



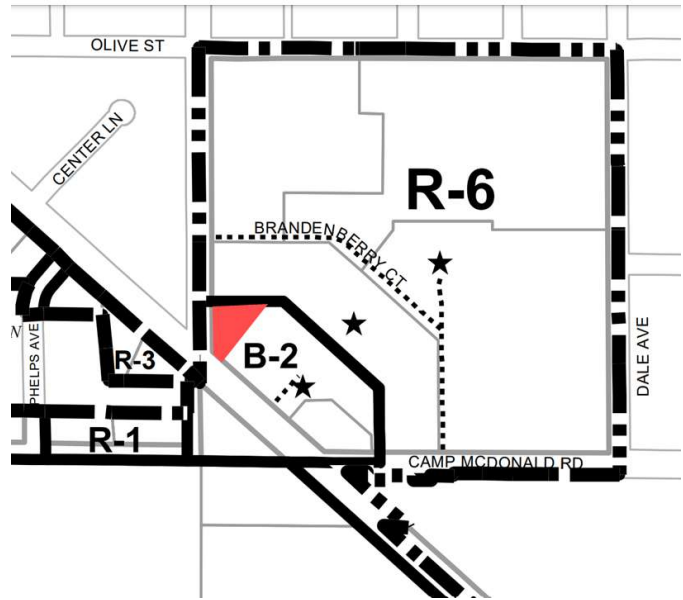
**VILLAGE OF ARLINGTON HEIGHTS**  
**STAFF DEVELOPMENT**  
**COMMITTEE REPORT**

**Temp File Number:** PC 22-006  
**Project Title:** La Zingara SUP Amendment  
**Address:** 2300 E. Rand Road  
**PIN:** 03-21-402-013-0000

**To:** Plan Commission  
**Prepared By:** Jake Schmidt, Assistant Planner  
**Meeting Date:** July 27, 2022  
**Date Prepared:** July 22, 2022

**Petitioner:** Sam Mokhtarian  
 SD&S Properties  
**Address:** 401 E. Prospect Ave, Suite 103  
 Mount Prospect, IL 60056

**Existing Zoning:** B-2: General Business District  
**Comprehensive Plan:** Commercial



**SURROUNDING LAND USES**

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-6, Multiple Family Dwelling District	Brandenberry Park Condominiums	Moderate Density Multi-Family
South	B-2, General Business District; R-1, One-Family Dwelling District	Keyes Motel, Rolling Green Country Club	Commercial, Parks
East	R-6, Multiple Family Dwelling District	Brandenberry Park Condominiums	Moderate Density Multi-Family
West	City of Prospect Heights	Mobil Gas Station	City of Prospect Heights

**Requested Action:**

1. Amendment to Special Use Permit Ordinances 78-063 and 08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square-feet.

**Variations Required:**

1. Variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow the provision of 113 parking spaces where 167 spaces are required by code.
2. Variation from Chapter 28, Section 6.13-3b (Fence Height) to allow an 8 foot tall fence in the rear yard where a 6 foot tall fence is permitted.

### **Project Background:**

La Zingara is a casual sit-down/carry-out restaurant that specializes in a variety of Italian-American entrees, salads, appetizers, and desserts. Last year, the restaurant expanded into an adjacent tenant space. A permit was applied for and issued by the Village for the expansion. At the time, the requirement for an amendment to the existing Special Use Permit was not identified, as a revised permit showing seating was not routed to the Planning Department for review. During Liquor License renewal this year, the restaurant noted that seating had been added, and the matter was forwarded to the Planning Department.

The subject tenant space is part of the Brandenberry Park Shopping Center, which is located at the northeast corner of Rand Road and Waterman Avenue. This multi-tenant commercial shopping center is 31,800 square feet in size, and is served by a parking lot with 113 parking spaces.

The expanded restaurant has a total of 127 seats (106 interior), has 8 staff members on site at peak times, and operates from 4pm to 10pm Monday through Thursday, 4pm to 10:30pm Friday through Saturday, and 4 pm to 9pm Sunday. No changes to the site or building are proposed aside from the already completed interior modifications. The underlying Special Use Permit allowed for 70 interior seats, and as such an amendment to the existing Special Use Permit is required to allow for the increased capacity.

### **Zoning and Comprehensive Plan**

The subject property is located within the B-2 Zoning District, and the proposed use is classified as a "Restaurant". To proceed forward, the Plan Commission must review and the Village Board must approve an amendment to the existing Special Use Permit for the subject restaurant. In order to demonstrate conformance with the standards of approval for a Special Use Permit, the petitioner provided a written justification to the Special Use Permit Criteria. This response was included within the Plan Commission Agenda Packet.

The subject property is designated as appropriate for commercial uses per the Comprehensive Plan of the Village of Arlington Heights. The proposed use is compatible with this designation. As the proposed amendment is for an existing business, a market study was not required.

### **Building, Site Plan, and Landscaping**

The applicant is not proposing any site alterations as part of the proposed project. During the formal Plan Commission review process, Staff evaluated existing site landscaping to ensure that it conforms to all code requirements. It was identified that two trees were missing from the ends of parking rows, both adjacent to the southwest drive aisle accessing Rand Road. It was also identified that the code-required 3-foot tall landscape screen along Rand Road was missing. Therefore, replacement of missing landscaping will be required. The petitioner has requested deferred installation of landscaping due to high material and labor costs, as well as financial hardship caused by two vacant tenant spaces and reduced rent from a current tenant. Staff is comfortable allowing 1 year for landscape installation, with a deadline of September 30, 2023.

During the review process, it was also determined that an 8-foot-tall fence had been installed along an approximately 86-foot-long section of the northeast property line in order to screen a trash area. As code only permits fencing to be a maximum height of 6 feet, a variation is required to allow this fencing. The petitioner provided a written response to zoning code variation justification criteria, which was included within the Plan Commission Agenda Packet. Staff believes the written response to zoning code variation criteria was adequate. The petitioner did receive a permit for this fence in 2019, however the permit only

showed a 6-foot tall fence. As such, if the Building Department determines a new or revised permit is necessary, the petitioner will also be required to submit for a revised fence permit by September 1, 2022.

**Traffic and Parking**

The total parking requirement for the proposed facility is based off of the respective uses within the building, broken down by the gross square footage or unit count of each use. A preliminary parking estimate is shown in **Table I** below:

**Table I: Required Parking**

Unit	Address	Use/Business	Code Use	SF [Outdoor] (Indoor)	1/	Parking Required
A	2300-A	La Zingara Restaurant	Restaurant	3,046 [578 - outdoor] (908 - indoor)	45	33
A2		La Zingara Expansion	Restaurant	909	45	20
B	2300-B	VACANT	Vacancy	2,224	300	7
C	2300-C	Express Gifts	Retail	2,777	300	9
D	2302	Dr. Vavrik, DDS	Medical	1,800	200	9
E	2304	VIK nail	Beauty Shop	691	250	3
F	2306	Miracle Ear (Chicago Hearing)	Medical	691	200	3
G	2308	VACANT	Vacancy	1,220	300	4
H	2310	Academie De Danse*	Comm School	1,365	250	5
I	2314	Oak Mill Bakery	Retail	4,644	300	15
J1	2316	B&P Smoke and Spirits	Retail	2,120	300	7
J2	2318	Andrea's Pet Spaw	Retail	2,120	300	7
K	2324	Pinoy Grill	Restaurant	1,040 [570 - outdoor] (315 - indoor)	45	20
L	2326	Prospect Animal Hospital	Medical	2,460	200	12
M	2330	Hair Salon	Beauty Shop	972	250	4
N	2334	Silvio Dry Cleaners	Retail	1,485	300	5
O	2336	Hyperlife Transportation	Office	633	300	2
<b>TOTAL</b>				<b>29,288</b>		
<b>TOTAL PARKING REQUIRED</b>						167
<b>TOTAL PARKING PROVIDED</b>						113
<b>SURPLUS (DEFICIT)</b>						<b>(54)</b>

Per the Staff analysis, a total of 167 spaces would be required for the site. The subject site is currently improved with 113 spaces, resulting in a code-required parking deficit of 54 parking spaces.

Section 6.12-1 of the Zoning Code states that projects requiring a Plan Commission review do not need to provide a full traffic study if the project:

1. Comprises less than 5,000 square feet in floor area, and;
2. Is located along a major or secondary arterial street as defined by the Village's Thoroughfare Plan.

As the property is located along Rand Road (designated a major arterial in the Village's Thoroughfare Plan), and the petitioner is proposing no changes to the site or building, the scope of this project falls under the 5,000 square foot threshold outlined in the Zoning Code, and a traffic and parking study is not

required. However, anticipated parking demand was evaluated. The petitioner provided a parking study, conducted over a two-week period, four days each week, including at least one Friday, Saturday, and Sunday during the hours the restaurant operates. This survey found a peak number of 35 vehicles accessing the site, approximately 31% of parking lot capacity. Peak demand occurred at 7:00 PM on Thursday June 9<sup>th</sup> and Saturday, June 11<sup>th</sup>. Staff has no concerns related to parking availability per the data from this survey. Should the currently vacant units become tenanted with retail uses, it can be anticipated that 11 additional vehicles (the code-required parking value for these spaces) could access the site, for an extrapolated total of 46 vehicles, or 41% of parking lot capacity.

With respect to bicycle parking, the provision of bicycle parking spaces is required when the use of a space changes to a more intense use. As the restaurant is expanding, 2 bicycle parking spaces are required. The petitioner has requested deferred installation of bicycle parking, and Staff is comfortable with installation occurring within 60 days of approval of this project.

### **RECOMMENDATION**

The Staff Development Committee reviewed the proposed Special Use Permit Amendment and Variation Requests to allow an expanded restaurant on the subject property, and recommends **approval**. This recommendation is subject to the following conditions:

1. Missing code-required landscaping, consisting of two landscape island trees along the Rand Road access aisle, and 3-foot-tall landscape screening along Rand Road, shall be installed no later than September 30, 2023.
2. 2 bicycle parking spaces shall be installed no later than 60 days of approval of this project.
3. If the Building Department determines a new or revised permit is necessary, the petitioner shall submit for a fence permit no later than September 1, 2022.

July 22, 2022

Bill Enright, Assistant Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager  
All Department Heads  
PC File 22-006