

# VILLAGE OF HOMEWOOD



## MEMORANDUM

DATE OF MEETING: April 27, 2023

**To:** Planning and Zoning Commission

**From:** Valerie Berstene, Village Planner

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

**Topic:** Case 23-09: Special Use Permit for a Spa at 18350 Kedzie Avenue, Suite 200



## APPLICATION INFORMATION

APPLICANT	Sekia Garrett
ACTION REQUESTED	Special Use Permit for a Spa
ADDRESS	18350 Kedzie Ave, Suite 200
PIN	31-02-201-012-0000

## ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	B-3 General Business District	Multi-Tenant Shopping Center
<b>PROPOSED</b>	<b>B-3 General Business District</b>	<b>Multi-Tenant Shopping Center</b>
SURROUNDING	N: B-3 General Business District	Motor Vehicle Service
	E: B-3 General Business District	Retail > 5,000 sf (Jewel Osco)
	S: R-4 Multiple Family Residences	Multi-Family Dwelling (Pinetree Condos)
	W: R-4 Multiple Family Residences	Multi-Family Dwelling

**LEGAL NOTICE** Legal notice was published in *Daily Southtown* on March 28, 2023; letters were sent to 16 property owners and residents within 250’.

## DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Sekia Garrett	04/10/2023
Response to Special Use Standards	2	Sekia Garrett	04/10/2023
Letter of Owner’s Consent	1	Elliot Taylor	03/20/2023
Floor Plan	1	Sekia Garrett	-
Staff Exhibits	3	Valerie Berstene	04/27/2023

## BACKGROUND

18350 Kedzie Avenue is a two-story building with a variety of tenants. Traditionally, this building would be considered a professional office building with individual tenant suites located inside a shared central entrance. The current uses span from medical offices to professional services, personal services, and salons which more closely resembles the assortment of uses typical to a multi-tenant shopping center. Both types of development include multiple tenants sharing a building with a common parking lot.

Several cases pertaining to this property have been heard in the past:

- In 2018, Case 18-29 granted a parking variance to J.Flhair Serious Hair Studio in Suite 203 (Ordinance M-2009). A special use permit was not required for a salon in the B-3 district under the previous ordinance.
- In 2021 Case 21-17 granted a special use for a learning center and parking variance to “Stay Essential Fitness” in Suite 201.

Under the former zoning ordinance, each tenant space was reviewed individually for parking needs. Under the current zoning ordinance, the land use can be classified as professional offices or a multi-tenant shopping center, both of which calculate the parking requirements for the building as a whole. Under both of these classifications, the zoning ordinance anticipates different peak times in demand across the mix of uses, as well as vacancies and tenant turn-over. This allows for fluctuations in the individual tenant operations as a component of the overall function of the site.

The applicant, Sekia Garrett, is requesting a special use permit to operate a spa “Glamour 1 Productions” at 18350 Kedzie Avenue, Suite 200 in the B-3 General Business District.

The exact area of the suite was not provided by the applicant. Based on the measurement provided with the floor plan, Staff were able to estimate a suite area of approximately 670 sf. Staff inquired with both the applicant and the property owner to provide the square footage. Neither provided a response at the time this memo was completed. Both will be available at the public hearing to answer questions and confirm the details.

The applicant has been operating her business without the required zoning permit and business certificates. She previously operated in a neighboring community that did not have the same requirements as Homewood, and is now working with Village Staff to come into legal compliance with local requirements. Any fines or citations for such unauthorized activity are handled by Village Staff. The Planning and Zoning Commission should consider the facts of the request as they relate to the special use standards. However, the fact that the business has been in operation until recently allows the applicant to speak from experience operating at the subject property.

## DISCUSSION

### Business Operations

As provided by the applicant, the business operations will be the following:

- Services provided are facials; body contouring (non-invasive, not requiring a medical director nor doctor of medicine); wood therapy, non-invasive laser lipo, vacuum therapy, cavitation, and skin-tightening treatments; foot detox; and yoni steam.

- Hours of operation will be Tuesday – Friday 10:00 am – 6:00 pm and Saturday 9:00 am – 1:00 pm.
- The applicant, Ms. Garrett, is the sole practitioner. Services are provided by appointment only. This limits the number of people in the space at any one time to two occupants.
- Ms. Garrett is a licensed esthetician and has an advanced certification in body contouring and skin care from The National Laser Institute. She is also currently enrolled in phlebotomy school.

Village Staff have contacted the State of Illinois in order to understand the requirements for spa services such as body contouring, cavitation, etc. Staff is awaiting response from the State at the time that this report was written.

#### Parking

Under classification as a professional office building or a multi-tenant shopping center, the zoning ordinance requires 1 parking space per 300 gross square feet (GSF). The gross floor area of the building is 10,800 square feet, requiring 36 parking spaces ( $10,800/300 = 36$ ). The property has 30 parking spaces in the off-street parking lot.

Section 44-05-01.A.4 of the Zoning Ordinance addresses buildings existing prior to the adoption of the current Zoning Ordinance. This subsection allows properties deficient in parking (under the new ordinance) that have existed in continuous operation, with no change in use or intensity, to continue operation. Since the building has been in operation over the past 45 years as a mix of tenant uses, the use of the property has not changed or intensified; therefore the property meets the parking requirements.

In addition, 9 on-street parking spaces are available adjacent to the property along 184<sup>th</sup> Street. In total, this accommodates the required 36 parking spaces. The zoning ordinance allows on-street public parking to count towards the total required parking in the B-1 and B-2 zoning districts. This allowance for on-street parking is not written into the ordinance for the B-3 zoning district. However, in this instance, where on-street parking is available, it might be considered for meeting the minimum requirements.

In the past (under the prior zoning ordinance), the Village Board approved requests for parking variances for multiple tenants in the building. The Village does not have records of complaints from neighbors or adjacent businesses as a result of the operation of the building with the existing parking available.

#### Standards for Special Use

The responses to special use standards, completed by the applicant, are attached for review by the Planning and Zoning Commission.

The Homewood Zoning Ordinance classifies spas as a special use in the B-3 General Business District, which allows the Planning and Zoning Commission to evaluate each requested special use permit individually and to consider the impact of the proposed use on neighboring properties, and to consider the public need for the proposed use at the subject location. The Village may impose conditions or restrictions that mitigate any potential negative impact and assist the proposed use in meeting the special use standards as set forth in the zoning ordinance.

When reviewing an application for a special use permit, the Planning and Zoning Commission uses 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 basis that is reasonably related to public health, safety, and general welfare. Largely, these relate to external impacts the proposed business may have on the neighboring properties and the public. Such impacts may include access, circulation, and parking; hours of operations; the 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.

### **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 tenant space located in Suite 200 of a two-story multi-tenant building at 18350 Kedzie Avenue in the B-3 General Business District.
2. A spa is classified as a special use in the B-3 district per Table 44-03-04 of the Homewood Zoning Ordinance.
3. The proposed business will operate within an existing building that is adequately served by utilities and access.
4. The existing property provides 30 off-street parking spaces in a parking lot. Additionally, there are 9 on-street parking spaces adjacent to the property. The property has been continuously operating as a multi-tenant building and meets the parking requirements.
5. Village Staff will confirm that all required licenses and certifications for the services are provided prior to issuance of a business operations certificate.

### **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 23-09 to grant a Special Use Permit for a Spa in B-3 General Business District for "Glamour 1 Productions" at 18350 Kedzie Avenue, Suite 200 with the condition that all required licenses and certifications for the services are provided prior to issuance of a business operations certificate; and

Incorporate the findings of fact into the record.