

JUSTIFICATION FOR SPECIAL USE

Because HEY NONNY's central focus is the presentation of music, the Village Department of Planning and Community Development has suggested that HEY NONNY seek a special use permit as an "auditorium, stadium, arena, meeting hall, gymnasium or similar places for public events." (Municipal Code, Chapter 28, Section 5.5-1). HEY NONNY is in the B-5 Downtown District, which allows a wide variety of uses, including health clubs, recreation facilities, music conservatories, and theaters (Municipal Code, Chapter 28, Section 5.5-1. Restaurants require special use permits, but outdoor cafes are listed as a permitted use, subject to approval. (Municipal Code, Chapter 28, Section 5.1-14.2(a) and (b)). The logic of this structure requires HEY NONNY to demonstrate that its venue/bar/restaurant business operation will be a place for "public events" "*similar*" to an "auditorium, stadium, arena, meeting hall" or gymnasium. While obviously, HEY NONNY is operating on a scale categorically different (smaller) than an "auditorium," "stadium," or "arena," it nonetheless will present music in a concert setting, which is a "public event." In this sense, HEY NONNY qualifies for a special use permit in the Downtown District. With that, the three Special Use Criteria can be addressed briefly:

A. Necessary For The Public Convenience. HEY NONNY will be a music venue with an accompanying farm-to-table gastropub, as a unified business. Both are "necessary" for the public convenience in the sense that there is a demand for both music concerts in a "listening room" club environment and a farm-to-table restaurant in this area, and neither are available currently in or near Arlington Heights. Local residents presently travel far from Arlington Heights to obtain these services. HEY NONNY will make it "convenient" for local residents to find these services closer to home. The criteria ask that the applicant focus, not just on public convenience, but specifically on public convenience "at this location." In this case, the location is critical in several ways. HEY NONNY will be located immediately across from Harmony Park, which is well known as a gathering place for summer concerts, and in the same complex as the Metropolis Performing Arts Center, the Big Shot Piano Lounge, and the Arlington Ale House, each of which regularly presents music of various kinds. HEY NONNY serves the public convenience by adding an important element to both the "dining" and "entertainment" aspects of the

dining and entertainment district that our residents want further developed. Ultimately, such a district, if it is attractive and active, is a highly valuable community asset that increases local property values. HEY NONNY is especially valuable to Arlington Heights residents in its proposed location.

B. Not Detrimental. The listening room concert and gastropub functions of HEY NONNY will not under any circumstances be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity. There is nothing dangerous or lewd about good music or local foods. Indeed, a venue that seeks to present music worth listening to in an environment that encourages listening, should be a significant cultural asset that *improves* the morals and general welfare of all in its ambit. Similarly, a farm-to-table gastropub is inherently about building community in a socially responsible way. HEY NONNY not only meets the “not detrimental” standard, it exists to *improve* the general welfare of those residing or working in the area, and all local residents.

C. Comply With Regulations and Conditions. There is no question but that HEY NONNY will comply with all applicable regulations and conditions, as imposed by the Village. The Owners are, each in his own way, very familiar with such compliance protocols. Chris Dungan spent his prior career complying with a myriad of rules and conditions in the highly regulated pharmaceutical industry. Chip Brooks had a long career as a lawyer, including in one case successfully representing the Village by demonstrating its compliance with its own zoning procedures and with the Fair Housing Act. Both know how to read and follow applicable rules.

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HEY NONNY SPECIAL USE PERMIT APPLICATION

PC# 17-011

Petitioner's Justification for Variation From Parking and Traffic Study Requirements

The Village has determined that a Variation is needed to waive the Ch. 28, Sect. 6.12-1, requirements for a parking and traffic study. The criteria for Variation approval are:

- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations for that zone.
- The plight of the owner is due to unique circumstances.
- The variation, if granted, will not alter the essential character of the locality.

The variation to waive the requirement for a parking and traffic study is appropriate as follows:

- The costs for planning and building Hey Nonny will be well over \$1 million (not including real estate costs), even without a parking and traffic study. As presently budgeted, business operations will generate only a small profit, but far less than a normal business rate of return. Adding the cost of a parking and traffic study only exacerbate this problem. Thus, it is true that the property in question cannot yield a reasonable rate of return if permitted to be used only if there is first and traffic and parking study.
- The owners of Hey Nonny do not view their situation as a "plight," but there are many "unique circumstances" attendant to the Hey Nonny plan. First and foremost, it is a business model that has not been attempted at this quality level in the Northwest Suburbs. That is true because it is expensive and complicated to pull it off. Our attempt is unique in our area. Second, the location of Hey Nonny for this business plan is unique: in an existing dining and entertainment building, including the community performing arts center, and immediately across the street from a park that is the community's summer home for music events, and immediately adjacent to the Village's largest parking garage. Third, Hey Nonny will be the heart of the Village's efforts to create a dining and entertainment district with an urban feel in a suburban setting. Finally, Hey Nonny represents a significant cultural arts asset for the Village, conducted in a for-profit mode that requires no Village investment. We hope that the Village will find it useful to foster the development of such an arts asset.
- The parking and traffic study variation, if granted to Hey Nonny, will not alter the essential character of the locality. The locality is the downtown business district, which has a lively mix of dining options plus a limited array of entertainment. Excusing Hey Nonny from conducting a parking and traffic study will not in any way alter the nature of Arlington Heights' central business district.

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