



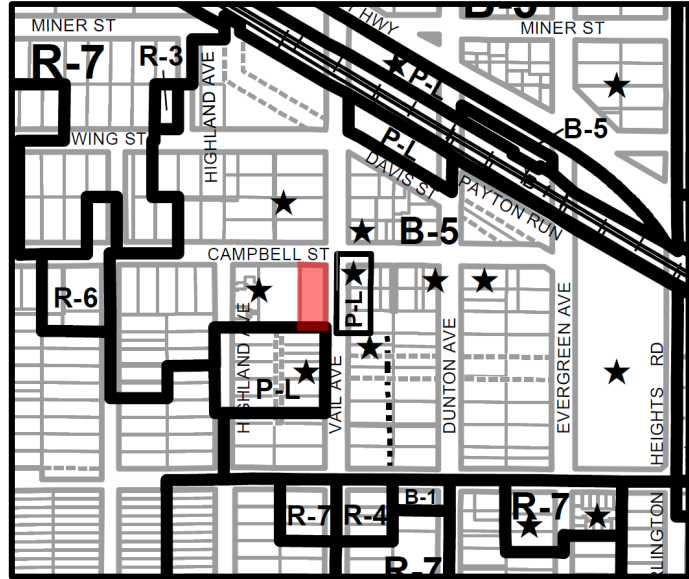
VILLAGE OF ARLINGTON HEIGHTS
STAFF DEVELOPMENT
COMMITTEE REPORT

PC File Number: PC 17-011
Project Title: Hey Nonny
Address: 10 S. Vail Avenue.
PIN: 03-29-346-036

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: November 8, 2017
Date Prepared: November 3, 2017

Petitioner: Christopher M. Dungan
Address: 1211 W. Noyes.
 Arlington Heights, IL 60005

Existing Zoning: B-5, Downtown District



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-5, Downtown District	Mixed-Use development	Mixed-Use
South	P-L, Public Land District	Public Parking Garage	Government or Institutional
East	P-L, Public Land District	Harmony Park	Mixed-Use
West	B-5, Downtown District	Metropolis Theater	Mixed-Use

Requested Action:

1. Amendment to Planned Unit Development (PUD) Ordinances 98-061, 99-028, and 13-032 to allow certain changes to the approved floor plan for the Metropolis Mixed Use Development.
2. A Special Use Permit to allow a 3,974 sq. ft. restaurant and auditorium space (music venue).

Variations Required:

1. A Variation from Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study prepared by a qualified professional engineer.

Project Background:

The subject property is located on the southwest corner of Vail Avenue and Campbell Street and is part of the larger Metropolis PUD, which was originally approved in 1998. Current tenants within the subject property include the Metropolis Ballroom, Big Shots Piano Bar, and Armand’s Restaurant, as well as the subject unit which is 3,974 square feet in size and currently vacant. The applicant is proposing the occupancy of this vacant unit with Hey Nonny, a music venue and accompanying restaurant. The restaurant would feature “farm-to-table” food options including locally sourced meat, fish, and produce from around the Midwest. Cocktails and beverages would also be available from local breweries and distilleries. The space would be essentially split in half, with one side devoted primarily for the restaurant function. The other side would provide overflow space for the restaurant (when needed), but would primarily function as the space for the music entertainment portion of the business.

The proposed hours of operation are 5:00pm – midnight on Tuesday through Thursday, 3:00pm – 1:00am on Friday, 10:00am – 1:00am on Saturday, and 10:00am – 8:00pm on Sunday. The business will be closed on Monday. Entry into the restaurant will be open to all, but when music venues are booked for the music side, entry into that side of the establishment will be restricted through the purchase of tickets.

The restaurant side would contain 50 seats with an additional 10 seats at the bar (for a total of 60 seats). The music venue side would include an additional 16 permanent seats along the window that can be used as overflow seating for restaurant guests, bringing the total seat count to 76. Cocktail tables and chairs can be added to the music side for an additional seating capacity of 64, bringing the grand total seating capacity to 140 seats. The music venue side can also be arranged as standing room only, which would provide capacity (as estimated by the petitioner) for approximately 160 people on that side (the 16 seats along the window would remain). The petitioner estimates that the business would have 20 employees total, with the maximum number at peak shift being around 10 employees. Per building code requirements, the music venue side could accommodate a total of 179 occupants between the stage and floor area.

Conceptual Plan Review:

The Conceptual Plan Review Committee (CRPC) met on October 11th, 2017, to discuss the project. There was some discussion around whether approval was needed from the condo association for the proposed use. The petitioner responded that he was not aware of any requirement for their approval and that he had attended condo board meetings with the other owners and they were aware of his project. The CRPC also discussed the proposed sound buffering for the space, as well as the farm-to-table food concept, the uniqueness of the business, and the economic demand for restaurants within Arlington Heights. The committee expressed enthusiasm for this type of use proposed in Downtown Arlington Heights and was generally supportive of the project

Zoning and Comprehensive Plan

The subject property is located within the B-5 Downtown zoning district, which allows restaurants and auditorium uses via the Special Use Permit approval process. Although the restaurant could qualify for a Special Use Permit waiver based on the size of the restaurant (under 4,000 square feet in floor area), due to the unique pairing of restaurant and auditorium (music venue) uses, which auditorium use also requires a Special Use Permit, the restaurant is no longer eligible for the Special Use Permit waiver. Therefore, the petitioner is required to obtain a Special Use Permit from the Village Board for a restaurant and auditorium (music venue).

Additionally, an amendment to the underlying PUD is required as the petitioner is proposing changes to the floor plan to accommodate for their build-out. This amendment is necessary given the scope of the interior alterations and due to the intensity of the proposed use, which was not contemplated during the original PUD approval for the Metropolis development

As is required with all Special Use Permit applications, the petitioner has provided written justification demonstrating compliance with the criteria for Special Use Permit approval. Specifically, this criteria is:

- 1. That said special use is deemed necessary for the public convenience at this location.**
- 2. That such case will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.**
- 3. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.**

Staff has reviewed the petitioners response to the Special Use Permit criteria and concurs that the necessary criteria for approval have been met, and offers the following:

- There is no other “farm-to-table” restaurant of this capacity within Arlington Heights. Although other restaurants may offer certain “farm-to-table” dishes, none of them specialize in “farm-to-table” food to the same extent as the proposed restaurant.
- Similarly, there is no venue that provides the same capacity for live music within Arlington Heights as will be offered at Hey Nonny. Although other restaurants within Downtown provide live music, the size of the live music at these locations is significantly smaller and they function more as an auxiliary feature to the restaurant. The Metropolis Theater next door to the subject property provides live performances, however, they are primarily theatrical performances as opposed to the type of musical performances that will take place at Hey Nonny. In this way, the proposed use will occupy a market niche that is not currently served within the community.
- The petitioner is working with a sound engineering firm to design the ceiling so that sound will not bleed into the Metropolis Ballroom space located directly above the subject unit. A condition of approval has been recommended by staff to require this sound proofing and to protect against any potential additional disturbance to existing users within the building.
- The petitioner has agreed to keep all windows to the venue space closed during evening performances so as to limit sound overflow outside of the space. A condition of approval to require this has been included.

The subject property is designated as “Mixed Use” in the Comprehensive Plan, and the proposed use is consistent with this designation.

Building and Site

There are three primary building issues identified during the Plan Commission review process, which are outlined below:

1. The petitioner will be tying into an existing grease trap that serves multiple users within the subject property. As such, the grease trap must have the capacity to accommodate for the sum of the businesses that discharge into it, and the petitioner will need to verify this as part of the building permit review process.

2. The kitchen must have a vent that discharges air to the exterior of the building in order to comply with all building codes. The design of the vent system has not yet been determined, but it will either go directly up from the kitchen and through the Metropolis Ballroom space to the roof (which would require coordination with the Metropolis Ballroom), or south through the subject unit and out to the southern exterior of the building by the loading area. The petitioner is still in the process of designing the HVAC system for the site, but has been made aware of the building code requirements for kitchen exhaust venting. As part of the building permit review process, the petitioner will need to address this issue. All exterior venting must comply with screening and design guideline requirements.
3. Finally, the subject unit must comply with all minimum toilet/fixture counts as required by the Illinois Plumbing Code. Furthermore, any new bathrooms must be handicap accessible per the State of Illinois Accessibility Code. As designed, the site contains two new bathrooms that do not meet accessibility requirements and will therefore need to be redesigned in order to comply with State requirements. The petitioner must find a way to make all new bathrooms handicap accessible while not reducing the overall number of bathrooms below the Plumbing Code toilet/fixture requirements, prior to building permit issuance. The petitioner is aware of this issue and is currently working with the Building Department to address it.

Traffic and Parking

Chapter 28, Section 6.12, Traffic Engineering Approval, requires that any Special Use Permit application include a traffic and parking study from a certified traffic engineer. The study would assess access (location, design, and Level of Service), on-site circulation, trip generation and distribution, parking, and impacts to public streets. The petitioner has requested a variation to waive this requirement and has provided their written justification to the criteria for variation approval as outlined below:

- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
- The plight of the owner is due to unique circumstances.
- The variation, if granted, will not alter the essential character of the locality.

Staff is supportive of the requested variation and concurs that the necessary criteria for variation approval have been met. The Downtown street network has suitable capacity to handle additional traffic and staff does not expect traffic generation from the proposed use to be a significant issue.

With regards to parking, Section 11.5-8 of Chapter 28 allows off street parking requirements for downtown uses to be met through the provision of spaces within Village owned parking facilities such as the Vail Avenue garage. The amount of off-street parking for Hey Nonny as required by the Village Zoning Code is outlined below:

SPACE	CODE USE	SEATING AREA (SQ FT)	NUMBER OF OCCUPANTS	NUMBER OF SEATS	PARKING RATIO (1:X)	PARKING REQUIRED
Auditorium/Venue	Assembly	1,369	179	Standing Room	1 per 30% of occupants, reduced by 50% per B-5 standards	27
Restaurant	B-5 Restaurant	886	N/A	60	1 per 200 sq. ft.	4
Total Required						31

The Village is recommending a condition of approval that requires all full time employees to purchase parking permits from the Village for parking within the downtown parking system. Customer parking will be accommodated within the street parking system and within the “shopper” parking areas of the Vail Avenue garage on the 1st, 4th, and 5th levels.

In order to determine if the Vail Avenue garage has sufficient capacity to accommodate for the expected parking demand resulting from Hey Nonny, staff first needed to understand the anticipated parking demand. In 2002, the Village hired Rich and Associates to prepare an analysis of the expected parking demand for different uses within Downtown Arlington Heights. This analysis was based on surveys of local businesses, employees, and visitors to the downtown area, as well as models that the consultant had developed over multiples years of experience. The Rich and Associates data gives an additional lens to evaluate expected parking demand as it more current than the Village’s parking codes and is based on actual surveys of local demand. Based on the Rich and Associates data, the projected parking demand for Hey Nonny is shown below:

SPACE	SEATING AREA (SQ FT)	NUMBER OF SEATS**	WEEKDAY PARKING RATIO (1:X)	PARKING REQUIRED	WEEKEND PARKING RATIO (1:X)	PARKING REQUIRED
Auditorium/Venue	1,369	179	0.45 spaces per seat*	81	0.45 spaces per seat*	81
Restaurant	886	N/A	9.48 spaces per 1,000 sq. ft.	8	11 spaces per 1,000 sq. ft.	10
Total Required (Weekday)				89		
Total Required (Weekend)				91		

* Used “Theater” ratio for Auditorium/venue

** Since there are no seats in a standing room only situation, the number of occupants was used assuming that one seat would have contained one occupant in a theater.

Furthermore, in past instances the Village has utilized parking data prepared by HNTB (a nationally recognized engineering consultant) to forecast parking demand for downtown uses. Using the HNTB data, the projected parking demands is as shown below:

SPACE	SEATING AREA (SQ FT)	NUMBER OF SEATS	PARKING RATIO (1:X)	PARKING REQUIRED
Auditorium/Venue	1,369	179	.5 spaces per seat*	90
Restaurant	886	N/A	1 space per 100 sq. ft.	9
Total Required				98

* Per Table B-1 in Exhibit B of the HTNB Study from 9/22/99. Use Classification was "multi-purpose room".

Based on this data, staff estimates that a total of between 89-98 parking spaces are needed to accommodate this use during peak times.

In order to determine if sufficient capacity exists within the Vail Avenue garage, staff from the Police Department surveyed the availability of spaces within the garage on two Saturday evenings and one Friday

evening during the month of October. The full results of this survey are included in **Appendix I**, and are summarized below:

	Average Number of Vacant Spaces	Highest Number of Vacant Spaces	Lowest amount of Vacant Spaces
Level 4 - 6:00pm	177	197	156
Level 5 - 6:00pm	218	240	198
Level 4 - 8:00pm	116	183	39
Level 5 - 8:00pm	152	179	121
Level 4 - 10:00pm	114	130	99
Level 5 - 10:00pm	113	190	36

Parking space availability in levels four and five were specifically analyzed as they allow free customer parking for patrons of downtown establishments between noon and 2:00am. Based on this analysis, it appears that there is capacity within the Vail Avenue to accommodate for the estimated peak parking demand to be generated by Hey Nonny.

Staff further analyzed historical parking surveys of the Vail Avenue garage that took place between 2014 and 2017. During the 27 survey days included in the data, the lowest number of vacant spaces found on the 5th floor at any time was 60 spaces, and the lowest amount of vacant spaces on the 4th floor at any time was 86 spaces (these did not occur on the same day). This further illustrates capacity within the Vail Avenue garage on the 4th and 5th floors. The complete list of this survey data is included as **Appendix II**.

RECOMMENDATION

The Staff Development Committee has reviewed the proposed PUD Amendment, Special Use Permit to allow a restaurant and auditorium (music venue), and variation to waive the requirement for a traffic and parking study, and recommends approval of the application, subject to the following conditions:

1. All full time employees shall be required to purchase Employee Parking Permits for parking within the Village owned garage system.
2. Windows within the “venue” side of the establishment shall remain closed at all times during any evening event that is occurring within that space and additional windows within the establishment shall be closed as necessary to prevent sound overflow outside of the subject units.
3. The petitioner shall install sound buffering equipment to reduce noise bleed into the Metropolis Ballroom space.
4. The Petitioner shall comply with all applicable Federal, State, and Village codes, regulations, and policies.

November 2, 2017

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
 All Department Heads
 PC# 17-011

Appendix I:

PARKING SPACE SURVEY - AVAILABLE OPEN SPACES														
VAIL GARAGE - "D"														
Date	Day of Week	Time	Level 1			Level 2				Level 3		Level 4		Level 5 Daily Fee
			Garage 4-hour	Highland 4-hour	Handicap	Permit	Handicap	Dunton Tower Permit	Dunton Tower Handicap	Permit	Handicap	Permit	Handicap	
TOTAL NUMBER OF SPACES =			181	24	12	149	8	38	4	243	2	241	1	252
10/06/17	Fri	6:00 PM	37	3	6	15	5	1	2	81	1	177	1	198
		8:00 PM	3	0	0	16	6	0	2	97	1	183	1	179
		10:00 PM	166	20	6	130	3	36	3	147	1	99	0	36
		12:00 PM	118	22	5	1	3	2	3	69	1	198	1	207
10/07/17	Sat	6:00 PM	1	0	3	11	4	1	4	94	1	158	1	217
		8:00 PM	0	0	2	2	3	0	1	110	1	127	0	121
		10:00 PM	13	1	4	0	2	0	1	92	1	130	1	190
		12:00 PM	139	24	8	1	4	0	1	78	1	194	0	247
10/14/17	Sat	6:00 PM	0	0	1	27	5	0	4	116	2	197	1	240
		8:00 PM	0	0	0	3	0	0	1	105	1	39	0	156
								Total 4-Hour Only Parking (Level 1 & Highland Avenue)						217
								Total Permit Parking Only - All Hours (Levels 2 & 3)						444
								Total Permit Parking/Free After 12 Noon Parking (Level 4)						242
								Total Daily Fee Parking (Level 5)						252
								Total Overall Spaces						1,155