

**PETITION FOR APPROVAL OF
A SPECIAL USE PERMIT IN THE CITY
OF WOODSTOCK, ILLINOIS**

IN THE MATTER OF THE APPLICATION OF

**FOR REVIEW AND APPROVAL OF A
SPECIAL USE PERMIT IN THE CITY OF
WOODSTOCK, McHENRY COUNTY,
ILLINOIS**

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Your Petitioner, _____, respectfully represents to the Plan Commission and City Council of the City of Woodstock, Illinois, the following:

1. That _____ is the owner of record of the real estate which is hereinafter referred to as the Subject Property and which is the subject of this Petition, said real estate being legally described as follows:

PLEASE INSERT OR ATTACH LEGAL DESCRIPTION

2. That the Subject Property has a Property Identification Number (PIN) of _____.

3. That the Subject Property has an area of _____ acres, more or less, and is situated at the following address/location: _____.

4. That a survey of the Subject Property has been prepared and is attached hereto as Exhibit A.

5. That the Subject Property is presently classified as _____ zoning district.

6. That land abutting the Subject Property is presently classified as _____ zoning district to the NORTH, _____ zoning district to the SOUTH, _____ zoning district to the WEST, and _____ zoning district to the EAST.

7. That the present use of the Subject Property is _____.

8. That the Petitioner requests approval of a Special Use Permit which will allow the Subject Property to be used for _____ in accordance with the terms and provisions of the City of Woodstock Unified Development Ordinance and other applicable ordinances of the City.

9. That *if applicable and as part of the aforesaid request* for Special Use Permit approval, the Petitioner also requests approval of the following variations:

INSERT SPECIFIC VARIATIONS
(IF APPLICABLE)

10. That the Subject Property is located and well suited for the requested Special Use.

11. That taxpayers abutting, adjoining, and within two-hundred-fifty (250) feet of the Subject Property, as shown on the tax rolls of the McHenry County Assessor and listed on Exhibit B attached hereto, have been notified according to law of the required public hearing before the Plan Commission concerning this Petition.

12. As required by Section 72, Chapter 148 of the Illinois Revised Statutes when the Subject Property is owned in trust, attached as Exhibit C is an affidavit pertaining to the ownership of the beneficial interest of the trust holding title to the Subject Property and listing the names of all beneficiaries of the trust.

13. That the owner of the Subject Property does hereby allow representatives of the City of Woodstock, including its Plan Commission and City Council, to enter upon said Subject Property in order to examine it in preparation for the City's review of this Petition. The Owner and Applicant shall bear no liability or otherwise be at fault for any accident or injury incurred by public representatives who enter onto the referenced property.

14. That *if applicable*, a Natural Resources Information (NRI) Report has been prepared for the Subject Property and accompanies this petition. Also, if applicable, an EcoCAT consultation process has been initiated with the Illinois Department of Natural Resources (IDNR) and a copy of IDNR's response accompanies this petition.

15. That the required application fee and any additional retainer as may be required by ordinance has been paid to the City of Woodstock.

In consideration of the above representations, your Petitioner requests that (i) the Chairman of the Plan Commission of the City of Woodstock set a date, time, and place for a public hearing on the contents of this Petition; that (ii) the Plan Commission, after the taking of testimony and viewing of exhibits presented during said public hearing, recommend to the City Council of the City of Woodstock approval of the requested Special Use Permit and any variations requested concurrently with said Special Use Permit; and that (iii) the City Council of the City of Woodstock approve the requested Special Use Permit and any variations requested concurrently with said Special Use Permit.

SIGNATURES: As owner of the Subject Property, I hereby authorize the seeking of the above requested action.

_____	_____
Signature of Owner	Date:
_____	_____
Print Name of Owner	
_____	_____
Signature of Petitioner (if different from owner)	Date:
_____	_____
Print Name of Petitioner	

NOTE: If the Subject Property is held in trust, the trust officer must sign this petition as owner.

Items in parenthesis/italics are to be added by the Petitioner

PROJECT REVIEW APPLICATION CITY OF WOODSTOCK, ILLINOIS	
Date:	
Project Name:	
Requested Review	Special Use Permit (and variations, if applicable)
Project Type:	<i>(residential, commercial, industrial, institutional, etc.)</i>
Project Location:	<i>(address/location)</i>
Project Description:	
Property Owner:	
Property Owner's Address:	
Applicant – if not Owner:	
Applicant's Address:	
Statement of Applicant's Interest:	<i>(owner's representative, attorney, engineer, etc.)</i>
Attorney (if applicable):	
Engineer (if applicable):	
Surveyor (if applicable):	
Other:	
Owner's Signature:	
	Date:
Applicant's Signature:	
	Date:

SAMPLE PUBLIC HEARING LEGAL NOTICE

ITEMS IN PARENTHESIS/ITALICS ARE TO BE ADDED BY THE PETITIONER.
THE COMPLETED LEGAL NOTICE MUST BE REVIEWED BY CITY STAFF
BEFORE MAILING OR SUBMITTING FOR PUBLICATION.

PUBLIC HEARING LEGAL NOTICE

Notice is hereby given in compliance with the City of Woodstock Unified Development Ordinance that the City of Woodstock Plan Commission will conduct a public hearing on *(date to be provided by City)* at 7:00 p.m. in the City Hall Council Chambers (2nd Floor) at 121 West Calhoun Street, Woodstock, Illinois. The hearing will be in regards to a petition submitted by *(name of petitioner, trust, etc.)*, for approval of a special use permit to allow *(describe requested special use)* for the real estate generally located at *(address/location of property)*.

A copy of the petition which is the subject of this public hearing is on file and available for public viewing at Woodstock City Hall. Anyone wishing to comment may attend the meeting and be heard. Written comments may be submitted to the Department of Building & Zoning Department at City Hall on or before 5:00 p.m. on the day of the hearing, or during the hearing and prior to its close.

/s/ Plan Commission Chair

To be published on: *(date of publication)*.

<p>WOODSTOCK UNIFIED DEVELOPMENT ORDINANCE TEXT REGARDING SPECIAL USE PERMITS</p>
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4.4 Special Use Permits

Detailed plans, drawings, and other information as specified by this Ordinance shall be required for the various meetings and hearings at such time as prescribed by the Building & Zoning Department. Special use permit applications may be filed and processed concurrently with other development applications.

4.4.2 Content Requirements

The application for a special use permit shall include but is not limited to the following items which shall be provided prior to the public hearing:

- A. The name and address of the owner of the subject property and, if applicable, the name and address of the owner's authorized representative.
- B. The general location of the subject property, its present zoning status, its area in acres or square feet, a survey and legal description of the subject property, and its permanent Parcel Index Number (PIN).
- C. A detailed description of the special use requested and how it relates to the use and zoning status of surrounding properties and to the City's comprehensive planning documents. If the subject property is vacant and undeveloped, a detailed site plan shall be submitted which depicts how the subject property is intended to be developed.
- D. A Natural Resources Information (NRI) Report prepared by the McHenry County Soil and Water Conservation District or correspondence from said District indicating that an NRI Report is not necessary. If the subject property is already developed an NRI Report may not be required.
- E. An Endangered Species Consultation Program Agency Action Report from the Illinois Department of Natural Resources. If subject property is already developed or part of an existing development, an Endangered Species Consultation Program Agency Action Report may not be required. (*Note: this may be provided by the City*).
- F. A "consent to on-site inspection" form signed by the applicant or owner. (*Note: this can be included as part of the special use petition*).
- G. If the subject property is vacant and undeveloped, and not part of a platted subdivision, information shall be provided which depicts any floodplain or wetland features, existing vegetation, trees having a diameter measured at breast height (dbh) of four (4) or more inches, and existing stormwater drainage flows.

4.4.3 Public Hearing Notice

Upon receipt of the required application and a determination that it is complete, the Building & Zoning Director shall authorize the scheduling of a required public hearing before the Plan Commission. Neighbor, newspaper, and posted notices shall be provided for all public hearings in accordance with the requirements of this Ordinance. Owners of all property within 250 feet of the subject property shall be notified. The petitioner shall deliver in person or mail notice by certified mail, return receipt requested, to either (1) the owner(s), as recorded in the office of the McHenry County Recorder of Deeds; or (2) the

person(s) who last paid property taxes as reflected in the tax records of the McHenry County Treasurer. (Ordinance Number 09-O-64, adopted October 20, 2009). The hearing process shall be pursuant to the requirements of this Chapter. *(Note: the City will arrange to have the subject property posted).*

4.4.4 Plan Commission Review and Action. The Plan Commission shall hold a public hearing on the special use permit application and make a recommendation to the City Council, based on the special use permit approval criteria set forth herein. Such a recommendation shall be made within thirty (30) days following the date on which the required public hearing is concluded and closed. This time frame may be extended to a specific date at the request of the Plan Commission subject to the petitioner agreeing to such extension. The Plan Commission may recommend approval, denial, or approval with conditions of the requested special use permit. If a recommendation cannot be made, the special use permit application shall be forwarded to the City Council for final consideration.

4.4.5 City Council Review and Action

After receiving required recommendations, the City Council shall review the application and approve, approve with conditions, or deny the proposed special use permit. The City Council's action shall occur within thirty (30) days following the date on which the application is placed on a City Council meeting agenda and consideration of the application commences. This time frame may be extended to a specific date at the request of the City Council subject to the petitioner agreeing to such extension.

4.4.6 Special Use Permits and Variations

When a variation is requested as part of a special use permit petition, the Plan Commission shall consider said request and conduct a public hearing on the special use petition and the variation. After the conclusion of such a hearing, the Plan Commission shall present its recommendation regarding the combined special use permit petition and the variation to the City Council. Such a recommendation shall be made within thirty (30) days following the date on which the required public hearing is concluded and closed. This time frame may be extended to a specific date at the request of the Plan Commission subject to the petitioner agreeing to such extension. In such instances the Plan Commission shall serve in lieu of and with the same power and authority of the Zoning Board of Appeals. Procedures and criteria applicable to the Zoning Board of Appeals, including public hearing notice requirements, as set forth in Section 4.5 herein shall apply to and be used by the Plan Commission when such a variation is considered. If a recommendation cannot be made, the combined special use permit and variation application shall be forwarded to the City Council for final consideration.

4.4.7 Special Use Permit Approval Criteria

Special use permit applications may be approved after a finding that the following approval criteria have been addressed.

- A. That the special use will not impair or be detrimental to the public health, safety, morals or general welfare of persons residing or working in the vicinity.
- B. That the special use will not negatively impact or conflict with neighboring land uses or negatively affect the value of neighboring property.
- C. That the special use will not conflict with the general goals and objectives of Woodstock's comprehensive planning documents.

- D. That the special use will be designed, constructed, operated and maintained in a manner that is compatible with the existing or desired character of the surrounding area.
- E. That additional traffic which may occur as a result of the special use will not be detrimental to public safety and welfare.
- F. That the special use can be served by public facilities and services, and by private utilities.
- G. That the special use will comply with applicable City ordinances unless varied or waived by the City Council as part of the special use permit approval process.

4.4.8 Findings of Fact

Special use permit applications shall be supported by findings of fact specifying the reasons and justification for the decision.

ADDITIONAL INFORMATION REGARDING SPECIAL USE PERMITS

NATURAL RESOURCES INFORMATION (NRI) REPORT

A Natural Resources Information Report (NRI) is required as part of the submittal materials when a request for a Special Use Permit is made to the City. The requirement for an NRI may be waived when the property is already developed and the impact on the natural environment is insignificant. An NRI is provided for a fee from the McHenry-Lake County Soil & Water Conservation District, located at 1648 South Eastwood Drive, Woodstock, IL 60098. The District can be contacted by telephone at 815-338-0099.

ENDANGERED SPECIES CONSULTATION

An EcoCAT consultation through the Illinois Department of Natural Resources (IDNR) may be required. The EcoCAT consultation process allows local governments to consider the potential adverse effects of proposed actions on Illinois endangered and threatened species and sites listed on the Illinois Natural Areas Inventory. EcoCAT uses databases, geographic information system mapping, and a set of programmed decision rules to determine if a proposed action may be in the vicinity of protected natural resources. A natural resource review report will be generated that either (i) terminates consultation if no resources are in the vicinity, or (ii) lists resources that may be in the vicinity and identifies the IDNR staff member who will review the action. After review, IDNR will terminate consultation because adverse effects are unlikely, request additional information, or recommend methods to minimize potential adverse effects.

An EcoCAT consultation is required when City approval to change the use of land from a non-urban use to a new use (e.g. from agricultural to residential) or new use for land not developed and used in its entirety for commercial, industrial, or residential purposes. Special use permit requests for land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes are typically exempt from EcoCAT consultation. The City may delegate this responsibility to the parties seeking rezoning approval. EcoCAT consultation process can be initiated at <http://dnr.state.il.us>.

DESCRIPTION OF HOW SPECIAL USE RELATES TO COMPREHENSIVE PLANNING DOCUMENTS

A detailed description of how the proposed Special Use relates to Woodstock's comprehensive planning documents is required. If the Subject Property is vacant and undeveloped, a detailed site plan depicting how it is intended to be developed is required. If the Subject Property is vacant and undeveloped, and not part of any platted subdivision, information shall be provided depicting floodplain and wetland features, existing vegetation, stormwater drainage flow, and tree species having a diameter measured at breast height (dbh) of four (4) or more inches.

MEETING/PUBLIC HEARING DATES ARE DETERMINED BY CITY STAFF

A public hearing regarding a requested Special Use Permit cannot be scheduled until the application is complete and necessary revisions have been made, and all required fees are paid. The Special Use Permit public hearing will then be scheduled for the next available Plan Commission meeting. The Petitioner will be notified of the meeting date.

APPLICABLE FEES

Fees for the special use application will be determined by the City.