

# VILLAGE OF HOMEWOOD



## MEMORANDUM

DATE OF MEETING: May 22, 2025

**To:** Planning and Zoning Commission

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

**Through:** Angela Mesaros, Director of Economic and Community Development

**Topic:** Cases 25-08 and 25-19: Special Use Permit and Variance, Indoor Commercial Place of Assembly at 18027 Dixie Highway

## APPLICATION INFORMATION

APPLICANT	Marcella Abrams
ACTION REQUESTED	Special Use Permit, Variance
ADDRESS	18027 Dixie Highway
PIN	29-31-400-057

## ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	B-2 Downtown Transition	Vacant
SURROUNDING	N: B-2 Downtown Transition	Multi-Family Residential
	E: B-2 Downtown Transition	Medical Office (Dental Care)
	S: B-2 Downtown Transition	Indoor Commercial Place of Assembly (Taekwondo Studio)
	W: B-1 Downtown Core	Educational (Homewood Science Center)

## LEGAL NOTICE

Legal notice was published in *Daily Southtown* on May 8, 2025; letters were sent to property owners and residents within 250'.

## DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Marcella Abrams, Applicant	03/31/2025
Business Narrative	3	Marcella Abrams, Applicant	03/31/2025
Special Use Standards	2	Marcella Abrams, Applicant	03/31/2025
Variance Standards	2	Marcella Abrams, Applicant	04/30/2025
Parking Contingency Plan	2	Marcella Abrams, Applicant	04/30/2025
Staff Exhibits	2	Noah Schumerth, Asst. Dir. ECD	05/16/2025

## BACKGROUND

The applicant, Marcella Abrams of Luxe Events Venue, LLC, has proposed the operation of a 1,800 square-foot event center at 18027 Dixie Highway. The applicant plans to utilize the event space to host small events such as corporate gatherings, staff trainings, workshops, podcast recordings, and small wedding receptions.

Event centers are classified as *indoor commercial places of assembly* in the Village Zoning Ordinance. Operation of an indoor commercial place of assembly in the B-2 Downtown Transition zoning district requires a special use permit.

The subject site does not have sufficient off-street parking or shared parking opportunities to meet zoning requirements for the proposed use. The applicant has requested a variance from parking requirements to allow for the operation of the proposed indoor commercial place of assembly use at this location.

## DISCUSSION

The proposed business is planned to operate as a small event and gathering space. The applicant has stated that the maximum capacity for events will be 75 people. The applicant has also stated directly to staff that they intend to have no more than 60 people for events. Events will be leased by other individuals who wish to use the event space.

The applicant has stated that the event space may be used for events anytime between early morning and midnight. The applicant has said that the business will likely involve 2-3 events per week. The applicant will use the space mostly on weekends. The applicant has expressed a wish to expand to having events 7 days a week. The applicant plans to operate events at times when demand for parking downtown is lower.

The applicant plans to have at least four employees to support the proposed business, including two executive members, an event coordinator, and at least one security official. The event coordinator will be present for events hosted in the space, and security personnel will be present as desired to ensure the proper use of the facility.

No alcohol is permitted to be served at any event, including alcohol brought to the business by patrons. The applicant is not permitted to receive a liquor license for this type of business.

No food service will occur on-site, and all food provided for any event will need to be pre-catered and brought in by event patrons or vendors. The applicant does not wish to include any food service equipment in the space, including a microwave or other appliances.

The applicant has stated that bands will not be permitted, nor will any other large-scale entertainment acts. Bluetooth speakers or small DJ set-ups may be used, provided they are equipped from a pre-approved vendor list.

The subject site has zero off-street parking spaces. The Zoning Ordinance requires six (6) spaces for the proposed use (1 parking space per 300 gross square feet required;  $1,800 \text{ square feet} / 300 = 6$ ). Public on-street parking is located on Dixie Highway adjacent to the business. The applicant has requested a parking variance to accommodate the lack of off-street parking on the site with a new use.

The applicant has provided a parking contingency plan which provides detail on how the business will manage parking demand for events. The applicant has expressed plans to utilize public parking lots near the business for event traffic. The applicant has identified plans for communicating parking suggestions (carpooling, etc.) and changes to local parking availability to event patrons coming to the event center. The parking contingency plan is attached with this memo.

## VARIANCE STANDARDS

The Village Zoning Ordinance requires a minimum of six (6) available parking spaces to support the proposed business. Staff presented options for the applicant, including creating an agreement for off-site parking as a downtown business or applying for a parking variance. The applicant has contacted Eldridge and Eldridge Dental Group at 1944 Ridge) to consider a parking agreement, but no draft agreement has been provided at this time. The applicant has applied for a parking variance to vary the standards for parking on the site.

Such a variation must be reviewed against the Variance Standards found in Section 44-07-12 of the Village Zoning Ordinance.

Staff has reviewed the application utilizing the Variance Standards to assess potential hardship, which may require relief via the variance process. The full responses to the Variance Standards, completed by the applicant, are attached to this application.

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The application must be determined by the Planning and Zoning Commission to meet each of the following three standards:

*a. 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?*

Any use located in this property, whether a permitted or special use, will be required to address the lack of off-street parking on the property. With no off-street parking spaces available for this property in the B-2 Downtown Transition zoning district, the property will be required to either complete an off-site parking agreement meeting the standards of Section 44-05-02 (j) of the Zoning Ordinance or receive a parking variance.

**The current conditions for off-street parking on this property do not fully eliminate reasonable return if permitted to be used only under the current zoning regulations for the site.** A parking agreement or another parking arrangement meeting the requirements for locating off-site parking spaces may be approved for any use. However, the lack of off-street parking creates significant restrictions on the reasonable return of the property.

*b. Is the plight of the owner due to unique circumstances?* The property is an older structure located in Downtown Homewood, and reflects a development pattern which pre-dates the automobile and current off-street parking requirements. Some buildings from this era in the Downtown area do provide some off-street parking for employees, residents or customers, especially in the B-2 Downtown Transition zone. The site is also located on a lot which restricts the ability to add parking to the site in any configuration. **The parking situation on the site is a unique circumstance.**

*c. If granted, will the variance alter the essential character of the locality?* **The approval of a variance to allow for the business to operate without six (6) parking spaces is unlikely to alter the condition of the locality surrounding the proposed business.**

This standard is *not* evaluating the potential impact of the proposed use on the property. This evaluation is completed through the review of a special use permit, which will assess the potential impact of an event center on the surrounding locality. This standard evaluates the impact of varying the zoning requirement of six (6) parking spaces on the surrounding locality.

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Additionally, the Planning and Zoning Commission may wish to consider the following secondary standards in considering a variance request. None of these secondary standards is binding:

*d. 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?* The property is constructed in a manner that limits opportunities to add off-street parking spaces to meet the standards of the Zoning Ordinance. This condition is not due to any action made by the property owner or the applicant. **The physical condition and surroundings of the subject property pose a potential hardship on the owner and applicants seeking to develop a business in the proposed location.**

*e. Would the conditions upon which the petition for variance is based be generally applicable to other property within the same zoning classification?* Many properties in the B-2 Downtown Transition zoning district do not meet off-street parking requirements for uses in the current Zoning Ordinance. However, most other properties in the same zoning district, including older properties, which predate current off-street parking requirements, generally provide some parking for employees, residents, and customers. **The condition of this property is unique and is not generally applicable to other properties within the same zoning district, and may require unique consideration.**

*f. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property?* Neither the property owner nor the applicant is responsible for the current off-street parking conditions on the site. The practical difficulty in developing this site was caused by the original development of the property, which predates the current property owner. **The current owner and applicant are not responsible for the creation of the hardship requiring a variation from the Zoning Ordinance.**

*g. If granted, will the variance be detrimental to the public welfare or injurious to other neighboring property?* **The approval of a variance to allow for the business to operate without six (6) parking spaces is unlikely to be injurious to public welfare or neighboring properties.** See note in standard (c).

*h. If granted, will the variance impair an adequate supply of light and air to adjacent property; or substantially increase the danger of fire or otherwise endanger the public safety; or substantially diminish or impair values of neighboring property?* **No impacts to light and air on adjacent property are anticipated from any approval of this variance.**

## SPECIAL USE STANDARDS

The Village Zoning Ordinance defines salon and spa establishments as a *special use* in the B-2 Downtown Transition zone. Any special use must be reviewed against the Special Use Standards found in Section 44-07-11 of the Village Zoning Ordinance.

Staff has reviewed the application utilizing the Special Use Standards. The full responses to the Special Use Standards, completed by the applicant, are attached with this application.

- 1) Is the special use deemed necessary for the public convenience at that location? Other similar uses (event centers as indoor commercial places of assembly) are located within a ½ mile radius of the proposed business, including Infinite Event Suite (1820 Ridge) and Honeycomb Hideout (18205 Dixie Highway). Staff have received an elevated number of requests for similar uses, suggesting a demand for such locations with convenient regional access.
- 2) Will the special use be detrimental to the economic welfare of the community?
- 3) Will the special use be consistent with the goals and policies of the comprehensive plan and other adopted plans of the village?
- 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? There are limited opportunities for public parking in the vicinity of the proposed business. The primary parking areas identified to support this use (Harwood Commuter Lot and potentially a future public parking area in the St. John Neumann's parking lot) are over 500' from the proposed business. The Village Hall parking lot, which has also been identified by the applicant as a potential parking area for patrons, is under consideration as a future redevelopment site and may become unavailable. Given the high demand peaks for event parking, which may occur at times when events are most lucrative and sought after (weekend nights, etc.), staff express concerns regarding the availability of parking at this location.
- 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 located in the B-2 Downtown Transition zoning district, which permits a range of commercial and assembly uses. The property is unlikely to diminish in value if the special use is not approved due to alternative permitted uses that may occupy the space.
- 6) Will the special use cause substantial injury to the value of other property in the neighborhood in which it is located? At peak times for downtown parking demand, parking needs for events may constrain available parking for other businesses in the immediate vicinity. This concern is especially high for nearby businesses who will continue to rely on the availability of on-street parking for business success, such as a recently approved carryout juice bar at 18035 Dixie Highway, a fitness gym at 18033 Dixie Highway, a travel agency at 1956 Ridge Road and a health market at 1948 Ridge Road.

The applicant has taken measures such as restricting entertainment and regulating potential vendors to limit the potential impacts on the value of surrounding properties.

- 7) Will the special use be consistent with the uses and community character of the neighborhood surrounding the subject property?
- 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? The proposed use, an indoor commercial place of assembly, is similar to other uses in the immediate vicinity. Hours of events may extend late into the night with variable hours, which may allow activity to run later than most other businesses in the downtown neighborhood.
- 9) Will the special use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?
- 10) Does the proposed special use at the subject property provides adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets? The area may see brief traffic increased before and after larger events. Congestion impacts may be mitigated by encouraging patrons to use available parking dispersed across the downtown area, but availability of parking could be limited and congestion increased by event attendees attempting to park vehicles at busy times in the downtown area. The site has one public entrance along Dixie Highway for patron access. No customer parking is available on-site.
- 11) Is the subject property adequately served by utilities, drainage, road access, public safety and other necessary facilities to support the special use? The building was renovated in 2023 and has adequate utilities, ADA accessibility and other facilities necessary to support the proposed use.

## FINDINGS OF FACT

The staff has prepared the draft findings of fact following the standards outlined in Sections 44-07-11 and 44-07-12 of the Village Zoning Ordinance for special use permit and variance applications. The findings of fact, as proposed or as amended, may be entered into the record:

1. The subject property is located on a 0.16-acre property at 18027 Dixie Highway;
2. The subject property is owned by Kwan Pil Kim of Naperville, IL;
3. The subject property is located within the B-2 Downtown Transition zoning district;
4. The proposed business is to be located in a tenant space with 1,800 square feet of gross floor area;
5. The applicant has proposed an indoor commercial place of assembly (event center) to occupy the subject property;
6. The current zoning designation of the property allows indoor commercial places of assembly as a special use;
7. The property is required to have six (6) off-street parking spaces, where zero (0) are provided on-site, and the applicant has requested a variance to vary the parking requirement on the site;
8. The existing off-street parking conditions are determined to create significant restrictions on the ability to generate a reasonable return on the property;
9. The proposed variance is determined to be due to unique circumstances, which create practical difficulties not created by any person having any interest in the current property;
10. The proposed variance is determined to not directly alter the condition of the locality surrounding the proposed business; and

11. The proposed business requiring a special use is determined to create impacts on available public parking resources and local vehicle congestion, which may not adequately protect the health, safety, and public welfare of the community, and may injure the use and enjoyment of other properties in the immediate vicinity being operated for the purposes of the zoning district.

#### RECOMMENDED PLANNING & ZONING COMMISSION ACTION

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

Recommend **approval** of Case 25-17, a request for a variance to allow for a reduction in required off-street parking spaces for property at 18027 Dixie Highway by six (6) parking spaces;

AND

Recommend **denial** of Case 25-08, a special use permit to allow the operation of an indoor commercial place of assembly at 18027 Dixie Highway;

AND

Approve the draft Findings of Fact and incorporate the Findings of Fact into the public record.