

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: January 11, 2024

To: Planning and Zoning Commission

From: Noah Schumerth, Assistant Director of Community and Economic Development

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Case 23-28

APPLICATION INFORMATION

APPLICANT	Emad Abed
ACTION REQUESTED	Variance for a Fast Casual Carry Out Restaurant
ADDRESS	810 Maple Avenue, Unit C, Homewood, IL, 60430
PIN	29-32-200-022

ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE	
CURRENT	B-4 Shopping Center	Vacant	
PROPOSED	B-4 Shopping Center	Carry Out Restaurant	
SURROUNDING	N:	B-4 Shopping Center	Planned Unit Development (Kohl's)
	E:	B-4 Shopping Center	Carry-Out Restaurant (McDonald's)
	S:	B-4 Shopping Center	Multi-Tenant Commercial Center
	W:	B-4 Shopping Center	Professional Office (Special Olympics)

LEGAL NOTICE

Legal notice was published in *Daily Southtown* on December 22, 2023; letters were sent to property owners and residents within 250'.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Staff Exhibits	2	Noah Schumerth, Asst. Dir. ECD	10/06/2023
Application Form	2	Emad Abed	09/05/2023
Responses to Standards for Variance	1	Emad Abed/Mohammad Majid	09/05/2023
Conceptual Floor Plan	1	Harold Beron Design	08/11/2023
Conceptual Site Plan	1	Harold Beron Design	08/11/2023
Previous Approved Variance Ordinance	3	Chris Cummings, Village Attorney	09/13/2022
Parking Data Summary	8	Noah Schumerth	01/05/2024

BACKGROUND

The applicants, Emad Abed and Mohammad Majid, are requesting a Variance to modify parking requirements for operation of a carry-out restaurant at 810 Maple Avenue. The building is currently fitted for two commercial retail spaces, and the applicants are proposing the creation of a third tenant space for a “fast casual carry-out restaurant.” The building was previously occupied by a tire retail and vehicle service facility, and was split into two commercial/retail tenant spaces following the approval of the Site Plan Review and Variance cases presented before the Planning and Zoning Commission in August 2022. The proposed use is classified as a *carry-out facility*, as defined in the Village Zoning Ordinance:

“...a business which sells food or beverages to the consumer in a ready-to-consume state and whose operation includes serving food or beverages in paper, plastic, or other disposable containers, and does not include associated seating for dining on the premises.”

HISTORY

Year	Approval/Planning Action
Pre-1975	The site was originally a part of the Washington Park racetrack. The racetrack structure was lost to fire damage in the late 1970s.
January 1984	The property was developed as a multi-tenant building for DeRe Goodyear Tire and Harley-Davidson.
August 1997	The Planning and Zoning Commission approved Case 97-36, for approval of a Special Use Permit to operate a car repair facility in the multi-tenant building. The building is consolidated into a single tire and car repair facility, with Harley Davidson vacating the building.
August 2004	The Planning and Zoning Commission approved Case 04-26, allowing façade improvements to the existing car repair facility on the site. The car repair facility was rebranded to Discount Tire.
August 2022	The Planning and Zoning Commission approved Case 22-23, including a Site Plan Review of plans for splitting the single building on the property into two commercial/retail tenant spaces. The Planning and Zoning Commission approved a concurrent Variance (Case 22-24), approving a reduction in required parking spaces for the two-tenant building from 46 to 28 spaces.
September 2022	The Appearance Commission approved Case 23-25, for approval of façade changes to convert the approved Discount Tire building into two commercial spaces and provide exterior improvements.

DISCUSSION

Site Discussion

The applicant has proposed the addition of a third tenant space in the 11,940 square foot structure located at 810 Maple Avenue. The proposed tenant is a fast-casual carryout restaurant business,

classified as a *carryout facility* in the Village Zoning Ordinance. The structure was originally a tire service and vehicle repair center, branded as Discount Tire, which was constructed in 1984. In 2022, approvals were provided for the building to be divided into two tenant spaces for retail/commercial use, with plans proposing a tobacco store and a beauty supply store in the two leasable spaces. The new proposed restaurant tenant will occupy an area of the building which was to be left as stockroom and storage area after the 2022 approval of the new site plan and building improvements. A parking variance, similar to the one requested in this case, was approved to allow the applicant to reduce the total number of required parking spaces for the site from 48 to 28 spaces (42% reduction).

The third space is proposed to occupy the westernmost portion of the structure, facing south along the subject site's frontage with Maple Avenue. The new tenant space will include customer seating and service areas, a food preparation area, and additional backroom areas, totaling 1,827 square feet of gross floor area for the new tenant. The new tenant will be connected to existing parking areas on the property by a concrete walkway included in approved site improvements submitted in 2022. The new tenant area will also have additional access provided on the northern side of the space, allowing for direct pedestrian access to parking spaces in the rear of the building currently unutilized by the existing businesses on the site.

The applicant is requesting a variance from existing parking regulations on the site, allowing for the operation of the third tenant in the building without additions to the existing parking available on the site. An approved variance will allow for the operation of the three tenants with 28 parking spaces on the site. The variance would allow a 29% variance from the existing zoning ordinance, based on the revised parking requirements on this site created by the adoption of a new zoning ordinance in 2023.

The footprint of the building is 11,940 square feet of gross floor area (GFA), and the applicant has not proposed changes to this footprint. However, since the approval of the first parking variance for this site in 2022, the Village has adopted a new zoning ordinance with significant changes to parking requirements. This code adjusted the parking calculation method applied to this site, applying a standard of 1 space per 300 square feet of gross floor area for all *multi-tenant shopping centers*. Based on this new standard, the subject site requires 39 parking spaces, which is a reduction from the 48 spaces required for the two tenants initially proposed in 2022 but remains greater than the 28 spaces currently provided on the site. The site currently provides 71% of the off-street parking required for the site.

Upon initial review of the variance application, staff requested additional parking data for the 810 Maple Avenue site in order to document how the two existing businesses on the site utilize parking. Data from the study indicated that the two existing businesses cause minimal strain on existing the existing parking lot on the site. Based on photo captures taken at one-hour time increments over a two week period, data demonstrated that parking utilization never exceeded 57% of the parking on site, and demand rarely exceeded 40% of parking available. A summary of the parking data provided with findings is attached to this staff memo. Staff found that based on maximum parking usage documented in data from the site, the proposed carry-out restaurant use will not cause spillover effects onto neighboring properties.

Variance Conditions Analysis

In order to reach approval of a Variance, the applicant must provide clear demonstration of an external hardship limiting by-right development on the site, and a clear plan for providing the smallest possible

deviation from the Village Zoning Ordinance. The hardship must be demonstrated by evaluated against the Standards for Variance, which include the following three standards:

1. The property 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.
2. The plight of the owner is due to unique and external circumstances which are not self-imposed by the property owner.
3. The variance will not alter the essential character of the locality surrounding the subject site.

The applicant's responses to the Standards of Variance are attached for review by the Planning and Zoning Commission. Staff analysis of the Standards of Variance is provided below.

1. The property 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 applicant has stated that a parking variance is essential to providing a third tenant in the commercial structure in a vacant space within the building. The space is currently a *multi-tenant commercial center*, and the parking requirement for this building is the same due to the parking requirement being considered based on the total area of the building. Under the current zoning ordinance, no additional tenants or businesses may be added to this building due to the total parking count on the site remaining below what is required by ordinance. The applicant has stated that financial hardship may be caused by the failure to provide a third tenant in the building. The site was previously reviewed and approved with two tenants, including the receipt of a parking variance to support reduced parking on the site in support of the two businesses now occupying the building.

2. The plight of the owner is due to unique and external circumstances which are not self-imposed by the property owner. The applicant is requesting the reduction of required parking for an existing building, which was originally constructed as a tire-service facility prior to the adoption of the current zoning ordinance. The site is constrained due to its location and previous use. Parking requirements on the site are higher today as a *multi-tenant shopping center* than they were when the site was being used as a tire service facility. The tenant space for the proposed restaurant will remain vacant due to the present parking arrangement on the site without relief from current standards.

3. The variance will not alter the essential character of the locality surrounding the subject site. The applicant has identified that the variance allows another use which is compatible with surrounding commercial businesses and will not affect the local area adversely. Staff is in agreement with this argument, given the intense, auto-oriented commercial areas surrounding the site and the compatibility of this use being located near a major arterial on Halsted Street. As cited in the parking data recorded on the site between 11/1/23 and 11/14/23, current parking usage on the site remains low. Based on parking data provided, a restaurant evaluated based on the parking requirement for the use (1 space per 200 square feet) would require 9 parking spaces. Even at documented maximum peak usage of the existing parking on the site (approximately 57% of parking spaces), parking for the restaurant could be accommodated on the site as currently constructed. Staff also finds impact on existing parking on the site will be reduced by the lack of overlap between peak dining hours (11:00am – 1:00pm; 5:00pm – 7:00pm) generally documented at pickup/carryout restaurants and cited by the applicant. Therefore, impacts on the site from the new use are projected to be minimal, with no projected spillover onto surrounding cites (Kohl's department store; McDonald's).

As required in any variance application, the applicant has also taken steps to minimize the level of deviation from the Village Zoning Ordinance. In coordination with Village staff, the applicant increased the number of parking spaces on the side of the building which will include the primary entrance to the new restaurant. The applicant also dedicated pick-up parking spaces along the western side of the property to ensure greater space turnover and availability of spaces capable of serving the applicant's stated clientele of carryout diners. The design of the new space is oriented to utilize parking spaces currently unused by the businesses on the site. Staff believes that the variance conditions have been met.

DRAFT FINDINGS OF FACT

Staff has prepared the draft findings of fact in accordance with the standards set forth in Section 44-07-12 of the Zoning Ordinance. The findings of fact, as proposed or amended, may be entered into the record.

1. The subject property is located at 810 Maple Avenue and owned by the applicant, Mohammad Majid.
2. The subject property is located in the B-4 Shopping Center Zoning District.
3. Carry-out restaurant facilities, as proposed by the applicant, are permitted in the B-4 Shopping Center Zoning District.
4. The existing development on the site, including a 11,940 square foot building and 28 surface parking spaces, was formerly built for vehicle repair and service.
5. The subject property received approval in 2022 to support the renovation of the building to support two new commercial and retail tenants, and received a parking variance to allow for reduced parking requirements for these proposed uses.
6. The building on the subject property was designed to accommodate three tenants, with a third tenant space not considered in 2022 remaining vacant. This vacant tenant space is the subject of this planning case. This space is 1,827 square feet in area.
7. The building on the site is now designed to support multiple tenants, and has been classified as a *multi-tenant shopping center* in the Village Zoning Ordinance.
8. The proposed use in the third tenant space is a carryout food service business.
9. The Village Zoning Ordinance requires 1 off-street parking space per 300 square feet of gross square footage (GFA) within a multi-tenant shopping center, and the building requires a total of 39 parking spaces for the 11,490 square feet of retail and commercial space.
10. The applicant proposed to provide 28 parking spaces on the subject property to support the uses within the multi-tenant shopping center on the site.
11. The proposal from the applicant includes four additional parking spaces and spaces with signage indicating that additional spaces are reserved for carryout/pickup customers.
12. The tenant space is proposed to be modified to provide additional egress to the north to provide access to parking currently unutilized by existing businesses.
13. The proposed variance is for relief from the provision of 11 total parking spaces.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

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

Recommend approval of Case 23-28 Variance from Table 44-05-01(C) and General Off-Street Parking Requirements in Section 44-05-01(A) to allow the operation of a new carryout food service establishment at 810 Maple Avenue with 28 parking spaces.

And

Incorporate the Findings of Fact into the record.