

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: March 9, 2023

To: Planning and Zoning Commission

From: Valerie Berstene, Village Planner

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Case 23-03, Special Use Permit for Massage Therapy



APPLICATION INFORMATION

APPLICANT	Jing Wang
ACTION REQUESTED	Special Use Permit for Massage Therapy
ADDRESS	1131 175 th Street, Unit A
PIN	29-32-200-029-0000

ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	M-1 Limited Manufacturing District	Vacant, formerly dental office
PROPOSED	M-1 Limited Manufacturing District	Massage Therapy
SURROUNDING	N: East Hazel Crest	Detached Dwelling Units
	E: M-1 Limited Manufacturing District	Warehouse, Distribution
	S: M-1 Limited Manufacturing District PL-1 Natural Area Preserve	Vacant Izaak Walton Preserve
	W: M-1 Limited Manufacturing District	Light Manufacturing, Assembly, Fabrication

LEGAL NOTICE

Legal notice was published in *Daily Southtown* on February 22, 2023. Letters were sent to 19 property owners, residents, and businesses within 250'.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Jing Wang	02/06/2023
Response to Standards for Special Use	2	Jing Wang	02/01/2023
Conceptual Floor Plan	1	Jing Wang	-
Narrative	1	Jing Wang	02/07/2023

Landlord Authorization Letter	1	Mitchell H. Simborg	02/08/2023
Staff Exhibits	4	Valerie Berstene	03/09/2023

BACKGROUND

The applicant, Jing Wang, is requesting a Special Use Permit to operate a Massage Therapy Establishment in the M-1 Limited Manufacturing District at 1131 175th Street, Unit A. The proposed location, approximately 1,120 sf, is a tenant space within a multi-tenant building (Homewood Business Center). 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 other tenants in the building include: a Cannabis Dispensing Organization; Professional Offices (financial services, real estate management company); Adult Day Care; and two vacant tenant spaces.

HISTORY

The subject property is an 18,600 sf building housing multiple tenant spaces (1131-1153 175th Street). The building was constructed in the 1980s. The tenant space at 1131 175th Street, Unit A was formerly occupied by a parts storage facility for IBM Corporation.

DISCUSSION

The subject property is currently a vacant tenant space. The applicant requests a special use permit for a massage therapy establishment. The establishment will consist of 3 treatment rooms; a waiting area; and a kitchen for treatment providers. The business will have three employees on-site at one time and anticipates between an average of 11 and a peak of 17 clients in one day. The hours of operation will span from 10:00 am to 9:00 pm, providing 11 hours of operation each day.

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 totals approximately 18,600 GSF, thereby requiring 62 parking spaces. The off-street parking provided on the sites totals 63 spaces, ensuring adequate parking for the proposed business.

The Homewood Zoning Ordinance classifies massage therapy as a special use in the M-1 Limited Manufacturing District to allow 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 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.

Standards for Special Use

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

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 rational basis that is reasonably related to 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; 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. 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

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

1. The subject property at 1131 175th Street, Unit A is zoned M-1 Limited Manufacturing District, and Massage Therapy is a special use in the zoning 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 proposed business will not have a negative impact on other surrounding businesses or properties.

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 Massage Therapy Establishment to Jing Wang for 1131 175th Street, Unit A in the M-1 Limited Industrial District; and

Incorporate findings of fact into the record.