EXAMPLE - Special Use Public Hearing Packet

Scenario: Barbie, Ken, and Midge are seeking to open and operate a community center in Chicago's 44th Ward. They found a vacant library building that they thought would be perfect for this use. However, when they went to file their paperwork with the City, they discovered that they would need to file for a Special Use with the Zoning Board of Appeals. This is because the property they purchased is zoned RM-4.5 which requires Special Use approval to operate a community center on that property. Following the receipt of their Zoning Denial, they submitted a Special Use Application to the Zoning Board of Appeals. What follows is a copy of their Public Hearing Packet.



Address of the Subject Property

www.chicago.gov/zba • City Hall Room 905 • 121 North LaSalle Street Chicago, Illinois 60602 • (312) 744-3888

ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

SPECIAL USE PUBLIC HEARING PACKET

Everything submitted in this packet will be made available for public inspection.

CONTENTS				
P. 1-2	APPLICATION INFORMATION	P.6-11	PROPOSED FINDINGS OF FACT	
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P.4	OVERVIEW OF SPECIAL USE CRITERIA	P.14-15	PHOTOGRAPHS	
P.5	PROJECT NARRATIVE	P.16-17	PLANS & REPORTS	

INFORMATION ABOUT THE APPLICATION

Ward, Zoning District, & Neighborhood	2	WARD NEIGHBORHOOD	ZONING DISTRICT	To find your zoning https://gisapps.chi	district, go to: cago.gov/ZoningMapWeb/
Name of person who submitted the application	3	NAME			
The person who submitted the application is	4	□ Self-Represented □ Applicant's Zoning Attorney □ Applicant's Principal Representative (if a legal entity)			
		İnfo	RMATION ABOUT T	HE APPLICANT	
Full name of Applicant	5	NAME			
The Applicant is a(n)	6	CHECK ONE	□ Individual <i>(if s</i> □ Legal Entity	selected, skip to box #	#9)
Type of legal entity	7	☐ LLC ☐ Other	☐ Corporation	□ Trust ———	☐ Nonprofit
List the name(s) and title(s) of the Applicant's principal representative(s) present at the hearing.	8	NAME(S) • •		TITLE(S) • • •	

ADDRESS

BACP, Building Code, Health, Safety Violations	9	Has the owner/operator of the proposed special use received notice of any violations in terms of business operations, building code, licensing, health, or safety within the last 24 months? Yes No If yes, explain:

BACKGROUND OF THE SUBJECT PROPERTY		
Property Type	10	CHECK ONE ☐ Vacant land (If selected, skip to box #12)
		☐ Improved land (i.e. has existing building/structures/paving)
Description of		
improvements (e.g. Property contains a single- story commercial building & parking lot)	11	
Building Exterior	12	As it relates to the exterior of the building, the applicant will be:
		□reusing an existing building with no exterior modification
		\square modifying the exterior of an existing building
		□ constructing a new building
Descriptive Statement	13	(Copy and paste the descriptive statement from the Official Denial of Zoning Certification here)

INSTRUCTIONS

- ➤ **Project Narrative.** In your own words, explain to the ZBA why you are seeking a special use. This is an opportunity to provide an overview of your business/organization, your plans and goals, what you hope to accomplish, etc. Page 5.
- ▶ Proposed Findings of Fact. Review the Special Use Criteria on page 4, then on pages 6-11 provide your answers to how this application meets each of the 5 Special Use criteria. All answers must be (1) fact-based; (2) based solely on the Applicant's and any additional witness's personal knowledge; and (3) non-conclusory (i.e. must be able to explain why a conclusion was reached). At the bottom of each answer, list the names of the people (your witnesses) who contributed to the answer and any exhibits you relied on. Witnesses must certify the truthfulness of any answer they contributed to and must be present the day of the hearing and able to testify if asked by the ZBA. Witness certifications are located in Exhibit A on page 13.
- Signature and Certification. Applicants must certify the truthfulness and accuracy of their application. Page 12.
- ➤ Witness Certification. Any witnesses who you plan to have testify at the public hearing, must also swear to the truthfulness and accuracy of their contributions to the application. The signature page is part of Exhibit A on page 13.
- ➤ **Photographs.** Required photographs shall be attached as part of Exhibit B. Further instructions are on page 14.
- ➤ Plans and Additional Evidence. All additional evidence, including site plans, landscape plan, architectural drawings, etc. shall be attached as Exhibit C1, C2, etc. and fill out Table of Exhibits C accordingly on page 16.
- ➤ Expert Reports (optional). As there are circumstances where an expert witness might be helpful to bolster a case, parties may hire expert witnesses to testify in support of their position. However, no party is required to hire an expert witness. Any testimony by expert witnesses must be accompanied by a written report and a copy of their CV. As it relates to the Special Use Approval Criteria, Reports must explain why a conclusion was reached. Attach expert witness reports as Exhibit D1, D2, D3, etc. and fill out Table of Exhibits D accordingly on page 17. Expert witnesses include but are not limited to certified real estate appraisers and land use planners.
- Please note that all these requirements do not and are not intended to provide legal advice. If you have questions regarding this application, please consult a zoning attorney. The Zoning Board of Appeals and its staff cannot provide legal advice.

OVERVIEW OF CRITERIA

Criteria for a Special Use. Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the Zoning Board of Appeals finds that the proposed use in its proposed location meets <u>all</u> of the following criteria:

(1) It complies with all applicable standards of the Chicago Zoning Ordinance

Facts you might consider: • Besides the requirement to apply for a special use, is there any other reason the proposed use would not comply with the Chicago Zoning Ordinance? If so, is it being addressed at the same hearing? (i.e. a variation application).
• How does the proposed use fit the bulk and density standards of the zoning district?

(2) It is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community

Facts you might consider:

Public Convenience: •What are the benefits to the public? •Do the benefits of granting the special use outweigh any adverse effects? • If there are adverse effects, would they be limited/restricted to a particular person/small group? •Will the community at least derive some benefit?

General Welfare: •Will the granting of the special use have a negative impact on health, safety, environment, property values of the community? •Would the special use contribute to or increase crime in the area? •Is there a proximity to sensitive land uses such as schools, youth centers, hospitals, senior housing, homeless shelters etc. which it would negatively impact?

(3) It is compatible with the character of the surrounding area in terms of site planning and building scale and project design

Facts you might consider: •Will the applicant be reusing an existing building? • Is building height, number of floors similar to those in the area? •Does the proposed use visually fit in with the surrounding area? •Would the special use negatively impact the aesthetics or balance of the neighborhood?

(4) It is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation

Facts you might consider: •What are the hours of operation for your establishment? •How do your hours of operation compare to the hours of operation of neighboring establishments in the area? •How is the lighting in the area? •What are your plans, if any, for outdoor lighting? •How would you characterize the noise of the surrounding area? Is it high/medium/low traffic (vehicle and/or pedestrian)? • Do you anticipate noise being a problem? If so why, and what would you do to limit it? If not, why not? •Will this use generate primarily pedestrian or vehicle traffic? If the special use will generate vehicle traffic, would it be out of character, excessive, or hazardous for the area? If the special use would generate excessive vehicle traffic, what are the plans to mitigate traffic? •Is there parking or a need for parking? If so, are there any plans for parking?

(5) It is designed to promote pedestrian safety and comfort

Facts you might consider: •Would plans interfere with pedestrian right of way? •Would plans interfere with a bus stop? • Is there an issue with the landscaping or anything else that might create blind spots or block sight lines for pedestrians? •What pedestrian-focused accommodations do you plan on making? (e.g. bike racks, outdoor seating, plans for ice/snow/debris removal) • What pedestrian-focused design features will the project have? (e.g. sufficient sidewalk space, minimizing falling/tripping hazards such as damaged/cracked/uneven surfaces, building entrances oriented toward the street, sidewalk width accommodates those with disabilities such as wheelchair users). •If building parking lot or drive-through, what are you doing to promote safe pedestrian crossing and reduce conflict points between vehicles and pedestrians?

Note: the "facts you might consider" under each criterion are provided to assist applicants and witnesses in providing comprehensive answers to the standards, but are by no means a required, exhaustive, or determinative list, and are not intended to be legal advice. If you are uncertain how to answer the criteria, please consult a zoning attorney.

PROJECT NARRATIVE

In your own words, explain why you are seeking a special use:

PROPOSED FINDINGS OF FACT

Instructions: Explain to the ZBA why or how your proposed special use meets the 5 standards below. Applicants may add addenda if they run out of room but must begin writing their answers on this form. Please note that failure to submit clear and comprehensive answers may result in a delay of your hearing and/or dismissal or denial of your case.

A (1). The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance
Select and complete <u>one</u> of the following which best fits your application:
☐ The subject property is located in a [insert zoning designation] zoning district. Since a(n) [insert proposed use] is a special use in this zoning district, the Applicant requires a special use. The proposed use complies with all other standards set forth in the Chicago Zoning Ordinance because it is only the requirement to request a special use from the Zoning Board of Appeals that prevents full compliance with all applicable standards of the Chicago Zoning Ordinance.
OR
☐ The proposed use complies with all applicable standards of the Chicago Zoning Ordinance because:
List witnesses who contributed & exhibits relied on for a(1):

significant adverse impact on the general welfare of the neighborhood or community. <i>Explain why/how:</i>
The proposed special use is in the interest of the <u>public convenience</u> because:
The proposed special use will not have a significant adverse impact on the <u>general welfare</u> of the
neighborhood or community because:
List witnesses who contributed & exhibits relied on for a(2):

A (2). The proposed special use is in the interest of the public convenience and will not have a

(3). The special use is compatible with the character of the surrounding area in terms of anning and building scale and project design. Explain why/how:	site
st witnesses who contributed & exhibits relied on for a(3):	

A (4). The special use is compatible with the character of the surrounding area in terms of
operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. <i>Explain why/how:</i>
List witnesses who contributed & exhibits relied on for a(4):

A (5). The special use is designed to promote pedestrian safety and c	omfort. Explain why/how:
···(e)······ openiation in anoignous opinions pour continuit out of	
List witnesses who contributed & exhibits relied on for a(5):	

Additional Findings
\Box 1. This Special Use Application is for a General Special Use and requires no additional
ndings. If checked, proceed to the signature and certification on the page 12
\Box 2. This Special Use Application is for a non-general special use listed below (check all
nat apply):
□ Special Use is located in a Planned Manufacturing District (PMD) under 17-13-0905-C.
□ Special Use is a Business Live/Work Unit under 17-13-0905-E
□ Special Use is a Freestanding Wireless Communication Facility under 17-9-0118-D(2).
□ Special Use is a Waste-Related Use under 17-13-0905-B(1).
□ Special Use is a Sanitary Landfill under 17-13-0905-B(1), (2), & (3)
□ Special Use is a Liquid Waste Handling Facility under 17-13-0905-B(1) & (2).
□ Special Use is a Resource Recovery Facility or Incinerator under 17-13-0905-B(1), (2), & (4).

If any of the above are checked, complete and attach the <u>Findings of Fact Insert for Non-General Special Uses</u> (available on the ZBA website) behind this page.

☐ Special Use is a **Cannabis Business Establishment** under 17-13-0905-G.

If this special use is a cannabis business establishment, meaning an Adult Use Cannabis Dispensary, Medical Cannabis Dispensary, Cannabis Craft Grower, Cannabis Infuser, Cannabis Processor, Cannabis Cultivation Center, you must also complete the <u>Cannabis Supplemental Packet</u>.

APPLICANT SIGNATURE AND CERTIFICATION

Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the above statements in the proposed Findings of Fact and statements on any documents, photos and/or drawings submitted herewith are true, correct, and complete as of the date signed to the best of my knowledge and belief.

EXHIBIT A

WITNESS CERTIFICATIONS

Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the above statements <u>for which I contributed to</u> in the proposed Findings of Fact and statements on any documents, photos and/or drawings <u>I contributed</u> to herewith <u>are true, correct, and complete</u> as of the date signed to the best of my knowledge and belief. I further certify that if asked by the ZBA to testify to or be cross-examined about my contributions for this application, I would be able to do so.

Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature	Ken	Signature <i>Midge</i>
Date		Date
Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature	Allan	Signature
Date		Date
Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature		Signature
Date		Date
Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature		Signature
Date		Date

EXHIBIT B

PHOTOGRAPHS

<u>Instructions:</u> As part of the proposed findings of fact, you must include photographs of the subject property and surrounding area. As a reminder, the ZBA does not conduct site visits or do independent research. All the ZBA is able to consider is the information you submit into the record (i.e. testimony, evidence, photographs, maps, plans, etc. that you provide in your application and proposed findings). Failure to provide a clear and comprehensive application may result in a delay of your hearing and/or a dismissal or denial of your case.

Photo Specifications:

- The photos attached must show the property and neighborhood in its current condition.
- Every photograph <u>must</u> be labeled with an exhibit number, a description of the photo, and the date it was taken (e.g. B1. View of the front of the subject property, 121 N. LaSalle, facing N. LaSalle St. 6/08/2023)
- Screenshots from Google Street View and other online photographs may not be submitted for the required photographs with a <u>ground level view</u>. However, for the <u>overhead view (B11)</u>*, Google Maps and other satellite imagery will be accepted.
- Exhibits B1-B11 are required, though applicants may provide additional photos.

Tips:

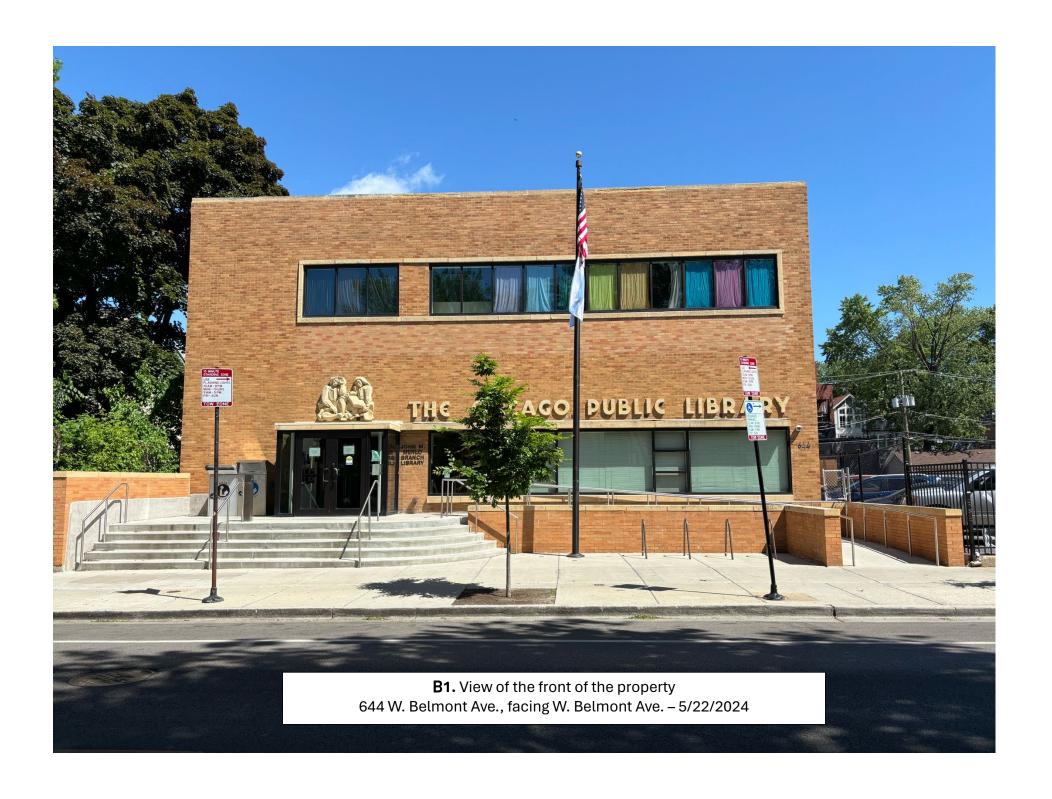
- Photos including neighboring properties should be taken from a location on public property (i.e. don't trespass).
- Panoramic photos may be helpful for showing the character of the neighborhood/surrounding area.
- If trying to make the case that there are other similarly situated properties in the area, it would be helpful to include photos of them and label them on a map in relation to your property.

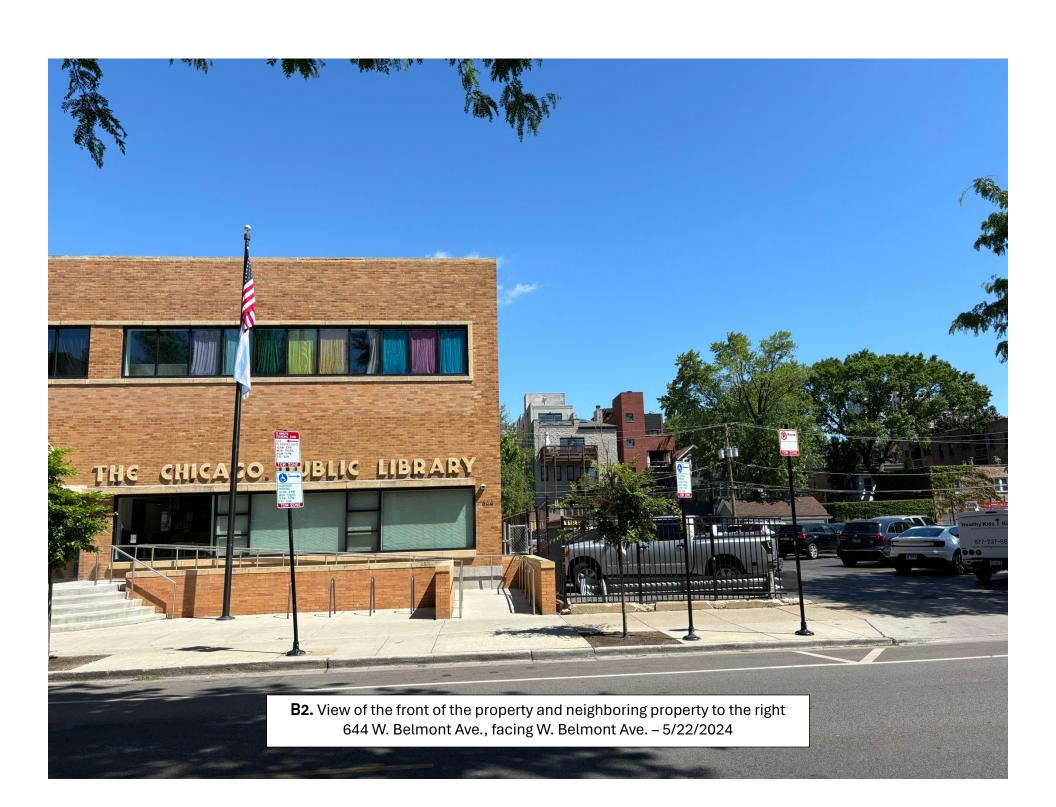
Table of Exhibits - B

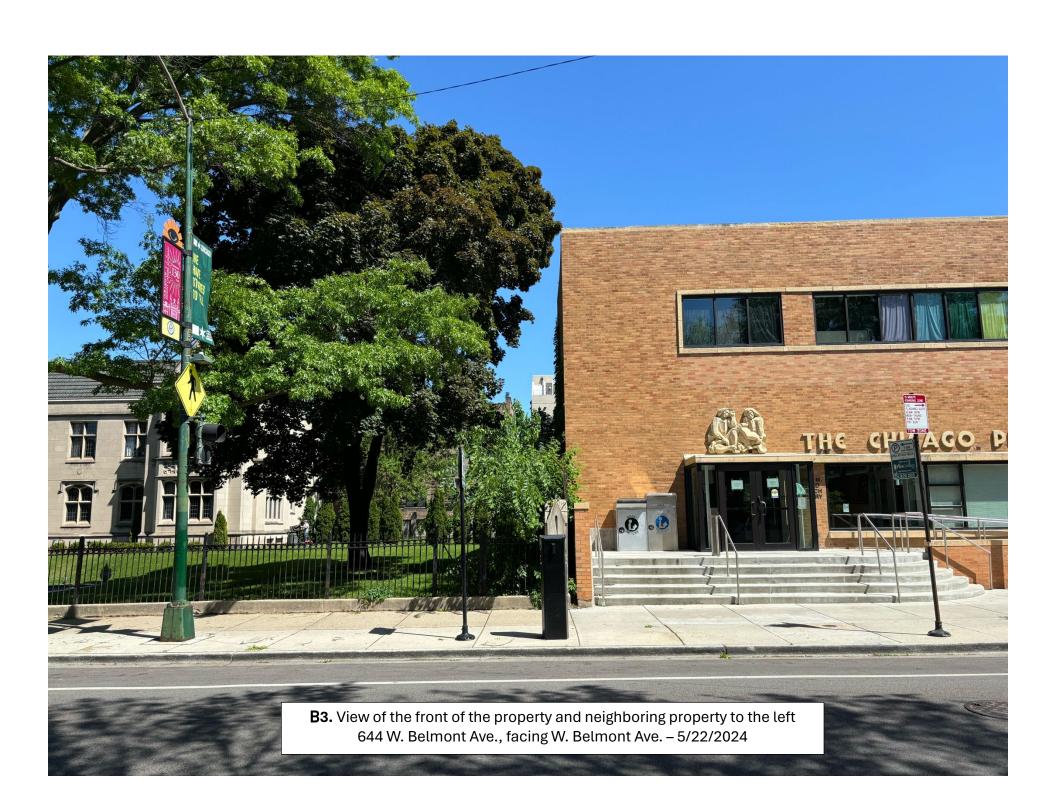
Exhibit Number	Description of the Exhibit.
B1	View of the front the property
B2	View of the front of the property also showing the neighboring property to the right
В3	View of the front of the property also showing the neighboring property to the left
В4	Across the way - standing at the front of the property, take a photo of what you see across the street from you (standing with your back to the front of the property).
B5	Side views of the property (if applicable).
В6	View of the rear of the property.
В7	View of the rear of the property also showing the neighboring property to the right.
B8	View of the rear of the property also showing the neighboring property to the left.

В9	Rear across the way - view of the area that the rear of the property faces (standing near the edge of your property with your back to the rear of your property, take a photo of the property directly across from you).
B10	Any photos that help demonstrate the character of the neighborhood.
B11	Overhead view* of the property and surrounding area (may use online photo/satellite map for this one). The property must be labeled and include the date accessed if using satellite imagery.

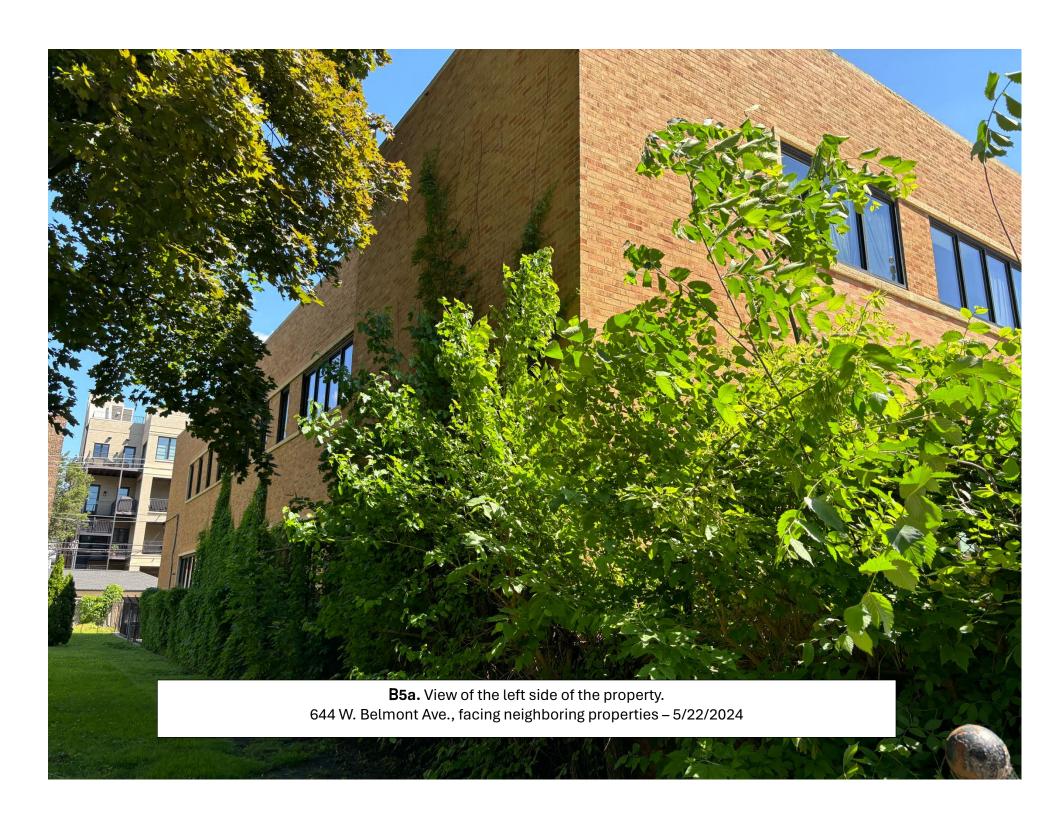
[ATTACH THE PHOTOGRAPH EXHIBITS BEHIND THIS PAGE]



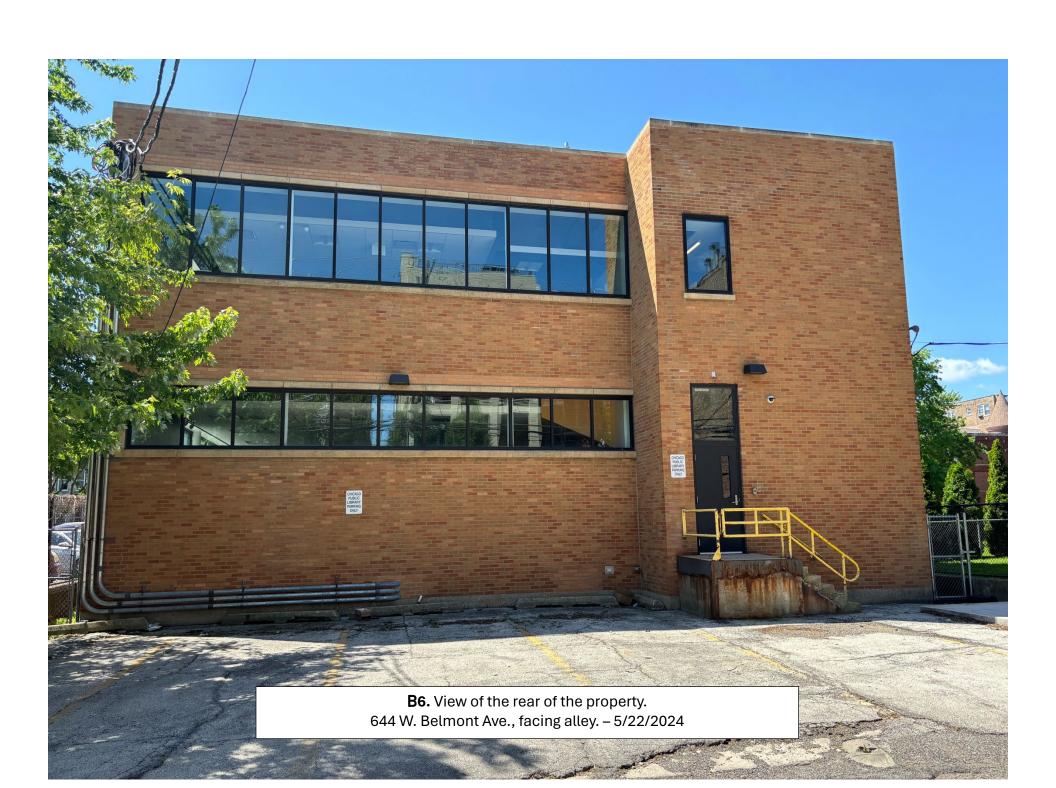


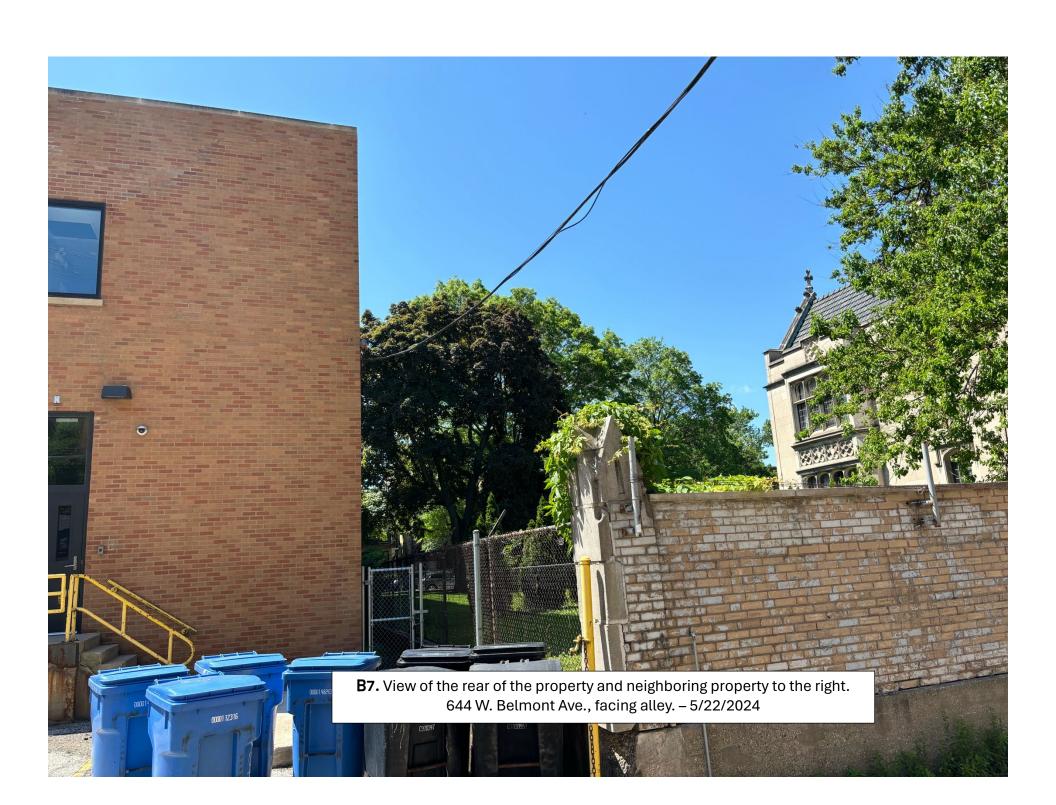


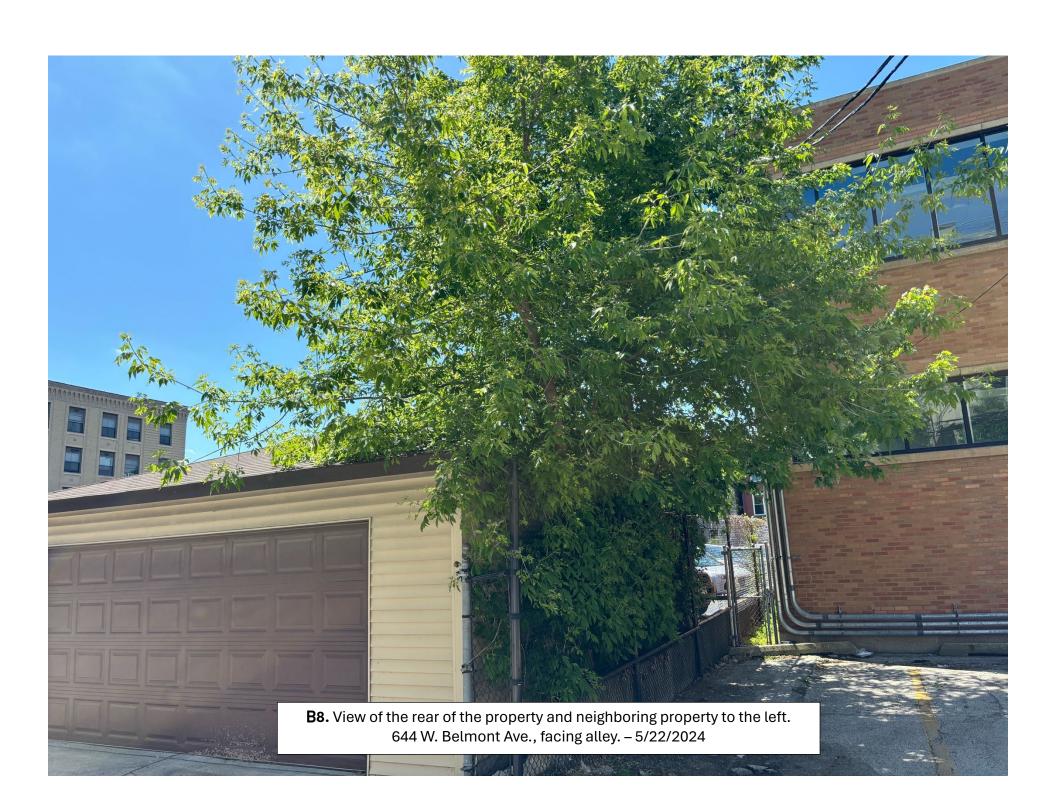


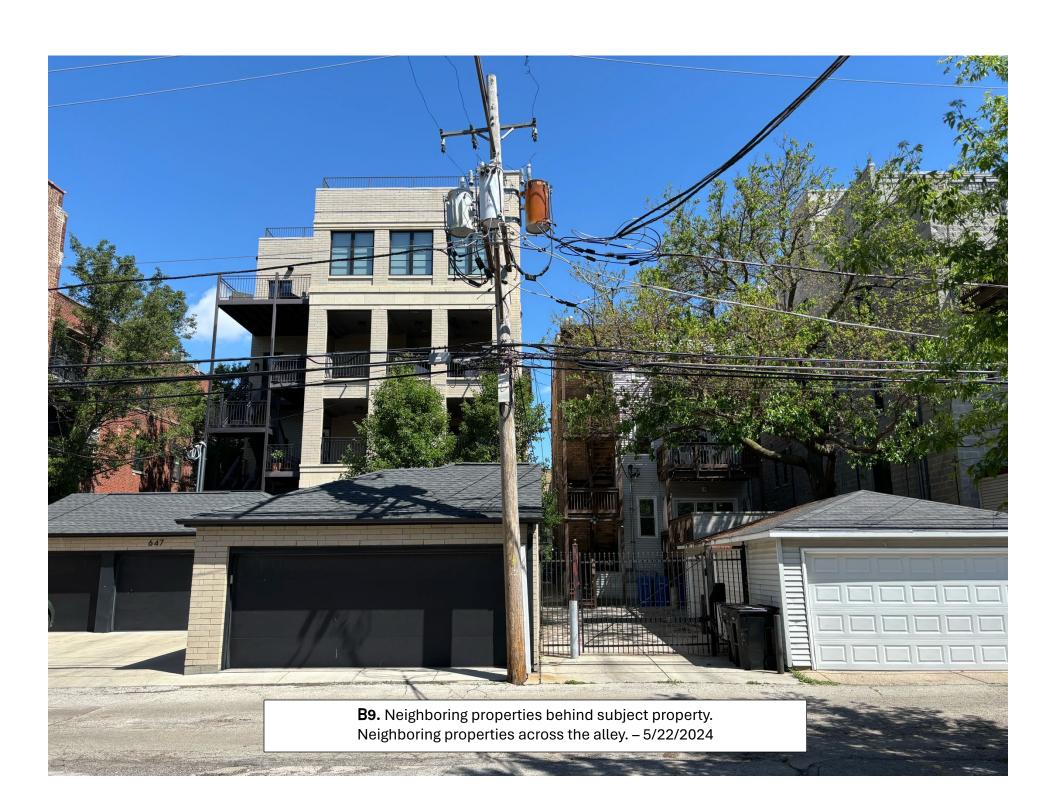




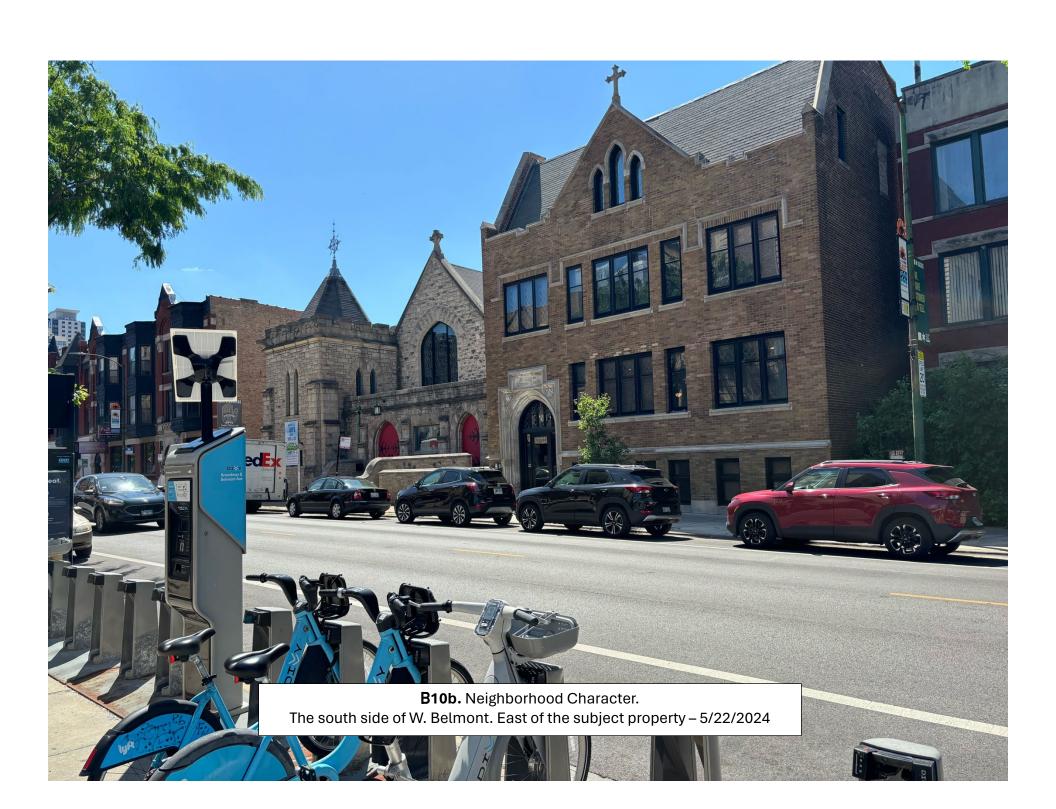




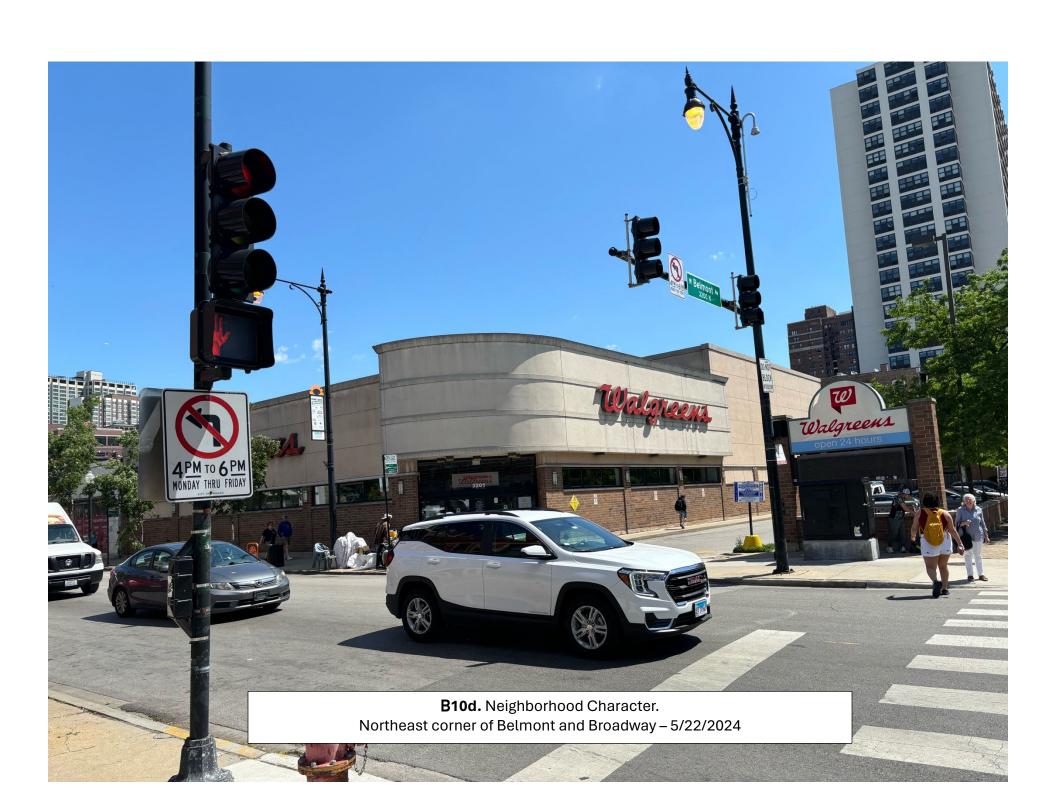


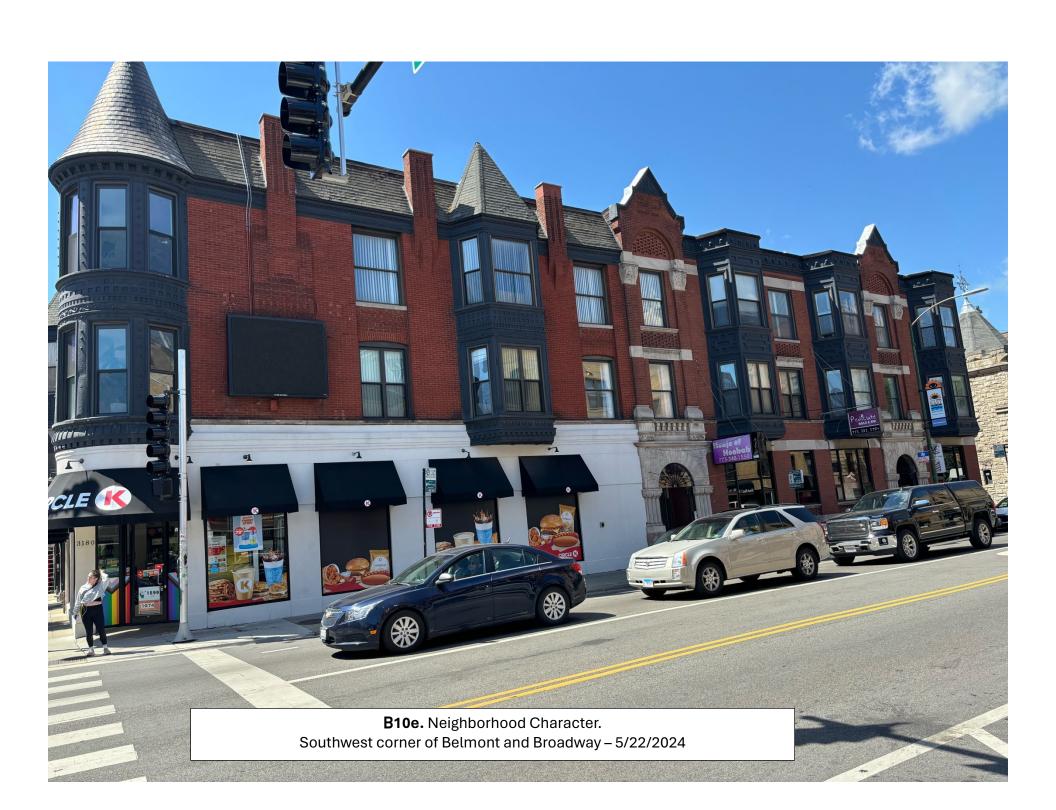


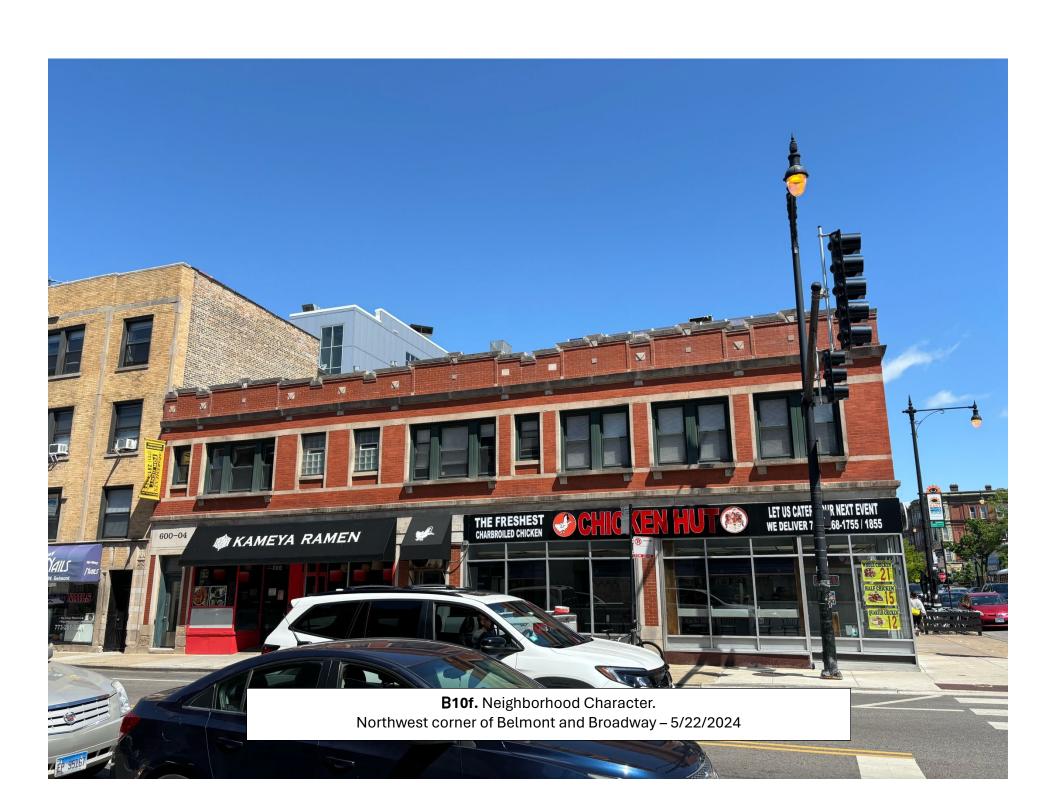














B11. Overhead view. 644 W. Belmont and surrounding area – 5/22/2024

EXHIBIT C PLANS AND ADDITIONAL EVIDENCE

Checklist:
☐ Most recent Site Plan
□ Most recent Landscape Plan,
☐ Building Elevations (provide heights and list materials used)
☐ Floor Plans
☐ Plat of Survey
☐ Legal description of the premises.

Table of Exhibits - C

Exhibits should be labeled C1, C2, C3...etc.

Exhibit	Description of the Exhibit.
Number	

[ATTACH ALL ADDITIONAL EXHIBITS (EXCEPT OPTIONAL EXPERT REPORTS) SUCH AS SITE PLANS AND ARCHITECTURAL DRAWINGS BEHIND THIS PAGE]

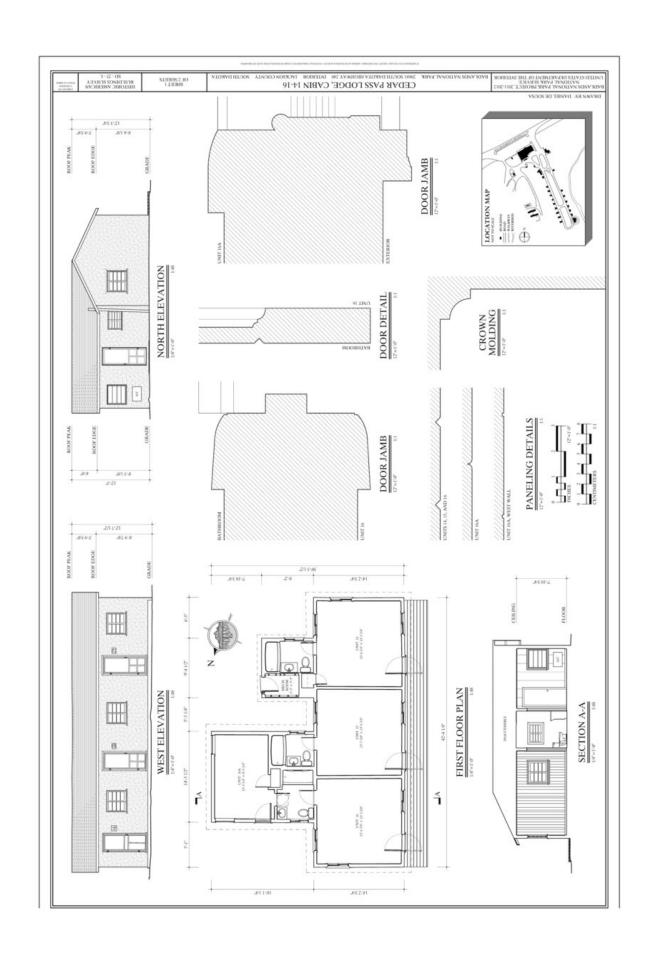
Note: the attachments following this page are placeholders and do not necessarily reflect DPD's technical requirements for plans, surveys, etc.

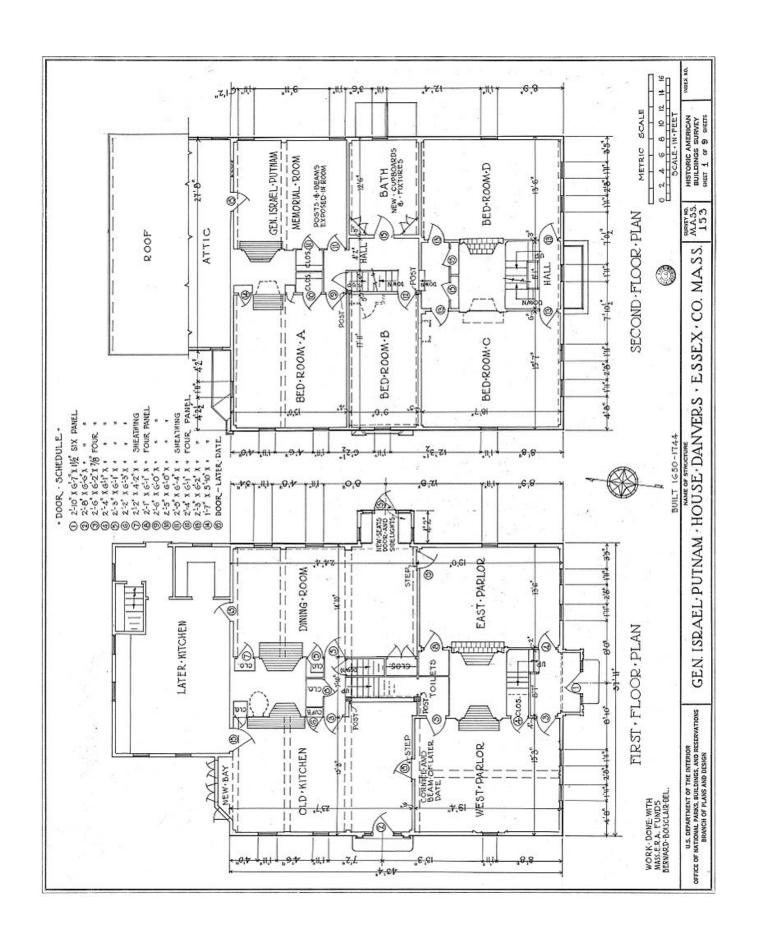


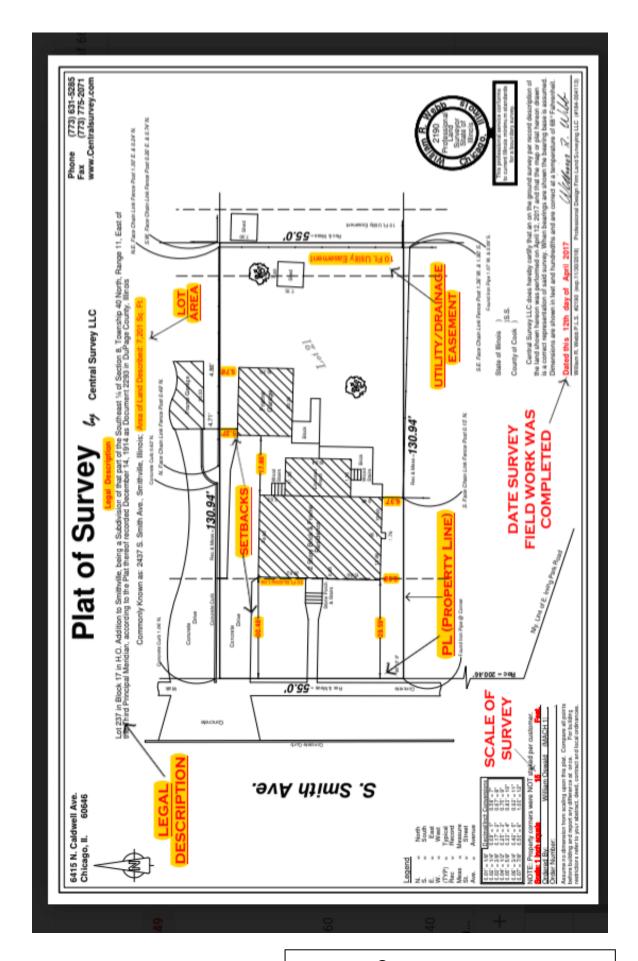
Exhibit C1 - Site Plan



Exhibit C2 - Landscape Plan







LOT 1 AND THE WEST 10 FEET OF LOT 2 IN R.F. LILLJA'S SUBDIVISION OF PART OF LOTS 29 AND 41 OF PINE GROVE SUBDIVISION IN SECTION 21, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 14-21-313-046-0000

Exhibit C6 – Legal Description



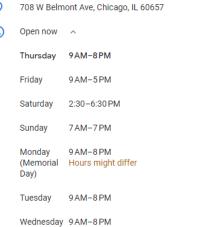
Our Lady of Mount Carmel Church

4.7 ★★★★★ (94) Catholic church

Overviev	v	Reviews		About
		(e)	5	(p

Send to

phone





Laugh Factory

4.3 **** (2,579) Comedy club

Overview		Reviews		About
Directions	D Save	Nearby	Send to phone	Share

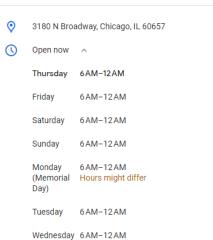
Well-known comedy club for seasoned & emerging stand-up acts, plus surprise celebrity guests.

0 3175 N Broadway, Chicago, IL 60657 (1) Open now Thursday 10 AM-11 PM 10 AM-12 AM Friday 10 AM-1 AM Saturday 11 AM-11 PM Sunday Monday 10 AM-11 PM (Memorial Hours might differ Day) Tuesday 10 AM-11 PM Wednesday 10 AM-11 PM



Circle K

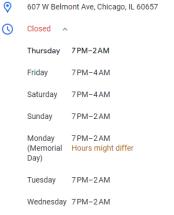
Convenience	. ,				
Overviev	v	Reviews		About	
Directions	Save	Nearby	Send to phone	Share	





House of Hookah

Overviev	N	Reviews		About
Directions	D Save	Nearby	Send to phone	₹ Share







2.7 ***** (110) . \$\$ Drug store



Direc	tions	Save	Nearby	Send to phone	Share
presc basic	riptions s.	s & photo	ealth & beau services, plu / Delivery		· >
0	3201	N Broady	vay, Chicago), IL 60657	
0		n 24 hours			>

Search items at this store



Informal, colorful Japanese eatery providing traditional gyoza, ramen bowls & sushi roll options.

✓ Dine-in · ✓ Curbside pickup ✓ No-contact delivery

Closed ^

(1)

0 604 W Belmont Ave, Chicago, IL 60657

3-9:30 PM Thursday 3-9:30 PM Friday 12-10 PM Saturday Sunday 12-9 PM Monday Closed (Memorial Hours might differ Day) Tuesday 3-9:30 PM Wednesday 3-9:30 PM

EXHIBIT D OPTIONAL EXPERT REPORTS

Note: Pursuant to Rule 4.7 of the ZBA Rules of Procedure, as there are circumstances where an expert witness might be helpful to bolster a case, parties may hire expert witnesses to testify in support of their position. However, no party is required to hire an expert witness.

Each expert report must be accompanied by that expert's C.V.

Table of Exhibits - D

Exhibits should be labeled D1, D2, D3... etc.

Number Number	Description of the Exhibit.
l l el e the e e e	Certification
unaer the per	halty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure,

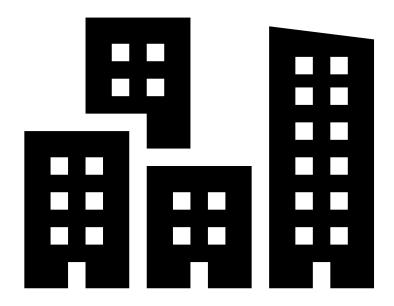
Under the penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that all of the statements in my report are true, correct, and complete as of the date signed to the best of my knowledge and belief. I further certify that if asked by the ZBA to testify to or be cross-examined about my contributions for this application, I would be able to do so.

Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature	Land Use Planner Barbie	Signature
Date		Date
Witness		Witness
Name		Name
Title (if		Title (if
applicable)		applicable)
Signature		Signature
Date		Date

[ATTACH OPTIONAL EXPERT REPORTS BEHIND THIS PAGE]

Land Use Report

644 W. Belmont Avenue Chicago, IL 60657



Land Use Planner Barbie Barbie Land Planning, Inc. 123 Main Street Chicago, IL 60606 →◆X ❖□●◆□◆☞◆ጢ○ □□□□□ □◆X ₥◆○□◆ጢ Φ□□□XQ◆↓

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☞□₥≈X+♥™₥♦□ ☞ ■X•X □ጢ□◆ΦX∞■Φ∞™₫

Land Use Planner Barbie, BICP

312-555-0150 • LinkedIn • LUPB@barbie.world

EDUCATION

Barbie University

Barbie World

M.S., Urban Planning May 1980

Thesis: Isn't one Dreamhouse enough? The negative impact of single-family zoning on urban development.

Advisor: Academic Advisor Barbie

Previous Institution

B.S., Architecture May 1975

Minor: Fashion Design

PRESENTATIONS

Accelerating Zoning Reform – National Planning Conference 2023 – Barbie Planning Association.

Bike lanes or bus lanes? Why not both! – National Planning Conference 2022 – Barbie Planning Association.

INVITED LECTURES

Barbie University, Introduction to Urban Planning. Fall 1990-1993, 2004-2010, 2017-2021

PROFESSIONAL AFFILIATIONS

Barbie Planning Association

1985-Present

PROFESSIONAL EXPERIENCE

Barbie Land Planning, Inc.

Land Use Planner

1980-Present

- Develop blueprints for land development.
- Analyze rural and urban land to ensure that all land use plans are safe, efficient, and environmentally friendly.
- Create development proposals, process zoning permits, and map out land use logistics.
- Liaise with contractors and additional planning teams, industrial representatives, lobbyists, developers, public and private stakeholders, and members of the public.
- Strategize, develop, and manage planning and logistics from phase to phase.
- Ensure compliance with regulatory, policy, and legal entities

LARGE PROJECTS

Barbie Dreamhouse, Barbie Pool Party Dreamhouse, Barbie Getaway House, Barbie 3-Story Townhouse, Barbie Estate Malibu House, Barbie Gymnasium.