

# STAFF REPORT

# 2022-11P: Special Use Permit

Community Development Department

Council Chambers, 7:30 PM, March 17, 2022

To: Paul Luke, Plan Commission Chairperson  
From: Matt Brandmeyer, AICP, Community Development Director  
Re: **2022-11P: Special Use Permit – Drive-Through**  
5150 Touhy Avenue  
Related Cases – 2022-8P: Zoning Map Amendment  
2022-09P: Alley Vacation  
2022-10P: Site Plan Approval  
2022-12P: Special Use Permit – Outdoor Dining

General Information		
<i>Location</i>	5150 Touhy Avenue	
<i>Purpose</i>	To request a special use permit for a 3,973 square foot limited-service restaurant with a drive-through at 5150 Touhy Avenue in a B2 Commercial zoning district.	
<i>Petitioner</i>	Skokie Property, LLC – Dunkin’/Baskin	
<i>Size of Site</i>	28,000+/- ft <sup>2</sup> with frontage on Touhy & Laramie Avenues	
<i>Existing Zoning &amp; Land Use</i>	B2 Commercial – existing Dunkin’/Baskin, single family homes, & part of a public alley	
<i>Adjacent Zoning &amp; Land Use</i>	<b>North</b>	R2 Single Family – single family homes
	<b>South</b>	R2 Single Family – single family homes
	<b>East</b>	R2 Single Family – Congregation Kol Emeth
	<b>West</b>	B2 Commercial – multi-tenant center – Skecher’s, Pep Boys
<i>Comprehensive Plan</i>	The site is designated as retail/service employment & single family residential.	

## SITE INFORMATION

- The proposal includes the assemblage of 3 residential properties, the existing Dunkin’/Baskin store, and vacating a portion of the public alley.
- The site is accessible from Touhy through an existing curb-cut and from Laramie on the west side of the property.

## PETITIONER’S SUBMITTAL

The petitioner is requesting a special use permit for a limited-service restaurant with a drive-through at 5150 Touhy Avenue in a B2 Commercial zoning. The proposal includes

a double drive-through lane that begins on the west side of the building and exits the front of the site.

Please find attached the Petitioner's full statement.

### **STAFF RECOMMENDATIONS**

Staff recommends that the petitioner's request for a special use permit for a limited-service restaurant with a drive-through at 5150 Touhy Avenue in a B2 Commercial district be **APPROVED**, based upon the Proposed Positive Findings of Fact and subject to the recommended conditions below.

### **RECOMMENDED SPECIAL USE PERMIT CONDITIONS**

1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plan dated <insert date of final approved plan>, landscape plan dated <insert date of final approved plan>, and sign plans and building elevations <insert date of final approved plan>. (Standard)
2. The petitioner shall develop and use the Subject Property in accordance with the site plan approval for this site.
3. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)
4. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)
5. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced below. (Standard)
6. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units, including 1 waste receptacle near the drive-through exit and 1 waste receptacle at the restaurant entrance.
7. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.(Standard)
8. All signage shall conform to the Skokie Village Code, except as provided in this ordinance. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform with the Village Code prior to the issuance of an occupancy permit. (Standard)
9. The petitioner shall implement any necessary operational improvements to ensure that stacking of vehicles within the drive-through lane will be contained on-site and not impede or obstruct pedestrian or vehicular movements. (Standard)
10. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)

11. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)
12. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

## **ATTACHMENTS**

1. Proposed Positive Findings of Fact
2. Petitioner's Statement
3. Site Plan

## **Proposed Positive Findings of Fact 2021-02P: Special Use Permit**

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<i>Consideration</i>	<i>Finding</i>
The request is consistent with the intent of the Comprehensive Plan.	The proposed use is not consistent with the single family land use designation in the Comprehensive Plan; however, it is consistent with changes to commercial developments along Touhy Avenue.
The request will not adversely affect adjacent properties.	The request is not expected to adversely affect adjacent properties
The request is compatible with the existing or allowable uses of adjacent properties.	The request is compatible with the existing or allowable uses of adjacent properties.
The request demonstrates that adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.	Adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
The request demonstrates adequate provision for maintenance and use of the associated structures.	The request demonstrates adequate provision for maintenance and use of the associated structures.
The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.	The request has considered and is expected to address any adverse effects on the natural environment.
The request will not create undue traffic congestion.	Per the traffic impact analysis, the use is not expected to create undue traffic congestion, including the availability of ample drive-through queuing on-site.
The request will not adversely affect public health, safety, and welfare.	The request will not adversely affect public health, safety, and welfare.
The request conforms to all applicable provisions of this code, except where relief is granted with the request.	The request conforms to all applicable provisions of this code, except where relief is granted with the request.

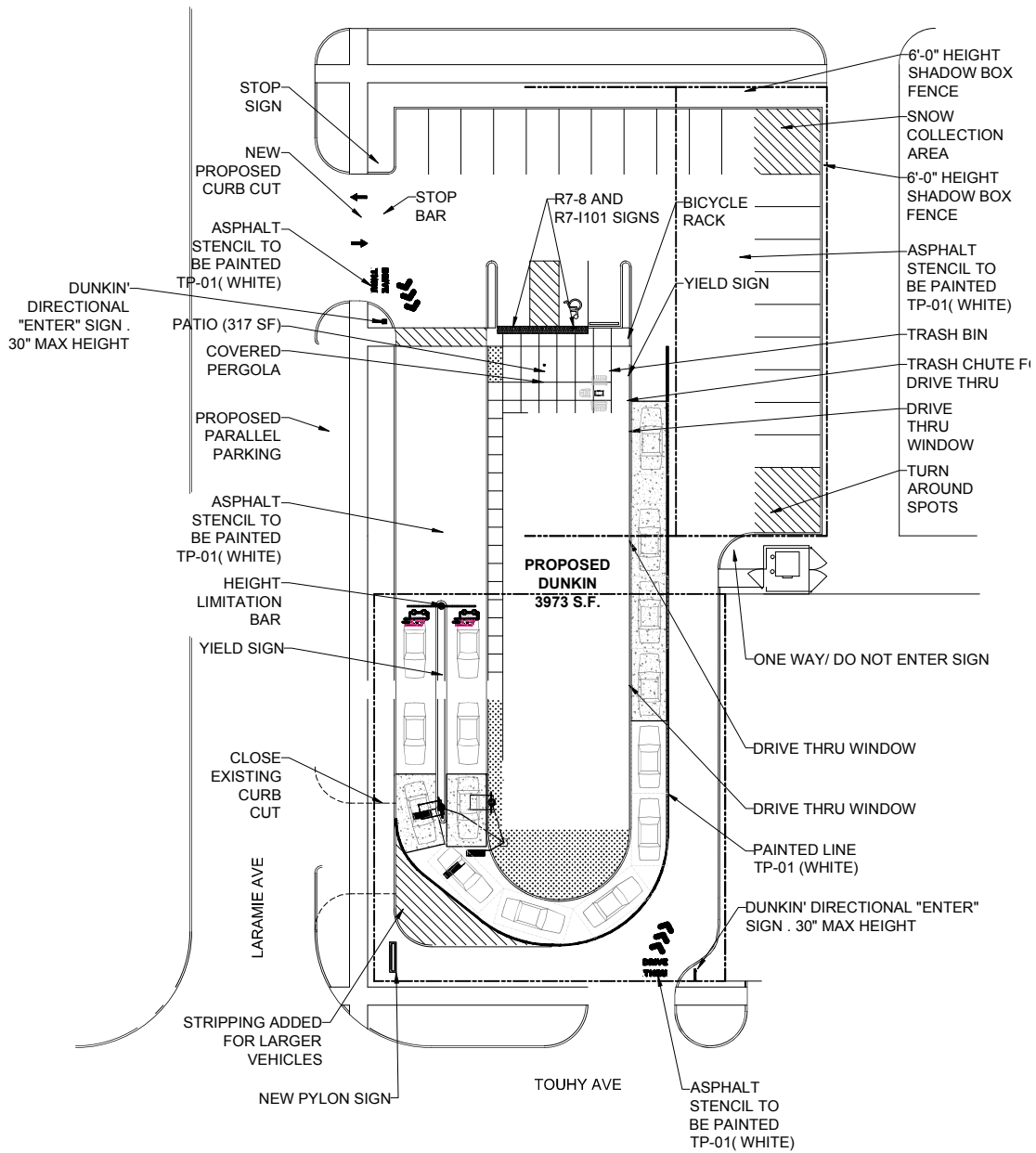


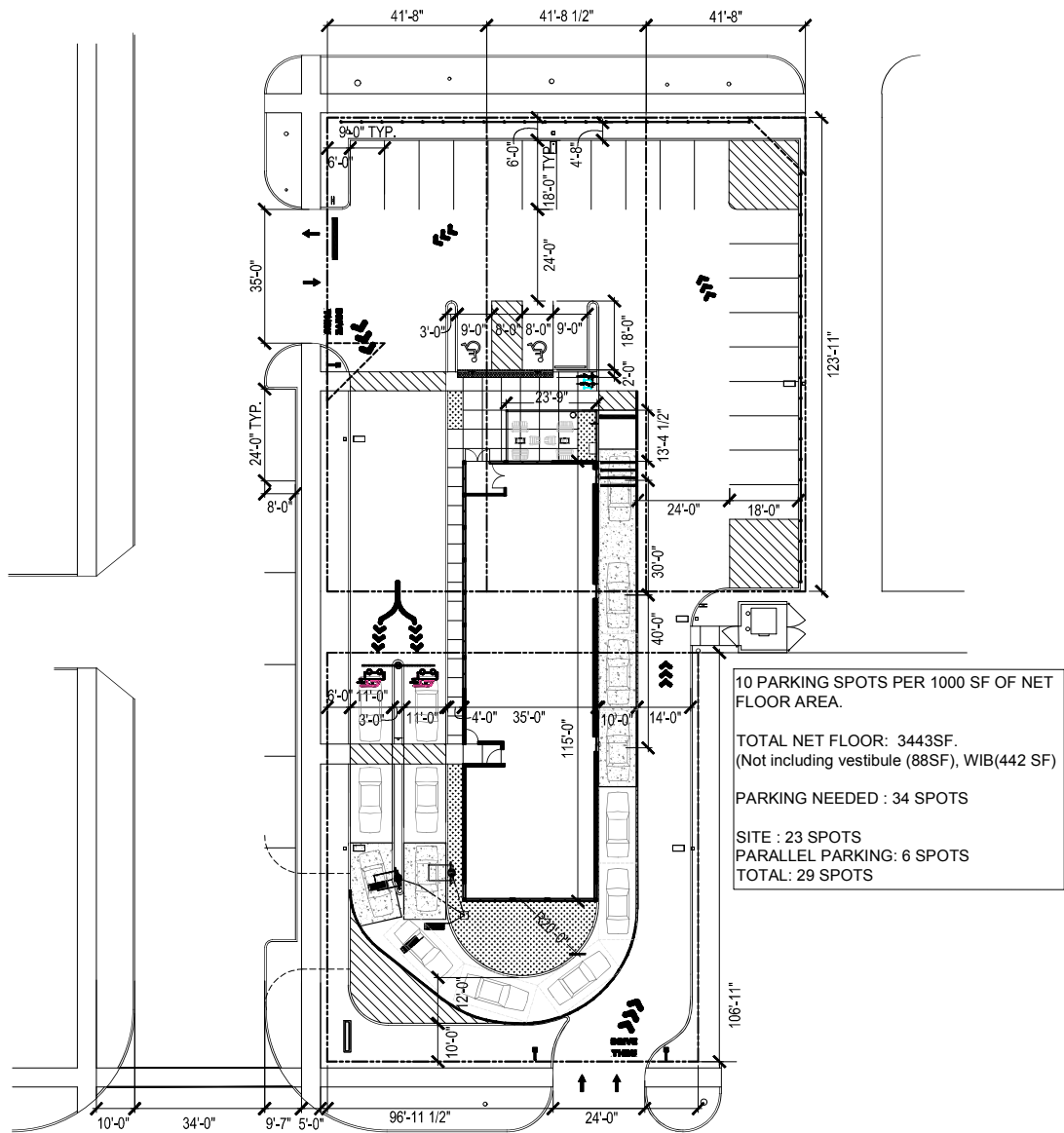












**1 PROPOSED DIMENSIONAL SITE PLAN**  
 SCALE: 1/32"=1'-0"



ARCHITECT:



828 DAVIS STREET  
 SUITE 300  
 EVANSTON, IL 60201  
 PH: 847.492.1992

PROJECT:

DD SKOKIE  
 5150 TOUHY AVE, SKOKIE IL, 60077

Job No.  
 1630.007

Issue Date  
 03/17/2022

Project Area  
 3973SF