

# VILLAGE OF HOMEWOOD



## MEMORANDUM

DATE OF MEETING:

February 9, 2023

**To:** Planning and Zoning Commission

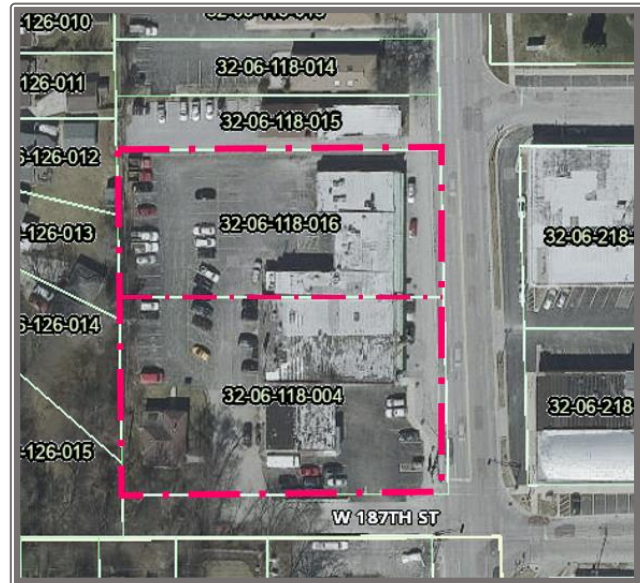
**From:** Valerie Berstene, Village Planner

**Through:** Angela Mesaros, Director of Economic and Community Development

**Topic:** Case 23-01 - Special Use Permit for Salon/Spa Establishment

## APPLICATION INFORMATION

APPLICANT	De Shola Spencer
ACTION	Special Use Permit for
REQUESTED	Salon Establishment
ADDRESS	18664 Dixie Highway
PIN	32-06-118-016-0000



## ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	B-3 General Business District	Vacant Tenant Space in a Multi-Tenant Shopping Center
PROPOSED	B-3 General Business District	Salon Establishment in a Multi-Tenant Shopping Center
SURROUNDING	N: B-3 Community Business District	Professional Offices
	E: B-3 Community Business District	Multi-Tenant Shopping Center
	S: Flossmoor	Vacant Commercial Property
	W: R-2 Single Family Residential District	Single Family Residences

**LEGAL NOTICE** Legal notice was published in *Daily Southtown* on Wednesday January 24, 2023; and letters were sent to 46 property owners and residents within 250’.

## DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Completed standards for a special use	2	De Shola Spencer	01/20/2023
Narrative	1	De Shola Spencer	-
Landlord Authorization Letter	1	Emma Henke	01/17/2023
Conceptual Floor Plan	1	-	-

Title	Pages	Prepared by	Date
Staff Exhibits	4	Valerie Berstene	02/09/2023

## BACKGROUND

The subject property is a tenant space in a multi-tenant shopping center. The parcel is held in common ownership with the parcel to the south which includes additional multi-tenant shopping center and a motor vehicle services business. A multi-tenant shopping center is defined as:

*“a group of 3 or more commercial establishments, including but not limited to: restaurant, personal services, professional office, and retail uses; planned, constructed, and co-located on a single site. Multi-tenant shopping centers contain individual tenant spaces for each commercial establishment that have a separate exterior entrance and are separated by a party wall. Off-street parking provided on-site is often shared between the uses located on the site.”*

The applicant, De Shola Spencer, requests a special use permit to operate a salon establishment, The Natural You, LLC within a 560 square feet unit at 18664 Dixie Highway in a multi-tenant shopping center (18660 – 18668 Dixie Highway) in the B-3 General Business District.

## HISTORY

The subject property was constructed in 1952. Village records indicate that a dentist occupied the space following the opening of the building. In 1980 the space became Bettina's, custom sewing and alterations. In 1984 Marlene's Custom Sewing and Alterations opened its business at the address and remained open until recent years.

On October 13, 2022 the Village Board approved a special use permit for NuSole Wellness Spa, LLC. After receiving the special use permit, the applicant determined that costs of remodeling the space as needed to operate her business were not feasible and moved on to looking at other potential locations.

## DISCUSSION

The proposed space is currently vacant. Other uses in the building include professional offices and personal services (insurance agency, driving school, staffing agency), a salon establishment, retail, and several vacancies. The applicant proposes to open a hair salon to serve clients on an individual basis, by appointment.

As the subject property is a tenant space in a multi-tenant shopping center, the zoning ordinance requires 1 parking space per 300 gross square feet (GSF). The multi-tenant shopping center, which occupies two lots held in common ownership, totals approximately 12,500 GSF, thereby requiring 42 parking spaces. The off-street parking provided on the sites totals 54 spaces, ensuring adequate parking for the proposed business. (The motor vehicle services co-located on the southern parcel of the two held in common ownership, and its surrounding parking, is not included in the parking calculations.)

## Special Use Permit

The Homewood Zoning Ordinance classifies salon and spa establishments uses as a special use in the B-3 General Business District. The review of a special use permit application provides the opportunity for the Village to consider the impact the proposed use may have upon adjacent properties, economic diversity,

and the public need for the proposed use at the subject location. Additionally, the review process allows the Village the opportunity to impose conditions or restrictions to mitigate potential external negative impacts.

When reviewing an application for a special use permit, the Planning and Zoning Commission are to use the Standards for a Special Use in evaluating the appropriateness of the proposed use at the subject property. The Standards are a tool for making a determination with a rational basis that is reasonably related to the public health, safety, and general welfare. The recommendation to approve, approve with conditions, or deny the requested permit must be rooted in this rational basis so as not to be arbitrary nor capricious.

In conducting the public hearing, the Planning and Zoning Commission is tasked with focusing on the facts pertinent to the Zoning Ordinance and the Special Use Standards. Largely, these relate to external impacts the proposed business may have on the health, safety and welfare of neighboring properties and the public. Such impacts may include access, circulation, and parking; hours of operations; intensity of use, such as the number of people anticipated in the space at one time, or light and noise emitted; environmental impacts such as odors or fumes emitted from the business; and adequate provision of public utilities at the location. A determination should be made based on how the proposed business has an external impact rather than on the details around the activities that take place within the use itself or the impacts to the prosperity of other businesses.

### **FINDINGS OF FACT**

Staff has prepared the draft findings of fact in accordance with the standards set forth in Section 44-07-11 of the Zoning Ordinance for a Special Use. The findings of fact, as proposed or as amended, may be entered into the record.

1. The subject property is a 560-sf tenant space located at 18664 Dixie Highway in the B-3 General Business District.
2. The proposed business will operate within an existing multi-tenant shopping center that is adequately served by utilities, access, and on-site parking.
3. The applicant, De Shola Spencer, is the business owner and has authorization of the property owner, EMA Building Corporation, to request the special use permit to operate a salon establishment.
4. A salon is a special use in the B-3 General Business District per Table 44-03-04 of the Homewood Zoning Ordinance.

### **RECOMMENDED PLANNING & ZONING COMMISSION ACTION**

If the Commission finds that the request meets the standards for special use, the Planning and Zoning Commission may consider the following motion:

Recommend approval of Case 23-01 to grant a Special Use Permit for a Salon Establishment in B-3 General Business District for "The Natural You, LLC" at 18664 Dixie Highway; and

Incorporate the findings of fact into the record.