

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: June 13, 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 24-15 – Text Amendment to Allow Indoor Commercial Places of Assembly in M-1 Limited Manufacturing Zoning District; Amend Parking Standards for Place of Assembly Uses

APPLICATION INFORMATION

APPLICANT	Village of Homewood
ACTION REQUESTED	Text amendment to support Indoor Commercial Place of Assembly use in M-1 zoning district and amend parking standards for place of assembly use categories.
ADDRESS	N/A
PIN	N/A

LEGAL NOTICE Legal notice was published in *Daily Southtown* on May 30, 2024. This case affects a Village-wide zoning text amendment, and no additional mailed notice was required to notify individual property owners of proposed changes.

SUMMARY OF PROPOSED CHANGES

Planning staff from the Village of Homewood have proposed text amendments to the Village zoning ordinance to accommodate the following changes to requirements for places of assembly:

1	Amend Table 44-03-04 to allow <i>Indoor Commercial Place of Assembly, <5,000 Square Feet</i> and <i>Indoor Commercial Place of Assembly, >5,000 Square Feet</i> uses in the M-1 Limited Manufacturing zoning district as a special use .
2	Amend Table 44-05-02 to adjust off-street parking requirements for places of assembly uses to accommodate increased parking for uses with fixed seating and other use-specific modifications to place of assembly uses.
3	Review use-specific standards in 44-04-04 to ensure compatibility with purposes and goals of the M-1 Limited Manufacturing zone.

BACKGROUND

In 2023, the Homewood Zoning Ordinance received a full rewrite to modernize the ordinance. One element of this rewrite was the combination of a range of uses into a single set of uses known as *Places of Assembly* uses. There are four types of places of assembly in the Homewood Zoning Ordinance:

Commercial Place of Assembly	Indoor	“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.”
	Outdoor	“Premises wherein individuals or groups of people gather outside a building for an attraction or service used for commercial purposes, such as but not limited to, outdoor recreation establishment, miniature golf courses, and ice rinks.”
Non-Commercial Place of Assembly	Indoor	“A building wherein individuals or groups of people gather for an attraction or service not used for commercial purposes such as but not limited to, community centers, learning centers, clubs or lodges, exhibit halls, civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.”
	Outdoor	“Premises wherein individuals or groups of people gather outside a building for an attraction or service not used for commercial purposes such as but not limited to, community centers, fraternal or civic organizations.”

The combination of uses into simplified *place of assembly* categories was designed to promote easier zoning administration and avoid challenges which arise from zoning regulations applied to specific *place of assembly uses*, especially civic and charitable institutions.

The “places of assembly” category is wide-ranging with many potential uses. Many *place of assembly* uses require large areas of minimally divided space, which are common in buildings found and permitted in Homewood’s M-1 zoning district. The M-1 zoning district is designed to accommodate uses requiring strong regional accessibility, which is also required by many *place of assembly* uses. The M-1 zoning district is diverse and includes many buildings which may be suitable for *place of assembly* uses.

Village staff has received a range of requests for *indoor commercial place of assembly* uses in the M-1 Limited Manufacturing zoning district. Restriction of the *indoor commercial place of assembly* use category may be hampering opportunities to grow new businesses and increase economic development without causing negative impacts on surrounding land uses and the broader community.

The new Homewood Zoning Ordinance simplified parking requirements for places of assembly, changing use-specific requirements (i.e. 1 space per 4 seats, etc.) to a single square footage requirement for

parking (i.e. 1 space per 300 square feet) for all places of assembly. In response to previous feedback from the Planning and Zoning Commission and review of requirements for similar uses in peer communities, Village staff has proposed a hybrid set of parking requirements for places of assembly uses with requirements set apart for uses with those with fixed seating. The revised parking requirements will improve parking administration for all places of assembly while maintaining a range of different land uses encompassed in the places of assembly use category. The changes will also provide adequate support for the proposed addition of indoor commercial places of assembly.

CONTINUATION

Village staff preparing the language for this text amendment have recommended that the item be continued from **June 13, 2024** to a new hearing date on **June 27, 2024**. This continuance has been proposed for several reasons:

Request for Additional Time for Research

Staff continue to prepare research findings from peer communities and planning best practices about how to manage parking for place of assembly uses, which are notorious for being variable in their use and level of demand. Staff has requested additional time to finalize research findings and present zoning language which can provide a long-term, sustainable solution to parking for these uses.

Special Use Permit Application Concurrent with Text Amendment

Additionally, there is an active Special Use Permit proposal which will be affected by the changes to permitted uses proposed in this text amendment, as the applicant has proposed the operation of an *indoor commercial place of assembly* (music and art production studio) within the M-1 Limited Manufacturing zoning district at 17811 Bretz Drive, where it is currently not permitted. Staff has previously discussed consideration of *place of assembly* uses within the M-1 Limited Manufacturing zoning district, and the case has prompted consideration of potential changes to permitted uses. The applicant pursuing a Special Use Permit for the *indoor commercial place of assembly* use was also found to be in need of a Variance for the proposed business to allow operation on a street which is not a collector or arterial street, and is still preparing this application for review.

Staff recommends that the text amendment, Special Use Permit and Variance applications all be heard together as related cases, and given that the result of the Special Use Permit case and its accompanying Variance case is dependent on the decision made on the proposed text amendment.

Legal Notice

Finally, Village staff wish to provide greater clarity in the legal notice and description of the case, which originally included changes to permitted and special uses the B-4 Shopping Center zoning district while omitting review of the use-specific regulations for places of assembly found in the Homewood Zoning Ordinance. Village staff have rewritten legal notice for the June 27, 2024 hearing which has corrected these errors and provided greater specificity about what proposed amendments are to be considered by the Planning and Zoning Commission.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

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

Continue Case 24-15 to the **June 27, 2024** hearing of the Planning and Zoning Commission.