



**CITY OF ELMHURST**

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Conditional Use Application Packet

Revised: September 2022

## **PROCESS OVERVIEW**

A request for a Conditional Use typically takes three to four months for review. The process includes a pre-application conference, submittal of the application and associated documentation, a comprehensive review of plans by all City Departments, legal notice distribution, posting of public hearing sign and the notification period.

The Zoning and Planning Commission will conduct a public hearing for all Conditional Use requests. A subsequent meeting of the Zoning and Planning Commission is held to deliberate and recommend approval or denial of the Conditional Use application.

The Development, Planning and Zoning Committee (DPZ) of the City Council then considers the Zoning and Planning Commission recommendation. The DPZ composes a separate recommendation to the City Council.

Finally, the request will go before the full City Council for consideration of the DPZ report and an ordinance to grant the request. This overview is provided only as a summary of the Conditional Use request process. This full packet contains specific information about requirements and expectations for each step in the Conditional Use process.

## **APPLICANT / PETITIONER RESPONSIBILITIES FOR A CONDITIONAL USE**

- The applicant and property owner must be present at the public hearing of the Zoning and Planning Commission, the Zoning and Planning Commission deliberation, the DPZ Committee meeting, and the initial City Council final approval meeting.
- The applicant must submit a completed application with appropriate exhibits for processing.
- The applicant must respond to requests for additional information or clarification from City Staff.
- It is strongly recommended that the applicant speak to the owner of each property that is adjacent to the subject property prior to filing the application.
- The applicant must arrange for the installation of the public hearing sign and the submittal of an affidavit verifying installation within the required notice period.
- At the public hearing of the Zoning and Planning Commission, the applicant must present their case to the Commission.
- At the public hearing of the Zoning and Planning Commission, the applicant must speak before the Commission (for the official transcript) addressing specifically each of the standards for Conditional Use.
- The following standards for Conditional Use must be entered into the record at the public hearing:

- a. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
  - b. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - c. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - f. The proposed Conditional Use is not contrary to the objectives of the current Comprehensive Plan for the City of Elmhurst; and
  - g. The Conditional Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Commission.
- Again, the applicant and property owner must be present at the public hearing of the Zoning and Planning Commission, the Zoning and Planning Commission deliberation, the DPZ Committee meeting, and the initial City Council final approval meeting to respond to any questions or issues regarding the subject case.

### **PRE-APPLICATION MEETING**

Applicants are encouraged to consult with City of Elmhurst staff on proposed requests for a Conditional Use permit before submitting an application. Staff is available by appointment at the Community Development Department Monday through Friday from 8:30 a.m. to 5:00 p.m.

This conference will provide the petitioner with an opportunity to present a general concept to staff of the Conditional Use to be requested. This will also allow the Community Development Department staff to determine what items will be required for submittal of the formal application, and to suggest any necessary adjustments to the request. This step is very important in order to save time, effort, and expense throughout the rest of the process.

### **COMPLETE APPLICATION SUBMITTAL**

The applicant must submit a complete application to the Community Development Department to start the Variation process. The application can either be submitted electronically or on paper. Applications should be submitted at least 45 days prior to the expected public hearing date.

The following items and information are a part of the Conditional Use application:

- 1) Completed Conditional Use application with authorized signatures
- 2) Responses stating how the Conditional Use standards contained in Section 22.26 of the Elmhurst Zoning Ordinance, have been met
- 3) Project impact statement describing the reasons for the Conditional Use
- 4) Evidence of ownership such as copy of deed, affidavit, contract purchase, or disclosure of beneficial trust
- 5) Current plat of survey showing lot lines, any buildings on the property and legal description of the subject property (if paper submittal 1 folded copy no smaller than 11" x 17")
- 6) Site plan for proposed development (if paper submittal 1 folded copy no smaller than 11" x 17")
- 7) Accompanying plans for elevations, landscaping, parking, etc. where applicable (if paper submittal 1 folded copy no smaller than 11" x 17")
- 8) Photographs, traffic study, parking study or other materials requested by City Staff (10 copies)
- 9) Check for \$750.00 Conditional Use application fee, made payable to the City of Elmhurst.

Each Conditional Use application is distributed to various City Departments: Building, Engineering, Fire, Police and Public Works for comment. The Community Development Department staff will forward any comments to the applicant generated from this review.

The applicant is responsible for responding to any and all issues derived from the City's review. This internal process is intended to allow City Staff the ability to review, discuss and resolve site problems and more directly communicate the City's requirements to developers, residents and others. By identifying the applicable codes and ordinances through this process, costly delays from oversights or incomplete applications may be avoided.

After the application has been submitted and all City issues, if any, have been addressed the case will be placed on the next available Zoning & Planning Commission agenda.

## **PUBLIC NOTIFICATIONS AND SIGNS**

- **Public Notice**

Must be published at least once, thirty to fifteen days before the scheduled public hearing, in one or more newspapers with a local circulation. City of Elmhurst Planning and Zoning Staff will provide this service.

▪ **Notice to Near-by Property Owners**

Must be sent by first class mail to all owners of property within 500' of any lot line of the property for which the Conditional Use is requested. City of Elmhurst Planning and Zoning Staff will provide this service.

▪ **Public Hearing Sign**

A sign must be posted on the property by 9:00 a.m. at least 15 days before the public hearing. The applicant must remove the sign within ten days of any final action. Installation and cost of the sign is the responsibility of the Petitioner. City Staff recommends using a local sign company familiar with the specifications of the public hearing sign. The Petitioner must also provide an affidavit stating that the sign has been posted. The sign must meet the following requirements:

*Appearance of Sign:*

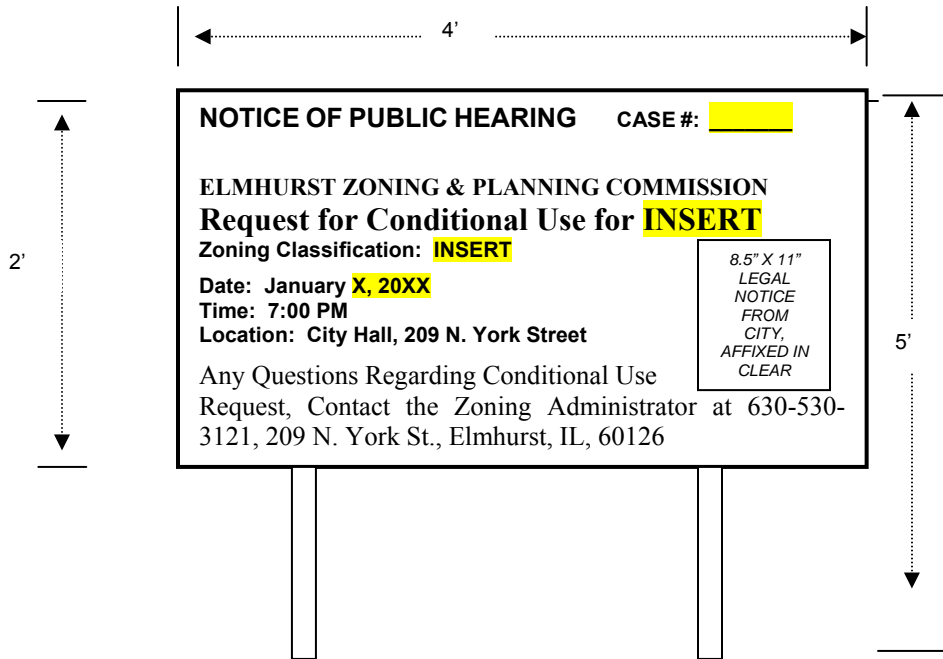
- ✓ Free-standing ground sign, no higher than five feet in overall height
- ✓ Sign face no larger than eight square feet, with no dimension smaller than two feet in length
- ✓ White background with black lettering in bold print, the lettering to be no less than 1 inch in height and ¾ inches wide
- ✓ Setback no less than 12 feet from property line and no closer than 10 feet from any structure on lot

*Sign Information:*

- ✓ Present zoning classification of the property
- ✓ Requested Conditional Use
- ✓ Date, time, and place of public hearing
- ✓ 8½ inch x 11-inch copy of the legal notice from the City of Elmhurst attached to the sign in a clear plastic cover
- ✓ This statement: QUESTIONS REGARDING THE SUBJECT CASE, CONTACT THE ZONING ADMINISTRATOR (630) 530-3121, 209 N. YORK ST, ELMHURST, IL 60126.

**NOTE:**

**THE PUBLIC HEARING SIGN MUST REMAIN POSTED UNTIL THE CITY COUNCIL HAS TAKEN FINAL ACTION. THE SIGN MUST BE REMOVED WITHIN TEN (10) DAYS OF SUCH FINAL ACTION.**



**ZONING & PLANNING COMMISSION**

The public hearing is an opportunity for the Zoning & Planning Commission to hear and assemble a record of testimony from the applicant and other concerned parties regarding the requested Conditional Use.

At the public hearing of the Zoning and Planning Commission:

- The applicant and owner must be present. The applicant and owner of the subject property must be present at the public hearing of the Zoning & Planning Commission in order to answer any questions or to respond to requests for further information.
- A court reporter will be present to record all verbal testimony provided at the public hearing, ultimately producing a transcript for each case.
- The applicant must speak before the Commission (for the official transcript) addressing the requested proposal and each of the standards for Conditional Use. The Conditional Use standards are as follows:
  - a) That the establishment, maintenance, or operation of the Conditional Use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

- b) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - c) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - f) That the proposed Conditional Use is not contrary to the objectives of the current Comprehensive Plan for the City of Elmhurst; and
  - g) That the Conditional Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Commission.
- The applicant may have to respond to questions from Commission members and/or interested parties in the audience. All communications and responses to questions or issues should be addressed to the Zoning & Planning Commission.

Typically, the Commission members will place the subject case on their next agenda for deliberation and may request further information from the staff and/or applicant. At their next meeting the Zoning & Planning Commission will deliberate on the case and vote to recommend either approval or disapproval of the request to City Council. In order for the Zoning & Planning Commission to recommend approval of the Conditional Use request, the Zoning & Planning Commission must find that the proposed Conditional Use meets the standards described above.

### **DEVELOPMENT, PLANNING AND ZONING COMMITTEE (DPZ)**

The recommendation of the Zoning & Planning Commission will be forwarded to the Development, Planning and Zoning Committee. The Committee will consider the information in the Zoning & Planning Commission report and the transcript of the public hearing, as well as any other information the members of the Committee consider relevant in order to develop a recommendation for the full City Council. The Development, Planning and Zoning Committee will forward their recommendation to the full City Council.

The applicant is required to attend the Development, Planning and Zoning Committee meeting, which is held the second and fourth Mondays of each month. The Planning and Zoning staff will inform you when you will be placed on the DPZ agenda.

## CITY COUNCIL

In this final step, the City Council will take into consideration all of the information compiled thus far in the process. At the first of the two City Council meetings for each case, the Council will vote to accept or not accept the report of the Development, Planning & Zoning Committee. It is expected that the applicant attend this meeting, which are held the first and third Mondays of each month.

At the next regularly scheduled Council meeting, the Council will make a decision to either approve or disapprove an ordinance that would allow the requested Conditional Use. After the ordinance is approved and signed by the Mayor and the City Clerk, the applicant must remove the public notice sign from the property.

The applicant will have six months from the date of approval to begin the building process by applying for a building permit. If no action has been taken in six months, the ordinance granting the Conditional Use will be revoked.



CONDITIONAL USE PROCESS

