

VILLAGE OF HOMEWOOD



BOARD AGENDA MEMORANDUM

DATE OF MEETING: August 13, 2024

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 and Zoning Variance for Indoor Commercial Assembly, Soulistic 360

PURPOSE

The applicant, Arnell Newman of Soulistic 360, requests a special use permit to operate 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 use falls within the definition of *indoor commercial places of assembly*. A film and music production facility is typically a moderately sized, multi-room audio/video mixing and mastering space having post-musical and video production audio and hardware. The facility generally features space and equipment for video recording, rehearsals and live recording of electro-acoustic music as well as audio mixing and video editing and production.

The Homewood Zoning Ordinance classifies indoor commercial assembly as a special use in the M-1 Limited Manufacturing District. A special use allows the Planning and Zoning Commission to evaluate each requested special use permit individually, to consider the impact of the proposed use on neighboring properties and the public need for the proposed use at the subject location.

Additionally, a variance from Section 44-04-04 of the Zoning Ordinance is required. A *place of assembly use* requires the location to be on collector or arterial streets and is prohibited on local streets. The proposed location, Bretz Drive, is a local street (not a collector or arterial). Therefore, a variance is required.

PROCESS

The applicant has proposed music and film production in two existing tenant spaces at 17811 Bretz Drive. The space will encompass approximately 3,000 square feet of gross floor area. Other uses in the building include a plumbing contractor, a baseball academy, a crematorium, a brewery and taproom, and a baseball bat manufacturer (Homewood Bat).

The facility will provide an open floor area dedicated to production space, primarily for camera carts, recording applications, or storage. A production stage will be located on the eastern end of the large open space with a curved LED wall along the back wall. Additional secondary spaces

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include a control room/production office, a soundproofed music production studio, and dedicated staff offices. A small lounge and break room for staff will be provided on a mezzanine floor constructed above the ground floor open space.

The primary use of the space will be 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

The hours of operation are seven days a week, with access to the workspace from 10:00 a.m.-2:00 a.m. The applicant stated that most production teams work weekdays between 10:00 a.m. and 6:00 – 7:00 p.m. Industry labor restrictions make work after 7:00 p.m. – 8:00 p.m. difficult. Peak hours will be between 11:00 a.m. and 3:00 p.m., as these are the primary hours for most intensive production work involving live filming, recording, or other production services.

In addition to production services, the applicant will host events, which include training sessions for production staff and crews, private screenings of film and other media productions, training seminars for local students attending theatre and music programs, live audience recordings, private events/presentations through local music association, and the Soulistic 360 “Vinyl Exchange” event. Larger “invite only” events will be restricted to Saturdays and Sundays when the center has lower traffic volumes and production uses are not occurring.

On July 11, 2024, the Planning and Zoning Commission reviewed the request in a public hearing. The Commission, with six members present, voted 5-1 to recommend approval of the special use and variance. The Commissioner who voted against this application expressed concerns about parking and the capacity of the events.

OUTCOME

The Planning and Zoning Commission reviewed the application, heard testimony by the applicant, considered the applicant’s response to the Standards for a Special Use, and incorporated the Findings of Fact 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 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* use “shall be

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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.

FINANCIAL IMPACT

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

LEGAL REVIEW

Completed

RECOMMENDED BOARD ACTION

Pass an ordinance granting a variance from Section 44-04-04(b) of the Homewood Zoning Ordinance, and a special use permit allowing the operation of an *indoor commercial place of assembly* use in the M-1 Limited Manufacturing district at 17811 Bretz Drive, on a local street.

ATTACHMENT(S)

Ordinance