HOUSE
PROJECT ADDRESS: 5238 W TOUHY AVE
SKOKIE, IL 60077

ARCHITECTURE DESIGN CONSULTANTS
773-939-0099 WMK.20LLC@GMAIL.COM

NOT TO SCALE IF PLOTTED ON 11X17

DRAWING DATE: 08-02-2023
LICENSED ARCHITECT STATE OF ILLINOIS ANASTASIOS TSAKIRIDIS 001-012768
OUTDOOR DINING - QAHWAH HOUSE
5238 W TOUHY AVE, SKOKIE, IL 60077

APPLICABLE BUILDING CODES
2021 INTERNATIONAL BUILDING CODE
VILLAGE OF SKOKIE AMENDMENTS

BUILDING DATA
PLANNING DISTRICT IN
EXISTING AREA OF WORK, ±4003 SQ FT.
- PROPOSED OUTDOOR SEATING AREA, ±410 SQ FT.
- EXISTING 1ST FLOOR AREA (INTERIOR SQ FT) : 3,690 SQ FT.
- EXISTING BASEMENT FLOOR AREA (INTERIOR SQ FT) : 5,820 SQ FT.
PROPOSED USE GROUP (OCCUPANCY TYPE): LIMITED SERVICE RESTAURANT WITH OUTDOOR DINING

SCOPE OF WORK
- NEW INTERIOR BUILD-OUT FOR A PROPOSED COFFEE SHOP
- NEW BUSINESS FIXTURES AS NEEDED
- NEW MECHANICAL WORK AS NEEDED
- NEW ELECTRICAL WORK AS NEEDED
- NEW PLUMBING WORK AS NEEDED

DRAWINGS INDEX
1. SHEET 1 OF 4: SITE PLAN, SITE/BUILDING DATA & SCHEMATIC 3D RENDER OF PROPOSAL
2. SHEET 2 OF 4 FOUNDATION PLAN, CANOPY FRAMING PLAN & DETAILS
3. SHEET 3 OF 4 OUTDOOR SEATING PLAN, BOLLARD PLAN & DETAILS
4. SHEET 4 OF 4: ELEVATION & DETAILS

NOTES
- GENERAL CONTRACTOR AND SUB-CONTRACTORS SHALL INSPECT THE CONSTRUCTION SITE IN ITS ENTIRETY AND NOTE ALL SITE RESTRICTIONS AND CONDITIONS.
- GENERAL CONTRACTOR AND SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO ORDERING, FABRICATING, OR COMMENCING WORK AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- DO NOT SCALE DRAWINGS, VERIFY DIMENSIONING.
- ALL FINISHED TO BE CLASS A OR B SAFETY GLAZING.
- EXISTING 1ST FLOOR AREA (INTERIOR SQ FT) : 3,690 SQ FT.
- EXISTING BASEMENT FLOOR AREA (INTERIOR SQ FT) : 5,820 SQ FT.
- PROVIDE FIRESTOP SEALANT MEETING UL #1479 AROUND ALL PIPE, FLUE PENETRATIONS THRU FLOORS AND CEILING.
- ALL JOINTS AND PENETRATIONS IN THE BUILDING ENVELOPE THAT ARE SOURCES OF AIR LEAKAGE MUST BE CAULKED, GASKETED, WEATHERSTRIPPED, OR BE CAULKED, GASKETED, WEATHERSTRIPPED, OR OTHERWISE SEALED IN AN APPROPRIATE MANNER.
- REFER TO 2021 IBC (INTERNATIONAL BUILDING CODE) FOR ALL EXIT REQUIREMENTS
- EXISTING PARKWAY
- Existing CONCRETE SIDEWALK (N.I.C.)
- Existing PARKWAY
- Existing SIDEWALK
- Existing DRIVEWAY
- Existing PARKING LOT (N.I.C.)
- EXISTING PLAZA
- EXISTING AVENUE

ANASTASIOS TSAKIRIDIS
LICENSED ARCHITECT
STATE OF ILLINOIS 001-012768
DATE: NOVEMBER 30, 2024

ARCHITECT OF RECORD FOR THIS PROJECT:

DRAWN BY
CHECKED BY
UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, CONFORM TO THE APPLICABLE CODES.

SITE LOCATION

APPROVED USE GROUP OCCUPANCY TYPE: LIMITED SERVICE RESTAURANT WITH OUTDOOR DINING

ARCHITECT

SITE LOCATION

EXISTING SITE PLAN

AREA OF WORK

EXISTING PLAZA

EXISTING AVENUE

EXISTING PARKING

EXISTING SIDEWALK

EXISTING DRIVEWAY

EXISTING CONCRETE SIDEWALK (N.I.C.)

EXISTING PARKWAY

EXISTING PARKING LOT (N.I.C.)

EXISTING AVENUE

EXISTING PLAZA

EXISTING SITE PLAN

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