

**STAFF REPORT****2021-22P: Site Plan Approval**

Community Development Department

Council Chambers, 7:30 PM, August 19, 2021

To: Paul Luke, Chairman, Skokie Plan Commission  
 From: Steve Marciani, AICP, Planning Supervisor  
 Re: **2021-22P: Site Plan Approval**  
 3320-3340 Dempster Street

Related Case – 2021-21P: Zoning Map Amendment

<b>General Information</b>	
<i>Location</i>	3320-3340 Dempster Street
<i>Purpose</i>	To request site plan approval for mixed-use commercial and residential building with an FAR of approximately 2.50, which is in excess of the base FAR but below the maximum FAR for the zoning district; relief from the following sections of the Skokie Village Code: 118-212(a)(1) to allow a reduction in width of stall from 9' to 8'-6, 118-212(a)(1) to allow a reduction in aisle width from 24' to 21' (per 118-212(a)(5)), 118-212(a)(6) to allow a reduction in width of stall from 10' to 9'-6, and 118-212(i)(1) to allow a reduction in minimum distance of a surface parking lot curb from the property line from 6' to 5'; and any other relief discovered during the review of this case.
<i>Petitioner</i>	MN CDK LLC Series 3320 Dempster
<i>Size of Site</i>	Approximately 18,750 ft <sup>2</sup> (0.43 acres) with frontage on Dempster Street and Ewing Avenue
Existing Zoning & Land Use	B2 Commercial – vacant land Proposed NX Neighborhood Mixed-Use in 2021-21P
<i>Adjacent Zoning &amp; Land Use</i>	North   R1 Single-Family – detached residences
	South   B2 Commercial – various retail, service, and restaurant uses
	East   B2 Commercial – bank with a drive-through facility
	West   B2 Commercial – vacant gas station
<i>Comprehensive Plan</i>	The site is designated as retail/service employment.

## SITE INFORMATION

- A public sidewalk is available along Dempster Street and Ewing Avenue.
- The site is currently vacant land but was previously occupied by a strip mall.
- Overhead utilities are located along the north side of the subject site in the adjacent alley.
- The site is served by the CTA 250 Dempster bus. The Dempster Pulse Line arterial rapid transit bus route is scheduled to begin station construction this year with operations to begin in 2022; the east- and west-bound St. Louis Station will be less than 850' from the site.

Complete Streets Summary		
<i>Walking, Accessibility</i>		Public sidewalks are available along Dempster Street and Ewing Avenue. ADA ramps with contrasting color tactile warning indicators are located at McCormick Boulevard but not at Ewing Avenue
<i>Biking</i>		Bicycle accommodations include the Northshore Channel path along McCormick Boulevard to the east, a bike route along East Prairie Road to the west, existing bike lanes to the south on Main Street, and planned bike lanes to the north on Church Street (expected 2022).
<i>Transit</i>		The subject site is served by Pace Bus Route 250 and will be served by the future Pace Bus Pulse Rapid Transit Service.
<i>Elderly, Youth</i>		Subject site is within walking distance of services, shopping, schools, and residential neighborhoods.
<i>Emergency, Commercial</i>		Emergency and business delivery access is available via Dempster Street, Ewing Avenue, and the alley to the north of the site

## PETITIONER'S SUBMITTAL

The petitioner submitted the following information:

### **PROJECT INFORMATION**

*The petitioner, MN CDK LLC 3320, on behalf of the Kriska family, is requesting site plan approval to construct a mixed-use commercial/residential development at 3320 to 3340 Dempster Street. The site's current zoning is B2 Commercial; however, a companion case was filed by the petitioner to rezone the site to NX Neighborhood Mixed-use district. The Village has also filed a Zoning Ordinance Amendment case to increase the NX district's base floor area ratio (FAR) and add a bonus for proximity to transit services.*

*The subject site is located at the northeast corner of Dempster Street and Ewing Avenue and has an area of 18,750 SF prior to land dedications along Dempster Street and the alley to the north. A 10,000 SF commercial building that occupied the site was recently demolished in anticipation of the approval and construction of the mixed-use development. The previous building was grandfathered with 17 parking spaces although 32 would have been required for the building based on a 1/300 parking requirement. A Village parking lot*

*was constructed on the south side of Dempster Street to accommodate the needs of commercial business overflow parking in the area.*

*The proposed mixed-use building will contain 3,282 SF of commercial space (2,770 Net) on the ground floor and three floors of residential units above that will be offered for rent. The entire ground floor facing Dempster Street will have a commercial façade with large windows that will meet the design criteria. The appearance of the building and landscape plan were approved at the June 9, 2021 Appearance Commission meeting.*

*The building will have 23 residential units on the second through fourth floors. The fourth floor of the building will only be a partial floor in order to reduce the height of the building facing the single-family residential house across the alley to the north and to meet FAR requirements. The south portion of the building will be 45 FT in height, in compliance with the district regulations, and the north portion will be 35 FT in height. The proposed building height will be similar to other multi-family buildings to the north on Ewing Avenue [There are 5 3-flat homes to the north a 42'6" in height]. The building will contain 1-bedroom (12 units), 2-bedroom (8 units) units, 3-bedroom (2 units), and 4-bedroom (1 unit) units. The third floor of the building will have three- and four-bedroom units with a roof deck. All units will be modern with full luxury amenities; however, they will rent for less than other new proposed rental units in the Village under construction as the units are smaller.*

*The development will meet all NX district regulations. The development will have a 2.50 FAR and a 2.50 FAR would be allowed if amendments are made to the district base FAR and bonuses. The development proposal assumes that the Village will initiate an amendment case to increase the NX district base FAR from 1.40 to 1.65 and add a new .20 bonus for proximity to public transportation facilities/routes. These amendments will apply to all NX district properties and will encourage new development on Dempster, Main, Oakton and other commercial streets currently struggling to fill commercial spaces. The property will be served by the Pulse Dempster Line and the Route 250 bus. The building height and yard setbacks are all in compliance with the NX district requirements. The zoning code only requires a 5 FT building setback from the public alley and the proposed building will be setback 23 FT.*

*Off-street parking will be provided on site and by paying into the parking fund for 5 spaces, in compliance with the off-street parking requirements. A total of 39 parking spaces (14 exterior and 25 interior) will be provided on site, while 44 spaces are required based on 9 spaces for the commercial (2,770/300) and 35 spaces for the residential (23X1.50). Relief is requested from Sec. 118-212 (a)(1) to reduce the required width of a parking space from 9' to 8'6" (19 spaces) and from Sec. 118-211 (a)(6) to reduce the width of a space abutting a wall from 10' to 9-6' (6 spaces). The reduced width of the parking spaces should not be a problem as all of the interior parking spaces will be used for long term and slow turnover parking. In the past, the village has allowed 8'6" wide parking spaces in garages where structural columns have reduced the width of spaces. The spaces less than 10 FT in width should not be a problem as there is plenty of room to maneuver vehicles in the garage and 3 of the 6 spaces are longer than the walls they are adjacent to. A survey of communities in the area indicated that Chicago, Evanston, Northbrook, and Wilmette require a minimum 8.5' stall width or less as their standard dimension for parking lots at 90 degrees with a 24' wide aisle and 18' stall depth. None of the communities required a wider stall width adjacent to a wall or other obstruction. As parking is limited in the Dempster Street area, even with the Village parking lots, the developer would prefer to provide most of the required parking on site, with slightly reduced stall widths, rather than meet the dimension requirements and thereby reduce the amount of parking. The location of the site on bus routes serving both*

*the Yellow Line station and Evanston will also reduce the demand for onsite residential parking.*

*Relief is also requested from Sec. 118-212(i)(1) to reduce the curb setback from 6' to 5' for the landscape area along the property line and adjacent to the handicapped parking spaces. This area will be planted with bushes to block the view of the parked vehicles from Ewing Avenue. The 5' setback is adequate for the bushes to grow and widening the space to the required 6' would result in the loss of a parking space. Relief is requested from Sec. 118-212(a)(1) to allow the reduction of the drive aisle from 24' to 21' by the alley. The petitioner is dedicating 4' to widen the alley; however, insufficient land is available to widen the alley more. The alley is expected to have adequate width to accommodate traffic.*

*The proposed mixed-use development will bring new commercial and residential development to the Dempster Street area that is in need of upgrading and has not seen new development in many years. The development will benefit the area while not providing any negative effects as indicated in the submitted Statement of Effects.*

### **STATEMENT OF EFFECTS**

***Character of the Neighborhood*** -The subject development will improve the character of the commercial and residential neighborhoods by providing a new building that will improve the subject site and provide additional tax revenue to the Village and other taxing districts. The elimination of the former vacant commercial building and currently vacant lot will provide a modern well-maintained building. The potential commercial uses on the ground floor will be limited in intensity and the upper floor residential units will not generate significant traffic.

***Surrounding Property Values*** - The development will not adversely affect surrounding property values. The limited commercial space on the ground floor will not adversely affect commercial properties that are struggling with vacancies. The two ground floor commercial spaces will be used primarily for office uses that are low intensity and do not generate significant vehicle traffic. The upper story residential units have been setback 23 feet from the public alley that will be widened an additional 4 FT to be 20 FT wide, providing a 39 FT setback to the residential property to the north. There is a mix of residential building types on Ewing Avenue that includes multiple story buildings with a height similar to the proposed building. Vehicle traffic from the building will be using Dempster Street as its primary access and will not affect the residential neighborhood. Overall the surrounding property values should be increased by the elimination of the previously vacant commercial building and the development of the currently vacant lot.

***Traffic Conditions*** - The development will not adversely affect traffic conditions on Dempster Street or the residential properties to the north. A traffic analysis was not requested by the Village as the development is not expected to develop high traffic volumes. Dempster Street will be the primary vehicle access to the building and it has the capacity to handle the traffic generated by the building, which would be considerably less than a drive-thru restaurant that could be developed on the site. All of the parking for the building will be contained on the site or in a Village lot for which the petitioner is paying for 5 parking spaces. The previous commercial building on the site would have had a greater impact on the residential neighborhood when full rented as it had a parking deficit of 15 parking spaces (1 Space/300 SF). There is a public parking lot on the south side of Dempster Street that was construct to provide parking for commercial developments along Dempster Street that may have overflow parking.

**Public Utilities** - The development will not have any adverse effect on public utilities. Electrical, gas, sewer and water utilities are all adequate to serve the development without adversely impacting neighboring property. ComEd and the Village have already reviewed the utilities and have not recommended any facility upgrades.

**Storm Water Detention** - The development will not cause storm water detention or runoff problems. The development will meet all Village and MWRD storm water detention requirements. The previous development did not meet these current requirements and could potentially have contributed to area flooding issues.

**Public Health, Safety, Morals and General Welfare of the Community** - The development will not have any negative effect on public health, safety, morals or the general welfare of the community. The development will be in compliance with all Village codes and ordinances. The limited first floor commercial space will not attract intense uses that would be disruptive. The upper story residential units will be professionally managed to insure the quiet enjoyment of the units and neighboring property.

## **STAFF ANALYSIS**

All pertinent departments and divisions were offered an opportunity to comment on this case. The Forestry, Engineering, and Planning Divisions, provided comments on the subject case.

### Forestry

Forestry recommends a more upright specie such as ginkgo or Prairie sentinel hackberry for the new parkway trees on Dempster.

### Engineering Division

The site plan shows 39 vehicle parking spaces, and 45 are required, assuming the commercial spaces are occupied by uses with a 1 space per 300 ft<sup>2</sup> parking ratio for general retail and office. However, only 1 ADA parking space is required based on the number of non-residential spaces provided. Staff recommends attempting to reconfigure the parking spaces off the alley to see if an additional 9'-wide standard space could be provided. The current deficit is 6 parking spaces. In mixed-use zoning districts, since relief from providing required off-street motor vehicle parking is not permitted, a payment must be made to the Village, to be held in a reserve account to provide for the acquisition, erection, construction, or installation of public parking structures or lots, for each deficient required parking space. The current contribution rate is \$15,000 for each of the first 5 parking deficient spaces and \$24,000 for each additional parking space requested thereafter. The fee must be paid prior to the issuance of a building permit.

Engineering has the following additional comments on the plan:

1. Parking will not be allowed north of the new driveway on Ewing. §106-103 states that no parking allowed 15' from both a driveway or an alley.

2. A 4-foot alley dedication is required and indicated on the site plan. Commercial alleys are required to be 20' wide total. The alley is currently 16' wide.
3. A 7-foot street dedication is required on Dempster Street and indicated on the site plan. Arterial roads are required to be 40' wide from the centerline (80' total). The street is currently 33' wide to centerline.
4. The minimum width for a standard parking stall is 9' feet. However, applicant asking relief for garage parking spaces width. Staff is supportive of 8'-6" indoor garage parking spaces, as they will have low turnover and will be assigned to the residential users familiar with the garage.
5. The minimum width for a standard parking stall adjacent to a wall is 10'. Staff is also supportive of 9'-6" width parking spaces for the indoor garage parking spaces.

Please note that an IDOT permit is required for all work within the Dempster Street right-of-way.

### Planning Division

The Planning Division is supportive of the proposal, subject to minor site plan modifications. The petitioner described in detail much of what is usually in the Planning Division comments.

Staff has confirmed that the proposed FAR of the building is 2.50. This includes land being added to the alley and Dempster Street. Subject to the passage of 2021-20P, amending the FAR table for NX, the project is eligible for:

Base	1.65
25% ground floor commercial	0.15
Public art	0.15
Lot facing 2 streets	0.20
Plaza between 300 ft <sup>2</sup> -1000 ft <sup>2</sup>	0.15
<u>Proximity to an arterial rapid transit station</u>	<u>0.20</u>
Total	2.50

The FAR and other design requirements are met.

Staff supports the Appearance Commission's requirement to relocate the sidewalk to the new property line and creating a parkway along the curb, creating a bigger buffer between pedestrians and the Dempster Street motor vehicle traffic. This would support Skokie's Complete Streets Policy, enabling people of all ages and abilities to comfortably travel through Skokie by a variety of options, including on foot. The site plan does not reflect the change and must be modified.

Also, 1 bike rack is required for the commercial uses, and may be located in the Ewing Street right-of-way. The residential use requires 5 bicycle parking spaces. The spaces must be designed consistent with §118-221.

The payment *in lieu* for 6 parking spaces included the 3 residential guest spaces and 3 of the commercial spaces. If the modification to the second accessible parking space to convert it to a 9' standard parking space cannot be accommodated due to the location

of the utility pole in the alley, Staff recommends reducing the parking lot curbing distance from the right-of-way line an additional foot to 4’.

Staff is further supportive of the 21’ drive aisle, which include the widened alley. Due to the shallowness of the lot and the choice between a narrower driveway or a shallower commercial space, the deeper more leasable commercial space takes precedence.

## **APPEARANCE COMMISSION**

On June 9, 2021, the Appearance Commission approved the façade and landscape plan subject to conditions in 2021-042A.

## **STAFF RECOMMENDATIONS**

Staff recommends that the petitioner’s request for site plan approval for mixed-use commercial and residential building with an FAR not to exceed 2.50, which is in excess of the base FAR but below the maximum FAR for the zoning district at 3320-3340 Dempster Street in an NX Neighborhood Mixed-Use zoning district be **APPROVED** based upon the Proposed Positive Findings of Fact and subject to the recommended site plan approval conditions listed below.

Staff further recommends relief from the following sections of the Skokie Village Code:

1. §118-212(a)(1) to allow a reduction in width of stall from 9’ to 8’-6
2. §118-212(a)(1) to allow a reduction in aisle width from 24’ to 21’ (per §118-212(a)(5))
3. §118-212(a)(6) to allow a reduction in width of stall from 10’ to 9’-6
4. §118-212(i)(1) to allow a reduction in minimum distance of a surface parking lot curb from the property line from 6’ to 4’.

## **RECOMMENDED SITE PLAN APPROVAL CONDITIONS**

1. Prior to the hearing of the subject case before the Board of Trustees, the petitioners must add to the site and landscaping plan:
  - a. The 4-foot alley dedication to the site and landscaping plan.
  - b. The 7-foot street dedication to Dempster Street and to the site plan.
  - c. Relocation of the Dempster sidewalk to the new property line (after the dedication) relocate the street trees, and create a grass parkway consistent with the decision of the Appearance Commission.
  - d. Bicycle parking spaces for 6 designed and located consistent with §118-221 and §118-222. The 1 commercial bike parking space may be located in the Ewing right-of-way.

- e. Change the parkway tree species along Dempster Street to a more upright species, subject to the approval of the Forester.
2. Prior to the hearing of the subject case before the Board of Trustees, the petitioner must prepare a plat of dedication for 4' of right-of-way along the length of the alley and 7' of right-of-way along the length of Dempster Street and submit it to the Engineering Division for review.
3. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site and landscaping plan dated <insert date of final approved plan>, floor plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)
4. Upon the passage of the ordinance by the Board of Trustees, the Mylar of the dedication must be submitted to the Village with all signatures other than Village staff or officials. (Standard)
5. Prior to the issuance of building permits, the petitioner shall submit a temporary pedestrian and bicycle circulation plan, including routing, signage, and barriers, to be in place prior to the commencement of construction, subject to the approval of the Engineering Division. (Standard)
6. Prior to the issuance of building permits, the developer must pay into the Downtown Parking Fund the value of the deficient number of required commercial parking spaces as prescribed in the Village Code, \$99,000 for the credit of 6 commercial parking spaces. If any use on the ground floor causes the on-site parking deficit to exceed the number of parking spaces credited, additional payment may need to be made in the Fund.
7. No restriction of use may be placed on the commercial space that is more restrictive than is allowed in the Skokie Village Code. (Standard)
8. No parking shall be provided on-site for any user of the ground floor commercial tenant spaces. (Standard)
9. The 8 vehicle parking spaces off the alley closest to Ewing are reserved for commercial tenants or customers of the building and may not be used for parking vehicles of residents of the building. (Standard)
10. The area designated on the approved site plan for public art shall be for art provided by the developer, approved by the Public Art Advisory Committee, or a contribution made to a public art fund of 1% of the permit value of the building.
11. Prior to the issuance of building permits, the petitioner shall submit for approval a lighting photometrics plan, fully developed civil engineering plans that comply with the county WMO requirements and Village's stormwater control provisions, and redevelopment engineering plans to address all aspects of private and public utility services. Any reconfigurations within state ROW will require an IDOT highway/utility permit. (Standard)
12. All existing damaged public sidewalks or public sidewalks damaged due to the implementation of this plan shall be replaced. (Standard)

13. No objects are allowed within a 15' sight distance triangle between 30" and 84" from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)
14. Prior to the issuance of building permits, the petitioner shall submit a temporary pedestrian and bicycle circulation plan, including routing, signage, and barriers, to be in place prior to the commencement of construction, subject to the approval of the Engineering Division. (Standard)
15. All fencing, walls, sidewalks, driveways, curbs, wheel stops, parking areas, signage, landscaping, structures, and any other facilities or infrastructure on the Subject Property shall be maintained in a good state of repair, and when needed, be repaired or replaced in a timely manner. (Standard)
16. All private and public sidewalks shall be maintained free of snow, ice, sleet, or other objects that may impede travel. (Standard)
17. All off-street parking spaces shall be legibly striped and maintained. (Standard)
18. Any plan to modify parking lot striping must be approved by the Director of Engineering. (Standard)
19. Vehicles shall not be allowed to be parked in or otherwise block common driveways, sidewalks, aisles, or other points of access at any time, shall only be parked in designated parking spaces, and shall not overlap the striped lines of designated parking spaces. (Standard)
20. Cable access shall not be denied to any residents in the building. All cable providers shall be given access to provide service. All cable and other fixtures necessary to provide service to the building shall be placed underground and conduit shall be provided inside the building for wiring. (Standard)
21. All utilities on the Subject Property shall be placed or relocated underground. The petitioner shall bear the full cost of any utility relocation and/or conflicts. (Standard)
22. All new construction, alterations, and remodeling shall meet current International Building and NFPA Life Safety Codes as amended. (Standard)
23. The petitioner shall obtain all required permits and approvals for improvements to County, State, or Federal rights-of-way from the governing jurisdiction. (Standard)
24. The Subject Property must conform to the Village's storm water control requirements as contained in the Skokie Village Code, including the disconnection of any downspouts. (Standard)
25. 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)
26. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)
27. The petitioner shall submit to the Planning Division electronic files of the plat of survey, site plan, and landscape plan in their approved and finalized form. The files

shall be scaled 2-dimensional drawing files on non-compressed, non-read only CD-ROM \*.dwg AutoCAD format. (Standard)

28. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, property address, email address, and telephone number of the company and contact person responsible for site maintenance in compliance with this site plan approval. (Standard)
29. If work is to be performed on public property or if public property is utilized or impacted during construction and/or development, the owner shall provide, or shall cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owner shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property. (Standard)
30. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)
31. 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 Findings of Fact for 2021-22P
2. Site and Landscaping Plan, dated July 13, 2021
3. Floor Plan, dated July 7, 2021
4. Elevations, dated, July 7, 2021
5. Building Renderings, undated
6. Aerial Map for 2021-22P

**PROPOSED  
POSITIVE FINDINGS OF FACT**

**2021-22P: Site Plan Approval**

Community Development Department

Council Chambers, 8:00 PM, August 19, 2021

<i>Consideration</i>	<i>Finding</i>
The request is harmonious with and does not adversely affect adjacent properties.	The proposal will improve the character of the commercial and residential neighborhoods by providing a new building that will improve the subject site and provide additional tax revenue to the Village and other taxing districts. The elimination of the former vacant commercial building and currently vacant lot will provide a modern well-maintained building. The potential commercial uses on the ground floor will be limited in intensity and the upper floor residential units will not generate significant traffic.
The request can demonstrate 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.	The development will not have any adverse effect on public utilities. Electrical, gas, sewer and water utilities are all adequate to serve the development without adversely impacting neighboring property. ComEd and the Village have already reviewed the utilities and have not recommended any facility upgrades. Adequate public facilities exist or will exist to serve the subject site.
The request demonstrates adequate provision for maintenance of the associated structures.	The request will have adequate provision for maintenance of the associated structures.
The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.	No adverse effects on the natural environment are anticipated. The use provides housing adjacent to a new rapid transit line and will provide full stormwater detention.
The request will not create undue traffic congestion.	The request will not create undue traffic congestion.
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 will conform to all applicable provisions of this code, except where relief is granted with the request.