

MEMORANDUM



Date: April 28, 2022

To: Members of the Planning and Zoning Commission

From: Angela M. Mesaros, Director of Economic and Community Development

Re: Case 22-13 - Special Use Permit and Parking Variance, 18159 Dixie Highway, Halston Shanklin-B-1 Zoning District

Cc:

APPLICANT INFORMATION:

APPLICANT:

Halston Shanklin

REQUESTED ACTION:

Special Use Permit for a Salon/Spa
Variation from Section 11.1 Off-Street Parking

LOCATION:

18159 Dixie Highway

CURRENT ZONING/LAND USE:

B-1, Central Business District

SURROUNDING ZONING/USE:

N/S/W: B-1/Commercial **E:** R-2/Single Family

LEGAL NOTICE:

Legal notice published in *Daily Southtown* on April 7, 2022;
letters sent to property occupants within 250'

DOCUMENTS FOR REVIEW:

Application and floor plans

BACKGROUND:

Halston Shanklin recently purchased the property at 18159 Dixie Highway, a one-story condominium unit of a three-unit commercial building. They propose to divide the space into three additional units, including an office in the front and rental suites for beauty professionals. The



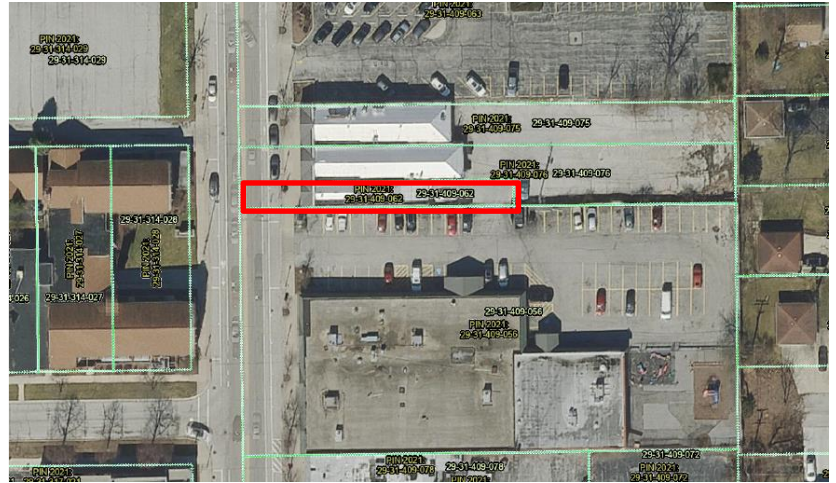
Subject property as viewed from Dixie Highway

The proposed use is defined as a Salon/Spa Establishment in the Zoning Code. Previous use of the first-floor has been as one office.

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DISCUSSION:

In April of 2012, the Village Board amended the Zoning Ordinance to require a special use for Salon/Spa Establishments in the B-1 and B-2 zoning districts. The amendment was adopted in response to a concern over the proliferation of certain personal services within the B-1 and B-2 districts that affect the desired economic diversity of these commercial areas. The amendment to the zoning ordinance provides the opportunity for the village to consider the impact the proposed use may have upon neighboring lands and the public need for the proposed use at the subject location. It provides the village the opportunity to 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.



The zoning ordinance allows salons/spas as a permitted use in the B-3 and B-4 zoning districts and as a special use in the B-1 and B-2 zoning districts.

The applicant proposes to convert an existing commercial/office building into three rental suites for individual beauty professionals.

SPECIAL USE STANDARDS

The following standards were included in the review of the special use request:

1. Is deemed necessary for the public convenience at that location. *Salons are considered a public convenience.*
2. Is not detrimental to the economic welfare of the community. *Commercial space is an important factor in the economic welfare of a community. Economic diversity is a key factor in a healthy economic environment.*
3. Will be consistent with the goals and policies of the Comprehensive Plan. *In the 2005 Downtown Master Plan, the Future Land Use Map designates this property as Central Downtown.*
4. Is so designed, located, and proposed to be operated, that the public health, safety, and welfare will be protected. *This space has been most recently used as an office and is currently in use as an office.*
5. Is a suitable use of the property and, without the special use, the property will be substantially diminished in value. *The subject property is zoned for commercial uses and a salon is regulated as a special use in the commercial districts.*
6. Will not cause substantial injury to the value of other property in the neighborhood in which it is located. *The proposed use requires a special use and therefore requires additional scrutiny regarding the potential impact on surrounding uses.*
7. Will be consistent with the uses and community character of the neighborhood surrounding the parcel. *Service businesses are an allowed use in the B-1 district and bring traffic into the area.*

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8. Will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the zoning district. *Salons are allowed as a special use and provide a service.*
9. Will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district. *The area is developed.*
10. Provides adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets. *Access to the property is through an adjacent private parking lot. Customers and employees would be expected to park in public parking located on Dixie Highway and not in the adjacent private parking lots.*
11. Is served by adequate utilities, drainage, road access, public safety and other necessary facilities. *The area is developed and currently served by adequate utilities.*
12. Will not substantially adversely affect one (1) or more historical, archeological, cultural, natural or scenic resources located on the parcel or surrounding properties. N/A

PARKING

The total required parking spaces for the proposed use is 10 parking spaces, requirements are as follows:

- Office: $1/300 \text{ SF: } 400\text{SF}/300 = 1 \text{ space}$
- Salon Suites: 2 per chair plus one parking space per employee: $(3 \text{ chairs} \times 2) 6 + 3 \text{ employees} = 9 \text{ spaces}$

There are 3 parking spaces available in the parking lot, which does not meet the zoning requirements.

According to Section 11.1-5 of the Zoning Code, *Off-Street Parking*, “Change in Intensity of Use,” “*when a building ...shall undergo any increase in... unit of measurement, parking...facilities shall be provided for such increase...if, however, additional parking...cannot be added...due to lack of available land area, a property owner may request a variance.*” The previous use of this space was an office, which required 3 parking spaces ($1/300 \text{ SF office} = 1,008/300 = 3.36$). The proposed use is a more intense parking use and requires seven additional parking spaces.

The petitioner has requested a zoning variance from Section 11.1 of the Zoning Code.

VARIANCE STANDARDS:

No zoning variation shall be granted unless findings based upon the evidence presented in each specific case establish that the following standards have been met. Standards 1-3 must all be met; the remaining standards are provided for further consideration:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. *The subject property was constructed as one unit of a multi-tenant commercial building. The parking lot behind the building was originally designed to accommodate the entire building. The previous owner subdivided the building and at the time most of the parking lot was designated for the other two units of the building. Only a small area of the parking lot (approximately enough space for three vehicles) was designated for the subject property. The proposed use of the building is for salon spaces in addition to an office use and therefore is a more intense parking use than the previous office.*

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2. That the plight of the owner is due to unique circumstances. *The subject property was constructed as a single commercial space and was not anticipated to be divided into three separate businesses.*
3. That the variation, if granted, will not alter essential character of the locality. *There would be an increase in vehicular traffic and parking density in the area.*

The following Standards are provided for your consideration in making a decision regarding the requested variation.

4. Existing conditions pose a particular hardship. *The proposed use requires a parking variance; the parking requirement is more intense than that of the previous use.*
5. Conditions of petition not generally applicable. *The same requirements are applied to all commercial districts.*
6. Hardship not created by property owner. *The petitioner recently purchased the property and intends to divide the space into more intense use.*
7. Variation is not detrimental or injurious to the neighborhood. *The proposed variance would increase the amount of traffic and parking density in the area and could cause issues with other local businesses. The property does not have space to accommodate the employee or the customer parking. The applicant's intention is that employees and customers would find street parking in front of the building. Currently, two spaces are located on Dixie Highway directly in front of the applicant's building.*
8. Impairment of light and air supply, increased risk of fire or endangerment to public safety or diminished property values. *N/A*

FINDINGS OF FACT:

Staff has prepared the following *draft* Findings of Fact in accordance with the standards set forth in Section 2.16. After consideration of public testimony, the following Findings of Fact (as proposed or amended) may be entered into the record:

- The subject property is located at 18159 Dixie Highway;
- The property is owned by Halston Shanklin;
- The property is an existing one-story unit of a three-unit commercial building.
- The property owners propose to divide the space into three units and lease it as salon suites;
- The subject property is located in the B-1 Central Business District;
- Salons are permitted as a special use in the B-1 district;
- The subject property has 3 on-site parking spaces;
- With the proposed uses, the property requires 10 parking spaces; and
- The use is a change in parking use intensity from the previous use and requires a variation for 7 parking spaces

The Planning and Zoning Commission may wish to consider the following motion written in the affirmative:

Approval of Case 22-13 for a special use permit to allow operation of salon that does not meet the parking requirements by seven parking spaces on the property located at 18159 Dixie Highway, in the B-1 Central Business zoning district and incorporating the Findings of Fact into the record.