

Village of New Lenox
 Community Development
 1 Veterans Parkway
 New Lenox, IL 60451
 815.462.6490
 815.462.6469(fax)
 www.newlenox.net

the Village of New Lenox

"Home Of Proud Americans"



COMMUNITY DEVELOPMENT SPECIAL USE APPLICATION

(Requires Public Hearing)

New Special Use

Amendment to an Existing Special Use

ADDRESS/DEVELOPMENT NAME:

PETITIONER INFORMATION:

<u>PRIMARY CONTACT</u>	<u>MAILING ADDRESS</u>	<u>CITY, STATE, ZIP</u>
<u>PHONE #</u>	<u>E-MAIL ADDRESS</u>	<u>OTHER (CELL # / FAX #)</u>

SITE INFORMATION:

<u>SITE ADDRESS OR LOCATION</u>	<u>ACRES</u>	<u>PROPERTY ID # (PIN)</u>
<u>EXISTING LAND USE</u>	<u>CURRENT ZONING</u>	
<u>BRIEF DESCRIPTION OF SPECIAL USE (REQUESTED ACTION)*</u>		

*Attach additional sheets if necessary

OTHER APPLICANT AND INTERESTED PARTIES:

	NAME	COMPANY	MAILING ADDRESS	PHONE # / E-MAIL
PETITIONER				
OWNER				
DEVELOPER(S)				
LAND PLANNER				
ENGINEER				
AGENT/ATTORNEY				

SURROUNDING ZONING AND LAND USE:

	ZONING	JURISDICTION (VILLAGE OR COUNTY)	LAND USE
NORTH			
SOUTH			
EAST			
WEST			

SPECIAL NOTE TO PETITIONERS:

- A. The use requested must be specifically listed as an allowable special use in the underlying zoning district for the subject property.
- B. The Village Board may impose such conditions and restrictions upon the premises benefitted by a special use permit as may be necessary to assure compliance with the special use standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of the Zoning Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Ordinance.
- C. Effective Period: No special use permit shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant one (1) extension upon written application and good cause shown.
- D. If any special use as granted is abandoned or is discontinued for a continuous period of one (1) year, the special use permit shall become void and shall not be re-established unless a new special use permit is obtained.
- E. For multiple requests filed simultaneously, only one Security Deposit is required, and the highest Security Deposit shall apply. Once the process is completed, as determined by the Village, and all outstanding bills have been paid, the Security Deposit will be returned to the Petitioner per the terms of the Professional Fee Agreement

CHECKLIST OF REQUIRED SPECIAL USE APPLICATION ITEMS:

- One (1) original completed "Special Use Application" form and 30 copies.
- Forty-five (45) copies of a Plat of Survey of the subject property prepared and signed by an Illinois licensed land surveyor with dimensions accurately portraying the proposed request (folded to 9" x 12") and three (3) copies reduced to 11" x 17".
- Legal description of the property in Microsoft Word format and e-mailed to the Community Development Department at jsmith@newlenox.net and/or phansen@newlenox.net.
- List of names and addresses of each property owner within 250 feet as found at the Will County Recorder's Office (158 N. Scott Street, Joliet, IL 60432).
- Payment of the appropriate \$500 review fee.
- Payment of the appropriate public hearing fee:
Less than 10 acres = \$350 + \$200 for each additional sign required
10 acres or more = \$450 + \$250 for each additional sign required.
An additional sign is required on corner lots. If frontage exceeds 500 feet, additional signs may be required.
- Completion of the "Standard Requirements for the Granting of a Special Use" form and 30 copies.
- If applicable, completion of the "Special Use for Financial Institutions" form and 30 copies.
- If applicable, completion of the "Special Use for Outdoor Areas for Dining and Drinking Establishments" form and 30 copies.
- Completion of the "Professional Fee Agreement" form and payment of the \$1,000 Security Deposit. (See Note E on page 1 if filing multiple requests).
- Completion of the "Affidavit of Owner's Consent" form (if the petitioner is not the owner of record).
- Completion of the "Sign Posting Authorization" form.
- One (1) original completed "Disclosure of Beneficiaries" form and one (1) copy.

I, _____, the Petitioner, hereby appeal to the Corporate Authorities of the Village of New Lenox, Will County, Illinois, for a special use in accordance with the information provided in this application. I certify that the information and statements contained in this application and the documents submitted herewith are true and factual to the best of my knowledge.

I further understand that it is the Petitioner's responsibility to notify all land owners within 250 feet at least 10 days prior to the public hearing via certified mail, with return receipt, of the time, place and date of any Plan Commission hearings regarding this application. I realize that the date of the meeting will be established and the Primary Contact will be notified after a complete application is accepted by the Community Development Director or designee.

I understand that all correspondence from Village staff, including Village consultants, will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.

BY: _____
PETITIONER

Signed and sworn to before me on this _____ day of _____, 20_____.

NOTARY PUBLIC

(SEAL)

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Special Use Criteria

I. Standard Requirements for the Granting of a Special Use:

Note: No special use permit may be granted unless the following standards are addressed completely. If additional space is needed, attach extra pages to this application.

- A. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community. Please explain.

- B. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities or other matters affecting the public health, safety and general welfare. Please explain.

The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. Please explain.

C. The proposed building or use is consistent with the goals and objectives of the Comprehensive Plan of the Village. Please explain.

D. If authorized, the proposed building or use will be completed and maintained in a timely manner. Please explain.

E. The proposed use is in compliance with all applicable regulations of the zoning district in which the use is to be located. Please explain.

F. Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site. Please explain.

II. Zoning Violations

A. Does any violation of the Zoning Ordinance exist at the present time? _____.
If yes, please explain.

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Special Use for Financial Institutions

I. Standard Requirements for the Granting of a Special Use: **Financial Institutions**

Financial Institution – *a bank, credit union, savings and loan or similar financial related institution.*

Note: In addition to the other standards set forth in the Zoning Ordinance, a special use permit for a financial institution shall be granted only if evidence is presented to establish the following:

(If additional space is needed, attach extra pages to this application)

A. The Village will derive benefit through the granting of a special use permit for the proposed financial institution. Please explain. _____

B. If the proposed financial institution is part of a larger shopping center, the proportion of the square footage of the shopping center devoted to the financial institution and the location of the financial institution within the shopping center is in the public interest. Please explain. _____

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Special Use for Outdoor Areas

I. Standard Requirements for the Granting of a Special Use: Outdoor Areas for Dining and Drinking Establishments

Note: In addition to the other standards set forth in the Zoning Ordinance, a special use permit for outdoor areas for dining and drinking establishments shall be granted only if evidence is presented to establish the following:

(If additional space is needed, attach extra pages to this application)

- A. The size and configuration of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties. Please explain.

- B. The entrance to the outdoor area is controlled to prevent the passing of food and/or beverages to patrons off of the premises. Please explain.

- C. Adequate screening and/or fencing of the outdoor area is provided to protect the use and enjoyment of neighboring properties. Please explain.

- D. The use of external speakers in the outdoor area, if permitted, will not be detrimental to the general welfare of the neighborhood. Please explain.

E. Live entertainment in the outdoor area, if permitted, will not be detrimental to the general welfare of the neighborhood. Please explain.

F. Hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties. Please explain.

NOTICE TO ADJOINING PROPERTY OWNERS

(SAMPLE LETTER)

DATE

NAME

ADDRESS

CITY, STATE, ZIP CODE

RE: P.I.N. NUMBER OF SUBJECT PROPERTY _____

DEAR PROPERTY OWNER:

PLEASE BE ADVISED THAT THE OWNERS OF _____ HAVE
PETITIONED THE VILLAGE OF NEW LENOX FOR A _____ REQUEST.
THIS APPLICATION HAS BEEN SUBMITTED BY _____
_____.

A PUBLIC HEARING IS SCHEDULED TO BE HEARD BEFORE THE NEW LENOX (PLAN COMMISSION
OR ZONING BOARD OF APPEALS) ON _____ DATE _____ AT _____ TIME _____ AT
THE NEW LENOX VILLAGE HALL, 1 VETERANS PARKWAY, NEW LENOX, ILLINOIS.

A COPY OF SAID APPLICATION MAY BE EXAMINED AT THE OFFICE OF THE VILLAGE DIRECTOR OF
COMMUNITY DEVELOPMENT, 1 VETERANS PARKWAY, NEW LENOX, ILLINOIS. ALL PERSONS
DESIRING TO APPEAR AND BE HEARD FOR OR AGAINST THE SUBJECT OF THIS HEARING MAY
APPEAR AND BE HEARD THEREON.

SIGNATURE

PROFESSIONAL FEE AGREEMENT

This Agreement entered into this _____ day of _____, 20____, between the **VILLAGE OF NEW LENOX**, a Home Rule Illinois Municipal Corporation (hereinafter referred to as "VILLAGE") and _____ (hereinafter individually and collectively referred to as "DEVELOPER").

WHEREAS, as a result of the DEVELOPER's project, which is _____, the VILLAGE must have its professional staff analyze, review and comment upon and perform other services solely on the VILLAGE's behalf from the time of the inception of the project through its completion; and

WHEREAS, the DEVELOPER acknowledges it should pay the VILLAGE's costs and expenses for professional staff services rather than impose the costs upon the VILLAGE residents.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged by the parties by the execution hereof, it is hereby agreed as follows:

SECTION ONE: PROFESSIONAL FEES. The DEVELOPER shall pay the VILLAGE any and all professional staff fees, costs and expenses incurred by the VILLAGE as a result of or in conjunction with the DEVELOPER's project from this date and prior thereto, through the project's completion as determined by the VILLAGE and/or the VILLAGE's acceptance of all public improvements associated with the project, whichever occurs last.

The VILLAGE's professional staff includes, but is not limited to, its attorneys, engineers, land planners, landscape architects, arborists, traffic and transportation consultants.

Fees shall include, but not be limited to, all time associated with any review, analysis, discussions, meetings, inspections, planning and all other work or services performed on behalf of the VILLAGE in conjunction with the project.

The VILLAGE's professional staff fees shall be billed to the DEVELOPER in the amount as authorized by the VILLAGE to be paid for such services.

DEVELOPER's Billing Address:

SECTION TWO: SECURITY. Prior to the start of any work on the DEVELOPER's project, the DEVELOPER shall post with the VILLAGE cash or certified funds as security for the DEVELOPER's payment of such professional staff fees, costs and expenses, the sum of i) \$500 for residential variances; ii) \$5,000 for preliminary subdivision plats, preliminary planned unit development plats, final subdivision plats and final planned unit development plats; or iii) \$1,000 for all other types of requests. The VILLAGE is specifically authorized to apply this security in payment of such fees, costs and expenses in the event the DEVELOPER fails to make timely payments to the VILLAGE as required under this Agreement. The DEVELOPER is obligated to continuously maintain the original deposit amount with the VILLAGE until the project's completion.

SECTION THREE: PAYMENT. The VILLAGE shall provide the DEVELOPER with an itemized statement of fees. The DEVELOPER shall pay the VILLAGE within thirty (30) days upon receipt of the statement from the VILLAGE. If the DEVELOPER does not pay the statement within the thirty (30) day period, interest shall accrue on the unpaid balance at the rate of one and one half percent (1 1/2%) per month. The VILLAGE may also direct that all professional staff and Village staff cease work on the project of the DEVELOPER until all statements are paid in full.

SECTION FOUR: COOPERATION. The DEVELOPER shall fully cooperate with the VILLAGE, its officials and professional staff with respect to its project.

SECTION FIVE: REPRESENTATION OF VILLAGE ONLY. The DEVELOPER acknowledges that the VILLAGE's in-house and professional staff solely represents the VILLAGE and the VILLAGE's interest and do not represent the DEVELOPER.

SECTION SIX: CONFLICT. If any of the terms and provisions of this Agreement conflict with any ordinance of the VILLAGE or agreement between the parties, the terms and provisions of this Professional Fee Agreement shall supersede and control any other terms and provisions.

SECTION SEVEN: ATTORNEY'S FEES. In the event any suit or other action is brought to enforce or which otherwise affects this Agreement, or any of its provisions, the DEVELOPER, in addition to all other costs and expenses shall pay the VILLAGE's attorney's fees, expert witness fees, costs and any other associated expenses.

SECTION EIGHT: SEVERABILITY. The invalidity of any paragraph or subparagraph of this Professional Fee Agreement shall not impair the validity of any other paragraph or subparagraph. If any provision of this Agreement is determined to be unenforceable, such provision shall be determined severable and the Agreement may be enforced with such provision severed or as modified.

SECTION NINE: ENTIRE AGREEMENT. This Agreement embodies the entire agreement and understanding between the parties and there are no other agreements, representations or understandings, oral or written, between the parties with respect to the subject matter of this

Agreement. No alteration, modification, amendment or change of this Agreement shall be valid unless agreed to by the parties in writing.

Dated at New Lenox, Will County, Illinois, on the date written above.

**VILLAGE OF NEW LENOX, a Home Rule
Illinois Municipal Corporation**

(Corporate Seal)

BY: _____
Mayor

ATTEST:

BY: _____
Village Clerk

DEVELOPER

BY: _____
Its President

ATTEST:

BY: _____
Its Secretary

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Sign Posting Authorization

I, _____, being the petitioner for application(s) for _____
_____ with the Village of New Lenox Community Development
Department for proposed development concerning property located at _____
_____, hereby grant permission to the Village of New Lenox or its designee to erect signs on
the above-referenced property for the purposes of satisfying the public hearing sign posting
requirements of the New Lenox Village Code.

Dated this ____ day of _____, 20__.

Signature

Subscribed and sworn to before me this this ____ day of _____, 20__.

Notary Public

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Affidavit of Owner's Consent

I, _____, being the owner of record of property located at
_____, hereby grant permission to _____
to file (an) application(s) for _____ with
the Village of New Lenox Community Development Department for proposed development
concerning the above-referenced property.

Dated this ___ day of _____, 20__.

Signature

Subscribed and sworn to before me this this _____ day of _____, 20__.

Notary Public

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Certification of Neighborhood Notification

I, _____, hereby certify that I have met the neighborhood notification requirements of the Village of New Lenox. All property owners within 250 feet have been notified (via certified mail) of my intentions to petition the Village of New Lenox for the following request(s):

with regard to the property located at:

As evidence of such notification, copies of the notification letters and returned receipts mailed to said property owners are attached, along with the return receipt certifications.

I understand that if such evidence is not submitted to the Village prior to the scheduled Plan Commission or Zoning Board of Appeals meeting, the application will not be heard at the scheduled meeting date. I also understand that if the appropriate property owners are not notified, no action will be taken on my application.

Signature

Date

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Disclosure of Beneficiaries

I. PETITIONER _____
NAME COMPANY

ADDRESS _____

CITY STATE ZIP CODE

II. NATURE OF BENEFIT SOUGHT: _____

III. NATURE OF APPLICANT (please circle one of the following):

- a. Natural Person
- b. Corporation
- c. Land Trust / Trustee
- d. Trust / Trustee
- e. Partnership
- f. Joint Venture

IV. If the applicant is an entity other than described in Section 3, please state the nature and characteristics of the applicant: _____

V. If your answer to Section 3 was letter b, c, d, e or f, identify by name and address each person or entity who is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses, or right to control such entity:

NAME ADDRESS % INTEREST

a. _____

Disclosure of Beneficiaries
Page 2

- b. _____
- c. _____
- d. _____

Note: If your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each such entity.

VI. PERSON MAKING THIS DISCLOSURE ON BEHALF OF THE PETITIONER:

NAME CAPACITY

ADDRESS

CITY STATE ZIP CODE

VERIFICATION

I, _____, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained herein are true in both substance and fact.

BY: _____

Signed and sworn to before me on this ____ day of _____, 20__.

NOTARY PUBLIC

(Seal)