

VILLAGE OF HOMEWOOD



BOARD AGENDA MEMORANDUM

DATE OF MEETING: **October 24, 2023**

To: Village President and Board of Trustees

Through: Napoleon Haney, Village Manager

From: Angela Mesaros, Director of Economic and Community Development

Topic: Special Use Permit for a Crematorium in the M-1 Limited Manufacturing District for “Manna Crematory” at 17803 Bretz Drive



PURPOSE

The applicant, Jeffrey N Sachs, requests a special use permit to operate a crematorium “Manna Crematory” within a vacant 1,800 square feet commercial condominium in Building C of the Homewood Business Park Condominium, at 17803 Bretz Drive, in the M-1 Limited Manufacturing zoning district.

PROCESS

In 2008, the Zoning Ordinance was amended to allow a crematorium as a special use permit in the M-1 District. Several years ago the Village granted a special use permit to the Cremation Society of Illinois to operate in the southeast building of the Homewood Business Park on Bretz Drive (17859 Bretz Drive). That crematorium is in operation and has recently expanded. The current applicant seeks permission to operate a second crematorium within the same development but in another building located further north near several existing businesses, including Rabid Brewery and the Homewood Baseball Academy.

Section 44-04-10 (b) of the Village of Homewood Zoning Ordinance sets standards for all crematoriums that include minimum spacing from residential properties, schools or public playgrounds, parks, or recreational areas; exterior doors must remain closed so the cremator/retort shall not be visible from any public right-of-way; all business vehicles containing human remains may not be visible from any public right-of-way; and the crematorium shall follow all applicable State and Federal laws and regulations.

At its regular meeting, on August 10, 2023, the Homewood Planning & Zoning Commission reviewed the request. The Commission, with six members present, voted 4-2 to recommend approval of the special use. At the hearing, members of the audience spoke against the application with concerns that the business owner has never operated a crematory and concerns about safety issues with the operation of the crematory. The treasurer of the

VILLAGE OF HOMEWOOD



condominium association (also representing the Cremation Society) stated that the applicant's lease had not been approved by the association.

Commission members who voted to recommend approval of the special use permit stated this application is like the previous application for a crematory, which has had no issues since its opening, and that this use would be compatible with adjacent uses.

Planning & Zoning Commissioners voting against this application stated that the special use criteria found in the Homewood Zoning Ordinance had not been met and that the applicant had not provided answers to questions and concerns from the audience and Commission members.

The Homewood Zoning Ordinance classifies a crematorium as a special use in the M-1 District. The purpose of a special use is to allow evaluation of a proposed land use and to consider the impact of the proposed use on neighboring properties, and the public need for the proposed use at the location.

At the August 22, 2023, Village Board meeting, the Trustees voted to defer consideration of this request until a future date so they could review the minutes of the Planning and Zoning Commission. (The final approved minutes are attached.)

The standards for review of a special use are outlined in Section 44-07-11 of the Homewood Zoning Ordinance. In considering an application for a special use permit the Planning and Zoning Commission and Village Board shall review the standards set forth below. (Attached are the applicant's responses to the special use standards.) No one standard is controlling:

- (1) Is the special use deemed necessary for the public convenience at that location?
The proposed use is near an existing crematorium. The applicant has indicated a high demand for this service but has presented no data to support this claim.
- (2) Will the special use be detrimental to the economic welfare of the community?
The applicant has stated this use would create jobs, generate tax revenue, and attract customers. However, his statement regarding attracting customers contradicts his hearing testimony. At the Planning and Zoning Commission hearing, the applicant stated he did not intend to advertise and planned to offer no services to the general public at the location.
- (3) Will the special use be consistent with the goals and policies of the comprehensive plan and other adopted plans of the village? *Objective 1.1 of the 1999 Comprehensive Plan is to recruit additional appropriate retail and industrial development for designated vacant commercial and industrial areas on the Future*

VILLAGE OF HOMEWOOD



Land Use Map. This property is identified as “commercial” on the Future Land Use Map.

- (4) Is the special use at the subject property so designed, located, and proposed to be operated, that the public health, safety, and welfare will be protected? *The use is regulated by State and Federal agencies; it complies with the local ordinance to be at least 500’ from residential, public playground, or recreational areas. The applicant does not yet have the required State licensing to operate the crematory. He could not answer questions asked by the Commission members regarding the timeline and specific requirements for obtaining a crematory license. Mr. Sachs has been a licensed funeral director for 31 years.*
- (5) Is the special use a suitable use of the property and, without the special use, could the property be substantially diminished in value? *The property is in the Homewood Business Park and is vacant. If the property remained vacant, the value of the property could be diminished.*
- (6) Will the special use cause substantial injury to the value of other property in the neighborhood in which it is located? *The proposed location is one unit within a multi-tenant commercial business park comprised of three buildings. Other uses within the buildings include a plumbing contractor, a baseball academy, a crematorium, a brewery and taproom, and a baseball bat manufacturer (Homewood Bat). Several existing businesses are open to the public. At least one adjacent property owner has complained about the impacts of this use specifically the air quality.*
- (7) Will the special use be consistent with the uses and community character of the neighborhood surrounding the subject property? *The applicant used the existing crematory as an example to answer this question. The existing crematory operated by the Cremation Society of Illinois is in the same business park; however, it is relatively isolated from other uses within the development and is not visible from Bretz Drive. The proposed crematorium would be located in a visible location in the business park on Bretz Drive near existing businesses that rely on access by the general public.*
- (8) Will the special use be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the zoning district? *Commission members expressed concerns about the air quality impact of a second crematory in close proximity. Crematorium operations, including air quality standards and licensing, are regulated by State and Federal law. The owner of the nearby brewery*

VILLAGE OF HOMEWOOD



and tap room expressed concern about unpleasant odors emanating from the existing crematorium at the opposite side of the business park from her business. The proposed second crematorium would be closer to her business and is expected to generate the same odors as the crematory currently in operation.

- (9) Will the special use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district? *The applicant was not clear on the number of hours per day that the cremations would occur; however, through testimony, we learned that the hours could be as much as 15-18 hours per day, which is a concern to area businesses.*
- (10) Does the proposed special use at the subject property provide adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets? *According to the applicant, most of his business would be conducted by advertising on the internet with little public interaction at the proposed site.*
- (11) Is the subject property adequately served by utilities, drainage, road access, public safety, and other necessary facilities to support the special use? *Yes.*
- (12) Will the special use have a substantial adverse effect on one or more historical, archeological, cultural, natural, or scenic resources located on the parcel or surrounding properties? *None.*

OUTCOME

The Planning and Zoning Commission reviewed the application, heard testimony by the applicant, and considered the applicant's response to the Standards for a Special Use. The following Findings of Fact were incorporated into the record:

- The subject property is located at 17803 Bretz Drive;
- The property is leased by the Manna Crematory, LLC of Burns Harbor, Indiana;
- The property is zoned M-1 Limited Manufacturing;
- The proposed use is regulated by State and Federal guidelines;
- The applicants must abide by the standards in Section 44-04-10b of the Village of Homewood Zoning Ordinance; and
- The proposed use is compatible with the adjacent uses.

FINANCIAL IMPACT

- **Funding Source:** N/A
- **Budgeted Amount:** N/A
- **Cost:** N/A

VILLAGE OF HOMEWOOD



LEGAL REVIEW

Completed

RECOMMENDED BOARD ACTION

The Village Board shall make the final decision on all special uses. In consideration of the attached ordinance granting a special use permit for a Crematorium on application by Jeffery N Sachs, “Manna Crematory” at 17803 Bretz Drive, in the M-1 Limited Manufacturing zoning district, Staff recommends the Village Board consider the following options:

1. Approve the special use with the condition that the applicant must comply with all local, State, and Federal certifications and licenses as recommended by the Planning & Zoning Commission (by a vote of 4 to 2); or
2. Refer the matter back to the Planning and Zoning Commission for further consideration of conditions, such as limitation of hours of operation, disposal of any other waste materials; visible smoke, emissions, or odor; and require that the operator to provide all documentation to the Village that all applicable Federal, State and local permits have been obtained and provide all of the equipment manufacturers’ specifications for construction, installation, operation, and maintenance.

ATTACHMENT(S)

- Ordinance
- Minutes of Planning & Zoning Commission meeting – August 10, 2023
- Standards for Special Use, prepared by the applicant, Jeffery N. Sachs, Manna Crematory, 07/14/2023