

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: July 11, 2024

To: Planning and Zoning Commission

From: Noah Schumerth, Assistant Director of Economic and Community Development

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Case 24-11/Case 24-19: Special Use Permit for Indoor Commercial Place of Assembly Use, Variance for Location of Indoor Commercial Place of Assembly Use

APPLICATION INFORMATION

APPLICANT	Arnell Newman, Soulistic 360
ACTION REQUESTED	Special Use Permit for Indoor Commercial Place of Assembly
ADDRESS	17811 Bretz Drive, Homewood, IL, 60430
PIN	29-33-100-067

ZONING & LAND USE

LEGAL NOTICE

The legal notice was published in Daily Southtown on June 27, 2024. Letters were sent to property owners and residents within 250' of the subject property. This case was initially heard at the June 13, 2024 Planning and Zoning Commission hearing. The Planning and Zoning Commission approved a motion to continue the case to the June 27, 2024 hearing of the Planning and Zoning Commission. The case was re-published with the requirement of a Variance application to operate the proposed special use.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	1	Arnell Newman	05/06/2024
Special Use Standards Worksheet	2	Arnell Newman	05/06/2024
Variance Standards Worksheet	2	Arnell Newman	06/10/2024
Floor Plan Drawings	1	Ideal Designs, Architect	06/27/2024
Interior Rendering Drawings	2	Arnell Newman	05/06/2024
Use Operations Checklist	1	Arnell Newman	06/27/2024
Staff Exhibits	2	Asst. Dir. Econ/Comm. Development	07/02/2024

BACKGROUND

The applicant, Arnell Newman of Soulistic 360, has proposed the operation of a professional film and music production studio in a vacant commercial condominium in Building C in the Homewood Business Park Condominium, at 17811 Bretz Drive. The proposed business will occupy approximately 3,000 square feet, through the combination of two vacant tenant spaces. The space will be a mixture of offices, production areas, and service areas related to the production of music and film products. The proposed location is within a multi-tenant commercial business park with 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).

The proposed space is within the M-1 Limited Manufacturing zoning district and provides a flexible arrangement of office and flex spaces to host a wide range of uses. The site has 145 parking spaces and multiple access points to Bretz Drive.

The proposed use falls within the definition of the *indoor commercial places of assembly* use category, which includes:

“An enclosed building wherein individuals or groups of people gather for an attraction or service used for commercial purposes, such as but not limited to, recreation establishment, theaters, ice rinks, art galleries, live performance theaters, learning centers, clubs or lodges, exhibit halls and experiential retail where merchandise for sale is accessory to the principal use as a gathering place structured around an activity including, but not limited to, art, live music, or visual displays.”

The approval of this proposed special use is contingent on the approval of an amendment to permit *indoor commercial places of assembly* in the M-1 Limited Manufacturing zoning district. This amendment was recommended by the Planning and Zoning Commission for approval by the Village Board of Trustees on June 27, 2024. The amendment will be considered by the Village Board of Trustees at a meeting in July 2024.

Additionally, a variance from Section 44-04-04 is required for the operation of an *indoor commercial place of assembly* at 17811 Bretz Drive. The use-specific standards for a *place of assembly use* require location on collector and/or arterial streets, prohibiting the operation on local streets. The proposed street, Bretz Drive, is a local street (not a collector or arterial) that provides access to nearby commercial buildings, near the intersection of Bretz Drive and Ridge Road. Therefore, a variance is required.

SPECIAL USE DISCUSSION

The applicant has proposed the operation of a music and film production use in two existing tenant spaces at 17811 Bretz Drive. The space will encompass approximately 3,000 square feet of gross floor area.

As identified in the floor plan exhibit provided with this memo, the space will be largely utilized as a large open floor area dedicated to production space, with the open area primarily used for camera carts, recording applications, or storage. The open area will be assembled from the two large flex spaces in the rear of each of the tenant spaces. A 25' x 17' production stage will be located on the eastern end of this large open space with an 18' x 12' curved LED wall along the back wall of the space. Additional secondary spaces, including a control room/production office space, a soundproofed music production

studio, and dedicated staff offices, will be located throughout the remainder of the space. A small lounge and break room for staff will be provided on a mezzanine floor constructed above the ground floor open space.

The space will be primarily used for two types of activities:

1. The production of video, short film, and music products with crews and production staff
2. Assembly for training sessions and other small speaking gatherings

Each activity is discussed in brief below as part of the Special Use Permit review.

Video, Short Film, and Music Production

The primary activity within the space will be video, short film, and music production. This activity primarily involves professional production stage services for film, post-production, and the music industry, which will generate the majority of the economic value of the business and constitute most daily operations. According to the applicant, this production use will include filming and production of short films and live streams, the creation of film scores, recorded music and other music content, band and choir rehearsal and recording, and music mixing for use in films, music videos, and other projects.

The work will revolve around a mixture of larger production crews working on projects in recording and production spaces and smaller crews working in offices or smaller production areas to complete processing and final content production. Given the gathering of various teams of crew members and others associated with the production of media products such as film and music, the use is classified as a *place of assembly* use.

The hours of operation would be seven days a week, with access to the workspace from 10:00 am-2:00 am. The applicant has stated that most production teams work between 10:00 am and 6:00 – 7:00 pm on weekdays, following an 8-9 hour workday schedule typical of the industry. According to the applicant, industry labor restrictions make work after 7:00 pm – 8:00 pm difficult. The applicant has stated that the peak hours of the business will be between 11:00 am and 3:00 pm, as these are the primary hours for most intensive production work involving live filming, recording, or other production services.

Most activity after 7:00 pm would be restricted to office-based work, including post-production work, editing, or processing of footage, music, or other media. This restriction is due to the lack of availability for professional production crews after 7:00 pm, industry restrictions, and the lack of interest from most clients in late-night production. The preference is that later hours be used for processing the work completed during business hours. Additionally, all soundstage production will be restricted to between 10:00 am and 12:00 am in areas with adequate soundproofing. The applicant has proposed soundproofing to both protect neighboring businesses and ensure the integrity of the music production occurring at the facility.

Assembly for Training, Seminars and Other Events

The applicant proposes a limited range of events at Soulistic 360 oriented around the music and film production uses completed by the business. The applicant will also host special industry-focused education events. Several specific events types named by the applicant include:

- Training sessions for production staffs and crews
- Private screenings of film and other media productions
- Training seminars for local students attending theatre and music programs
- Live audience attended recordings
- Private events/presentations through local music association
- Soulistic 360 “Vinyl Exchange” event

In acknowledgment of the limited capacity and the reputation of the association through which many of the events will be run, the events will be operated on an “invite only” basis. The applicant has stated that assembly events, except training seminars and sessions, will be restricted to Saturdays and Sundays when the multi-tenant center has lower traffic volumes and production uses are generally not taking place. The capacity for “invite only” events will be 40 people with assigned seats, arranged in a pattern shown in the floor plan exhibit provided with this memo. The applicant has stated that most events will have 13-25 people invited, with some events having a greater number. Event invites will be strictly controlled by the applicant and business owner.

The applicant has expressed a desire to avoid “entertainment-style” events, with no alcohol provided with events. The applicant has stated that to maintain industry competitiveness in the media production field, there is a strong incentive to avoid creating a “party venue” with poor behavior and unregulated events.

The Special Use Permit application must be considered against standards for Special Uses identified in Section 44-07-11 of the Village Zoning Ordinance. These standards are applied to all Special Use Permit applications. The applicant has provided a set of responses to each of the standards for Special Uses, which is attached as an appendix to this memo. A summary of the staff review of the Special Use Standards is included below in **Table A**.

Table A – Special Use Standards

Special Use Standards	Applicant Comments	Staff Comments
Is the use necessary for public convenience at this location?	<i>“Bretz Drive provides the structure required to develop an iconic facility that is supported by extensive parking and fiber communication.”</i>	The location of the use provides the level of convenience needed for this type of use (regional accessibility, near major roadways, etc.), and the structure provides a suitable space for this type of economically and culturally productive use.
Is the special use detrimental to the economic welfare of the community?	<i>“Our facility will not negatively impact any of the existing or developing business. In fact, we see a wonderful opportunity to network with our neighbors.”</i>	The special use in this location will not cause adverse economic impacts. The business will be located in a vacant commercial space and will improve economic welfare of the surrounding area.

<p>Is the use consistent with the goals and policies of the Comprehensive Plan?</p>	<p><i>"This business will provide more goods and services for residents and visitors."</i></p>	<p>The use is consistent with the goals of the 1999 Comprehensive Plan, including:</p> <ul style="list-style-type: none"> - Recruiting appropriate industrial or commercial uses for vacant industrial and commercial spaces - Expand commercially and economically productive uses in a variety of Village locations.
<p>Is the use designed, located, and proposed in a manner which protects public health, safety, and welfare?</p>	<p><i>"There are no foreseen negative impacts to operate at this location."</i></p>	<p>Staff's primary concern is parking for the site. The site currently has 146 spaces. The proposed business, under new parking requirements as approved by the Village Board on July 9, will require 12 parking spaces. The current businesses within the commercial center require 50-60 parking spaces total. Parking is suitable for occasional events with 40 patrons on weekends, when the only potential conflict is with the Rabid Brewing on the opposite end of the property. General daily operations are unlikely to cause significant disturbances to neighboring businesses. However, if events exceed site capacity, limited options for additional parking are available in the area due to the lack of on-street parking allowed on Bretz Drive. The applicant claims that these events will be rare, however, the building/fire capacity allows more than 40 people. Any van or delivery traffic can access the rear entrance of the building for load-in and load-out for the use, minimizing disturbance to the safety and welfare of surrounding businesses. The use will be managed and designed in a manner which sufficiently protects health (noise, etc.), safety (large gatherings, etc.) and overall welfare.</p>

<p>Is the use a suitable use of the property, and will the property be diminished in value without the special use?</p>	<p><i>“Bretz Drive commercial condos are constructed of extended ceilings that are required for professional filming/post/music broadcast operations. This industrial park provides a specific footprint that is appreciated by professionals”</i></p>	<p>The use is suitable for the property. The use generally requires the type of spaces found at the subject property, with high ceilings and large amounts of flex space allowing for the adaptability necessary for production uses such as the one proposed. The use, as proposed, is designed to mitigate effects on neighboring properties that might diminish the overall value of the property. The use is unique and can fill a vacancy in the Village, increasing overall economic value for the area east of Halsted Street.</p>
<p>Will the use cause substantial injury to the value of the property in the neighborhood?</p>	<p><i>“Our facility will not decrease the value of other properties.”</i></p>	<p>The applicant has taken steps to mitigate the potential injury which could occur to surrounding properties, including noise impacts on neighboring properties. Sound recording is contained to a soundproofed isolation room, and other sound-dampening measures are being proposed by the applicant to preserve the integrity of the product. Other potential impacts which could emerge from this use, such as higher-than-average demand for off-street loading areas, have been successfully mitigated by the applicant.</p> <p>Parking remains a potential concern for injury to property in the neighborhood. While the applicant has taken steps to mitigate the effects of larger gatherings on surrounding areas (identifying most events as “invite only” with controlled capacity, seating capacity limited to 40 patrons, limiting most events to weekends only), the maximum capacity of the space is such that larger events could potentially be held. Such events could create parking spillover with few other options for parking impacting neighboring uses.</p>

<p>Will the use be consistent with the uses and community character surrounding the property?</p>	<p><i>"Yes."</i></p>	<p>Staff finds the use to be consistent and compatible with surrounding uses. The use is unique, but in-line with the types of economically productive uses desired for the M-1 zoning district, and is a use which is suitable for some M-1 zoned properties.</p>
<p>Will the use hinder the use and enjoyment of other property in the neighborhood for the purposes permitted in the zoning district?</p>	<p><i>"No negative impacts as a result of operating at this location."</i></p>	<p>Parking remains the primary concern for ensuring full enjoyment of other property in the neighborhood, including neighboring businesses. The applicant has taken steps to mitigate the effects of larger gatherings on surrounding areas (identifying most events as "invite only" with controlled capacity, seating capacity limited to 40 patrons, limiting most events to weekends when parking demand for the overall property is lower), the maximum capacity of the space is such that larger events could still potentially be held. Such events could create parking spillover with few other options for parking impacting neighboring uses.</p> <p>The applicant has largely mitigated other potential impacts and has stated a desire to avoid becoming an "entertainment" use which would lower the status of the business and decrease its market competitiveness, further protecting against impacts hindering the enjoyment of surrounding properties.</p>
<p>Will the use impede normal and orderly development of surrounding property?</p>	<p><i>"No negative impacts."</i></p>	<p>The use is unlikely to impede the normal and orderly development of surrounding property. The use will increase parking demand on the subject property, with most demand peaking at 40 users. While the site can support this level of use without issue, the applicant is proposing an open assembly space with a total capacity greater than the 40 anticipated for most events. This capacity may be exceeded if the event is a "standing room" event.</p>

<p>Does the use provide adequate ingress and egress in a manner which minimizes congestion in the public street?</p>	<p><i>"Yes. Customers will drive, and park and designated parking."</i></p>	<p>The site has adequate ingress and egress in a manner which minimizes traffic congestion. The use is located on a local street (requiring a variance), but the street is of sufficient capacity and location so as not to cause excess traffic congestion, nor effects on residential property from increased trip counts which would otherwise occur on most local streets. Staff has no concerns regarding ingress and egress to the subject property.</p>
<p>Is the use adequately served by utilities, access, and other facilities?</p>	<p><i>"No."</i></p>	<p>The business is going into an existing development. The development has sufficient services to operate the proposed use. The applicant has stated "no" as stated in the directions for businesses entering existing developments on the Special Use Permit worksheet.</p>
<p>Is the use substantially affecting one or more historical, cultural, natural or archeological resources located nearby?</p>	<p><i>"No"</i></p>	<p>Staff has no concerns regarding the effects of the use on historical, cultural, natural or archeological resources.</p>

VARIANCE DISCUSSION

The applicant requires a variance from the use-specific standards outlined in Section 44-04-04(b) of the Homewood Zoning Ordinance, which state that:

"Indoor places of assembly shall be located on collector and/or arterial streets."

The purpose of this standard is to ensure that *indoor places of assembly* are located in areas which are suitable for intermittent peaks of high-intensity traffic and are capable of handling larger assemblies of guests/visitors without disturbances from traffic congestion or excessive on-street parking.

The proposed use, if approved, would be located on Bretz Drive. Bretz Drive is classified as a *local street* by Village of Homewood engineering standards, and is not designated as a collector or arterial per the 1999 Comprehensive Plan. Bretz Drive is a north-south local corridor providing access to the rear of several large retail businesses along Halsted Street, as well as the front of the subject property. The street then turns into an east-west corridor serving as a private roadway collecting traffic from parking lots at the Jewel-Osco and Target businesses along Halsted Street, creating an access loop via the public easement along the access drive between Jewel Osco and Target.

The street varies from most local streets in the Village, with no available on-street parking and wide traffic lanes designed to accommodate larger trucks accessing commercial uses in the vicinity.

The Variance application must be considered against Standards for Variance identified in Section 44-07-12 of the Village Zoning Ordinance. These standards are applied to all Variance applications. The applicant has provided a set of responses to each of the Standards of Variance, which is attached as an appendix to this memo. A summary of the staff review of applicant responses is included below in **Table B**.

Table B – Variance Standards

Special Use Standards	Applicant Comments	Staff Comments
Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?	<i>“The current regulations would restrict the business model for training and hosting.”</i>	The business would not be permitted without the variance.
Is the plight of the owner due to unique circumstances?	<i>“As a full service production/recording facility, the process to present is the priority driving force.”</i>	As stated by the applicant, the use is unique and has unique constraints on the development. The current site is suitable but lies on a local street. The local street is modified and is unlike most local streets in Homewood, with few access points, no on-street parking, and no residential access. The street was designed for higher-intensity use and specific points of access to industrial and commercial property. This street may be appropriate for a place of assembly use, and current regulations restrict use of the space.
If granted, will the variance alter the essential character of the locality?	<i>“This will not alter the character of the surrounding properties.”</i>	Staff agrees that the proposed business will not fundamentally alter the essential character of the locality.

<p>Do the particular physical surroundings, shape, or topographical conditions of the subject property pose a particular hardship upon the owner, as distinguished from a mere inconvenience, under the strict application of these regulations?</p>	<p><i>“Without the relief, this property is not able to be used in the commercial application.”</i></p>	<p>There are not physical or topographical constraints on the operation of this space. However, the business is located on a unique street which varies from other streets in a similar classification. This poses a hardship that causes the business to be unable to operate if subjected to a strict interpretation of the regulations of the Homewood Zoning Ordinance.</p>
<p>Would the conditions upon which the request for variance is based be generally applicable to other property within the same zoning classification?</p>	<p><i>“Yes.”</i></p>	<p>The conditions apply to this specific type of use (place of assembly) located on Bretz Drive in the M-1 Limited Manufacturing zoning district. They do not apply to other locations in the M-1 zoning district or along other local streets in the vicinity of the subject property.</p>
<p>Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property?</p>	<p><i>“No.”</i></p>	<p>No. The street classification for Bretz Drive was established at the time of its construction in the 1990s and was designated in the 1999 Comprehensive Plan.</p>
<p>If granted, will the variance be detrimental to public welfare or injurious to other neighboring properties?</p>	<p><i>“This will not have any negative impact on our neighbors.”</i></p>	<p>The approval of the variance to permit the operation of an <i>indoor commercial place of assembly</i> on Bretz Drive will not cause injury or loss of value to surrounding properties. The use requires review through the Special Use Permit process to consider other potential effects on neighboring properties caused by the use.</p>

<p>If granted, will the variance: impair an adequate supply of light and air to adjacent property; substantially increase the danger of fire or otherwise endanger the public safety; or, substantially diminish or impair values of neighboring property?</p>	<p><i>“This will not have any impact on current or potential developments. This relief will not endanger public safety.”</i></p>	<p>The variance will not cause impairment of light and air supply, increase fire danger, or increase public safety concerns. The use as proposed will not create regular traffic to such a degree to cause congestion and potential dangers from increased traffic. The street location is not in a highly trafficked area where the variance will add to existing congestion or safety concerns. The use will not cause any pedestrian safety hazards caused by the street designation or design of the street section.</p>
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Based on the existing conditions of Bretz Drive and its unique location and design, staff recommends approval of the variance to allow an *indoor commercial place of assembly* to operate on Bretz Drive as a local street.

FINDINGS OF FACT

The staff has prepared the following draft Findings of Fact in accordance with the standards set forth in Section 2 of the Village Code of Ordinances. The findings of fact, as proposed or as amended, may be entered into the record:

1. The subject property is located at 17811 Bretz Drive in the M-1 Limited Manufacturing zoning district.
2. The applicant, Arnell Newman, is the business operator of the proposed use.
3. The applicant, Arnell Newman, has requested a Special Use Permit in the M-1 Limited Manufacturing zoning district to operate an *indoor commercial place of assembly* use, as required per Table 44-03-04 of the Village Zoning Ordinance.
4. The applicant, Arnell Newman, has requested a Variance from Section 44-04-04(b) of the Homewood Zoning Ordinance, which states that *indoor commercial place of assembly* uses “shall be located on collector and/or arterial streets.” Bretz Drive is classified as a local street on street classification maps.
5. The proposed use will occupy a tenant space with a total of 3,000 square feet of gross floor area, located within an existing building classified as a *multi-tenant commercial center*.
6. The use is located in a business condominium with 145 marked parking spaces, where 78 marked parking spaces are required, and complies with the Homewood Zoning Ordinance parking requirements set forth in Section 44-05-01. The tenant space has a requirement of 12 parking spaces if individual use standards were applied to the space.
7. The proposed special use is in alignment with the Special Use Standards set forth in Section 44-07-11.

8. The proposed variance is due to unique circumstances and will not harm the health, safety, or public welfare of the surrounding community.

9. The proposed use will require the issuance of a Business Operation Certificate to operate.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

The Planning and Zoning Commission may wish to consider the following motion in the order listed:

Recommend **approval** of Case 24-18 to permit a variance from Section 44-04-04(b) of the Homewood Zoning Ordinance, allowing the operation of an *indoor commercial place of assembly* use at 17811 Bretz Drive, which is located on a street currently classified as a local street;

AND

Recommend **approval** of Case 24-11 to permit the operation of an *indoor commercial place of assembly* as a special use at 17811 Bretz Drive;

AND

Incorporate the Findings of Fact into the record.