

ORDINANCE NO. M - 2301

**AN ORDINANCE REGARDING PROPERTY AT 17811 BRETZ DRIVE IN
HOMWOOD, COOK COUNTY, ILLINOIS (1) GRANTING A SPECIAL USE
PERMIT TO ALLOW THE OPERATION OF AN INDOOR COMMERCIAL
PLACE OF ASSEMBLY IN THE M-1 ZONING DISTRICT; AND (2)
APPROVING A VARIANCE FROM THE HOMWOOD ZONING
ORDINANCE BY ALLOWING AN INDOOR COMMERCIAL PLACE OF
ASSEMBLY TO BE LOCATED ON A LOCAL ROAD.**

WHEREAS, 65 ILCS 5/11-13-1 *et seq.* authorizes municipalities under 500,000 population to determine and vary the application of their zoning regulations relating to the use of land; and

WHEREAS, 65 ILCS 5/11-13-1.1 authorizes the granting of a special use by passage of an Ordinance in districts where such a permit is required; and

WHEREAS, a request has been received for a special use permit from Arnell Newman of Soulistic 360 to operate a film and music production studio classified as by Ordinance as an indoor commercial place of assembly at 17811 Bretz Drive; and

WHEREAS, the proposed use is to be located within an existing structure classified as a commercial condominium; and

WHEREAS, the subject property is located in the M-1, Limited Manufacturing zoning district; and

WHEREAS, indoor commercial places of assembly are allowed as a special use in the M-1, Limited Manufacturing zoning district; and

WHEREAS, use-specific regulations in Section 44-04-04 of the Village of Homewood Zoning Ordinance require that all commercial indoor places of assembly requiring a special use permit be located along a street classified as an arterial or collector; and

WHEREAS, the subject property is located on Bretz Drive, a local roadway, and requires a variance from the zoning ordinance; and

WHEREAS, the Homewood Planning and Zoning Commission reviewed and considered the request at its regular meeting on July 11, 2024, and recommended approval of a special use permit to allow indoor commercial assembly use on a local roadway; and

WHEREAS, the President and Board of Trustees of the Village of Homewood, Cook County, Illinois deem it appropriate and are willing to grant a special use permit, subject to the terms and provisions hereof.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, that:

SECTION ONE – FINDINGS OF FACT:

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 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 has requested a Variance from Section 44-04-04(b) of the Homewood Zoning Ordinance, which states that *indoor commercial places of assembly* “shall be located on collector 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 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 142 marked parking spaces, which exceeds the Homewood Zoning Ordinance parking requirements set forth in Section 44-05-01.
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

SECTION TWO – LEGAL DESCRIPTION:

The subject property is legally described as follows:

Unit C-3 together with its undivided percentage interest in the common elements in Homewood Business Park Condominium as delineated and defined in the Declaration recorded as Document No. 0923210013, as amended from time to time in the Southwest ¼ of the Northwest ¼ of Section 33, Township 36 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.

Permanent Index Number: 29-33-100-067-1001

Common Address: 17811 Bretz Drive
Homewood, IL 60430

SECTION THREE - ISSUANCE OF SPECIAL USE PERMIT:

A special use permit is hereby granted to Arnell Newman, Soulistic 360 to operate an indoor commercial place of assembly at the above-described property.

SECTION FOUR - GRANTING OF VARIATION:

The following variations are granted to the petitioner:

1. A variation from Section 44-04-04(b) of the Homewood Zoning Ordinance, allowing the operation of an indoor commercial place of assembly use on a street classified as a local street.

SECTION FIVE - ADDITIONAL MATERIALS TO BECOME PART OF THIS ORDINANCE:

The following documents are hereby made part of this Ordinance:

The Homewood Planning and Zoning Commission minutes of July 11, 2024, as they relate to the subject zoning.

The Homewood Village Board minutes of August 13, 2024, as they relate to the subject zoning.

SECTION SIX - RECORDING:

The Village Attorney shall cause this Ordinance without attachments to be recorded in the Office of the Cook County Clerk - Recording Division.

PASSED and APPROVED this 13th day of August 2024.

Village President

Village Clerk

YEAS: _____ NAYS: _____ ABSTENTIONS: _____ ABSENCES: _____