STAFF REPORT

DATE: July 5, 2024

TO: Zoning Board of Appeals

FROM: Planning Staff

RE: Petition Number: 2024-35

Applicant: Hunter Schmidt

Status of Applicant: Owner

Owner: D & H Property Management Co. LLC

Location: 407 W. Jefferson Street

Request: A Special Use Permit to allow a day care center

Purpose

The applicant is requesting a special use permit to allow a day care center within the B-3 (general business) zoning district at 407 W. Jefferson Street. Per the City of Joliet Zoning Ordinance, day care centers may be allowed as special uses within commercial zoning districts provided that:

- The use is located not less than 40 feet from any other lot located in a residential district:
- There is not less than 75 square feet of outdoor play area for each child;
- The outdoor play area is enclosed by a fence at least 3 feet in height.

This proposal meets all of these requirements. The Zoning Board of Appeals makes the final decision on this special use request.

Site Specific Information

The 1.15-acre subject site contains an approximately 10,000-square-foot multi-tenant commercial building with accessory surface parking and a 9,500-square-foot grass yard. The building currently has three tenants: a social services office, a tax preparation business, and a maintenance business. The proposed day care center would occupy 4,500 square feet on the north side of the building. This tenant space is accessed by the entrance on the west side of the building.

The site has an existing parking lot with approximately 51 spaces. The parking serves all of the tenants at 407 W. Jefferson Street and at 409 W. Jefferson Street, which is under the same ownership as 407 and is currently unoccupied. The site is zoned B-3 (general business).

Surrounding Zoning, Land Use and Character

The property is located on the north side of Jefferson Street west of the intersection with Center Street, at the edge of the Cathedral Area neighborhood. This block of Jefferson Street has a mix of commercial and residential properties. The zoning and land use for the adjacent properties are as follows:

 North: B-3, R-2 (single-family residential), R-3 (one- and two-family residential), and R-4 (multi-family residential), residential

• South: B-3, commercial (auto sales and repair)

East: B-3, residentialWest: R-4, residential

Applicable Regulations

•	Section 47-5.2 (A)	Special Uses – R-1 (Single-Family Residential) District
•	Section 47-13.2A	Special Uses – B-3 (General Business) District
•	Section 47-5.2 (C)	Criteria for issuance of a Special Use Permit
		(refer to attachment)

Discussion

The petitioner is requesting approval of a Special Use Permit to allow a day care center for Anointed Childcare Academy in the existing commercial building at 407 W. Jefferson Street. Day care centers are allowed as special uses within commercial districts with approval from the Zoning Board of Appeals.

Anointed Childcare Academy is currently licensed to operate in Joliet at 300 Ruby Street. The business owner wishes to relocate to the proposed location to be able to serve more children and due to the declining physical condition of the building they currently lease. The proposed day care center would serve up to 72 children between the ages of one month and 12 years, including school-age children in before and after care. The facility would have approximately 15 staff members. Hours of operation would be Monday through Friday 6 AM to 6 PM.

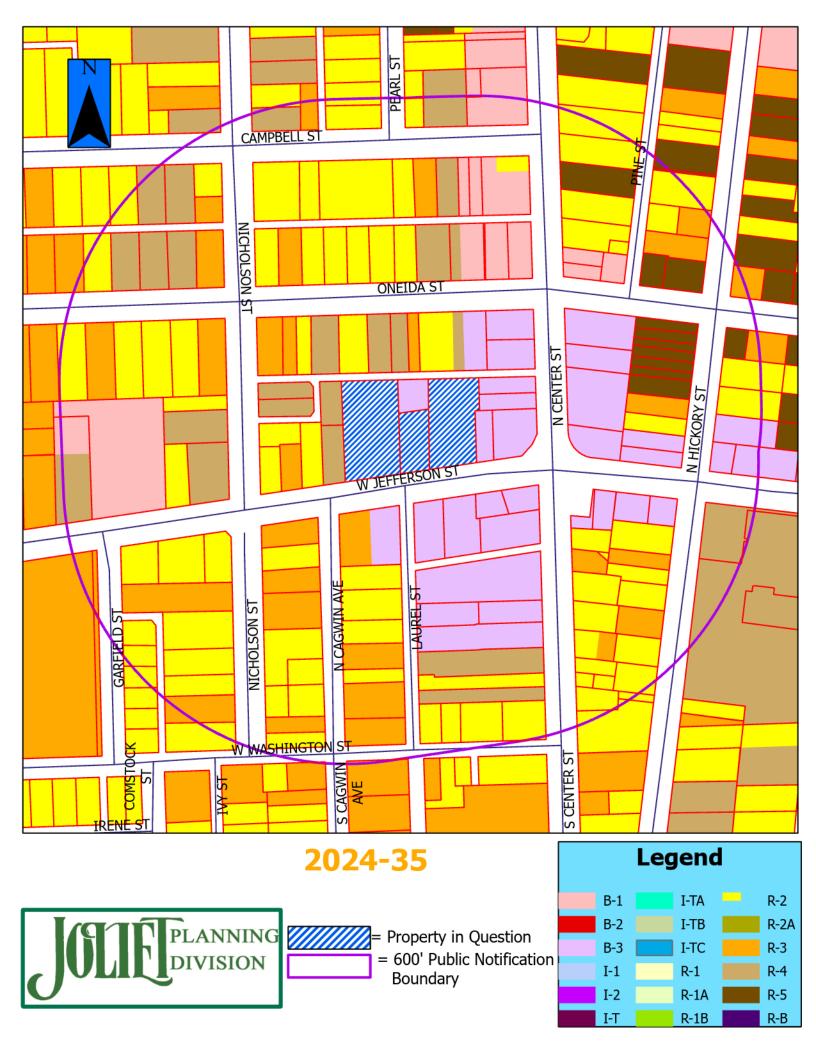
The tenant space will be remodeled to contain five classrooms, bathroom facilities, a kitchen, a check-in area, and office space. The outdoor play area will be located on the existing grass area north of the parking lot and encompass approximately 5,000 square feet. The perimeter of the play area will be at least 40 feet from the adjacent residential lots and will be enclosed by a 4-foot fence. The current day care center license would be transferred to the new location once the Department of Children and Family Services (DCFS) approves the new facility.

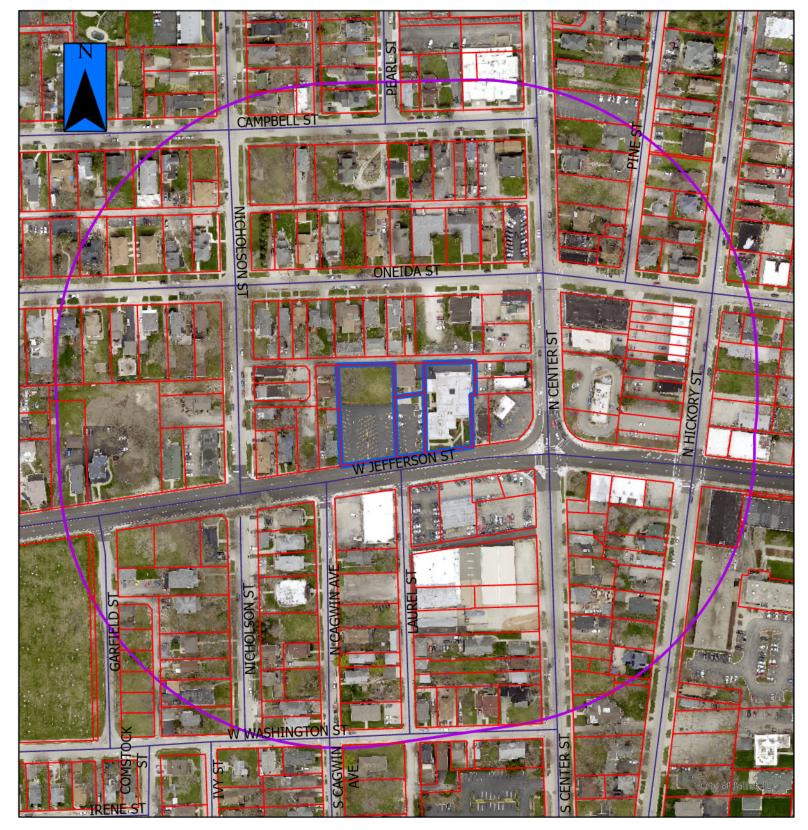
The existing parking is shared among the site tenants and is adequate to meet the needs of the combined uses. The parking lot has three one-way drive aisles: two entrances and one exit off Jefferson Street. Parents and guardians would drop off children in front of the main entrance by entering at the eastern driveway and exiting through the middle driveway. A plat of survey, site plan, and floor plan are included as attachments.

Conditions

If the Zoning Board desires to approve the Special Use Permit to allow a day care center, located at 407 W. Jefferson Street, the following conditions would be included:

- 1. That an outdoor play area shall be provided that includes not less than 75 square feet per each child using the area at any one time;
- 2. That the outdoor play area shall be enclosed by a fence at least four feet in height;
- 3. That the Special Use granted shall herein terminate and lapse unless a building permit or certificate of occupancy is obtained not later than 180 days of the effective date of this ordinance and the erection or alteration of a building is started or the use is commenced within such period. The Board may grant an extension of this period, valid for no more than one hundred and eighty (180) additional days, upon written application and good cause shown without notice or hearing. Whether or not there is an intention to abandon the Special Use, if any special use is discontinued for a continuous period of one year, or if an intent to abandon the Special Use is evident in a shorter period of time, the Special Use for such use shall become void, and such use shall not thereafter be reestablished unless a new Special Use Permit is obtained;
- 4. Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use Permit.





2024-35a



 Property in Question / Propiedad en cuestión
 600' Public Notification Boundary / Límite de notificación pública de 600 ft (180 m)

Figure 1: Subject site at 407 W. Jefferson Street (2024)



Figure 2: Subject site at 407 W. Jefferson Street, view north from Jefferson Street (May 2023)



Figure 3: Multi-tenant building at 407 W. Jefferson Street (and 409 W. Jefferson Street on left), view east from subject site parking lot (July 2024)



Figure 4: Building entrance for day care center tenant space (July 2024)



Figure 5: Play area would be located behind the fence, north of the parking lot (July 2024)



Figure 6: Play area location, view northwest from the building at 407 W. Jefferson Street (July 2024)



PLAT OF SURVEY

PARCEL 1 LOTS 7, 8, 9, 12 AND 13, IN BLOCK 50, IN ESTHER COMSTOCK, ET AL SUBDIVISION OF BLOCKS 35, 50 51 AND 54 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST HALF OF SECTION 9, TOWISHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 9, 1856, AS DOCUMENT NO. 24034, IN WILL COUNTY, ILLINOIS,

PARCEL 2

THE EASTERLY 120 FEET OF THE PART OF BLOCK 49, LYING SOJTHERLY OF THE NORTHERLY 158 FEET OF SAID BLOCK 49 (AS MEASURED ALONG THE SOUTHERLY LINE OF SAID NORTHERLY 158 FEET THEREOF), IN CANAL TRUSTEES' SUBDIVISION OF THE WEST HALF OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PIRNICPAL MERIDIAN, (EXCEPTING THEREFROM THAT PART OF THE LAND OPENED FOR ALLEY PURPOSES PURSUANT TO ORDINANCE NO. 175 OF THE CITY OF JOLIET, APPROVED MAY 5, 1875). IN WILL COUNTY, ILLINOIS,

PARCEL 3

THAT PART OF THE PRIVATE ALLEY AS SHOWN ON THE PLAT OF COMMISSIONER'S SUBDIVISION OF LOTS 10 AND 11 OF ESTHER COMSTOCK'S SUBDIVISION OF BLOCK 50 IN CANAL TRUSTEES' SLBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTH OF THE NORTH LINE OF SUB LOT 3 AS EXTENDED WEST TO THE EAST LINE OF LOT 9 IN SAID ESTHER COMSTOCK'S SUBDIVISION, IN WILL COUNTY, ILLINOIS.



SCALE 1" = 30"

ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMA, PARTS THEREOF AND ARE CORRECT AT 68 FAMILIAND "O" INDICATES 9716" X 30" IRON ROD SCT

LEGEND			
STORM SCHUP			
	SANTARY SCHER		
	WATER MAIN		
	FENCE		
	NAME ANTE		
	FIRE HYDRANT		
199	WALVE BOX		
0	WATER & BOX		
0	STIMM SOUTH MANN-ALL		
	CATCH BASIN		
100	94,E7		
	PLANED END SECTION		
0	WHOMPY SEWER WANHOLD		
0	UTILITY FOLE		
w	STREET LIGHT		
	CALC SPLICE BOX		
	C.E.C. TRANSFORMER		
0.5	ELECTRIC PANEL		
	TOLEPHONE SPLICE BOX		
*	MAILBOX		

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STATE OF ALINOIS \$ 95

TO THE TALON GROUP

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June 8, 2006

BLEFFE PROFESSIONAL LAND SURVEYOR LUCKES EXPIRATION DATE 11/30/06

NOTES

- 1 THE PROPERTY COVERED BY THIS PLAT AND SUPLIF IS NOT DESIGNATED AS "A SPECIAL FLOOD HAZARD AREA" ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURVINCE RATE MAPS MAP NUMBER 17197C0164 E. DATED SEPTEMBER 6, 1995.
- 2 ABOYE GROUND SYDEMES OF UNDERGROUND UTLINES HAS BEEN LOCATED AND SHOWN ON THIS PLAT. THE LOCATION OF ALL BURBED UTLINES MAY NOT BE SHOWN. HE OWNER SHOULD PROVIDE SURFACE MARKINGS OF UNDERGROUND UTLINES FOR LOCATION AND CLIFFICATION BY THE SURFACIOR.



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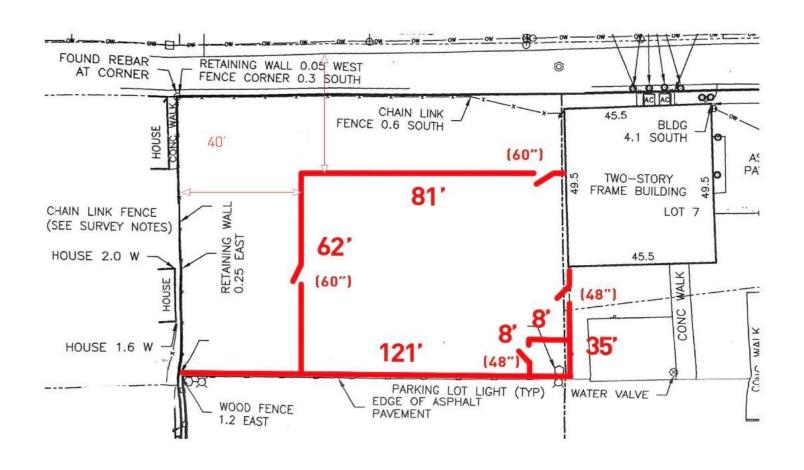
25 short

1207 CEDARWOOD DRIVE JOLIET, ILLINOIS 80435 815/730-1010

PROJECT. RON STONITSCH FIELD BOOK #: DRAWN BY: J.B. DATE: 6/06/08 SCALE: 1"=30" JOB NO. 17229

COMPARE THIS PLAT WITH YOUR RECORDS AND IMMEDIATELY REPORT ANY DISCREPANCIES

Play Area Fence Plan



TRAVEL DISTANCE

PATH	DISTANCE	COMMON PATH
(A) TO (EI)	23'-0"	45-0"
(B) TO (EI)	05'-0"	45-0"
(A) TO (E2)	8'-0"	52'-0"
(B) TO (E2)	06'-0"	52'-0"

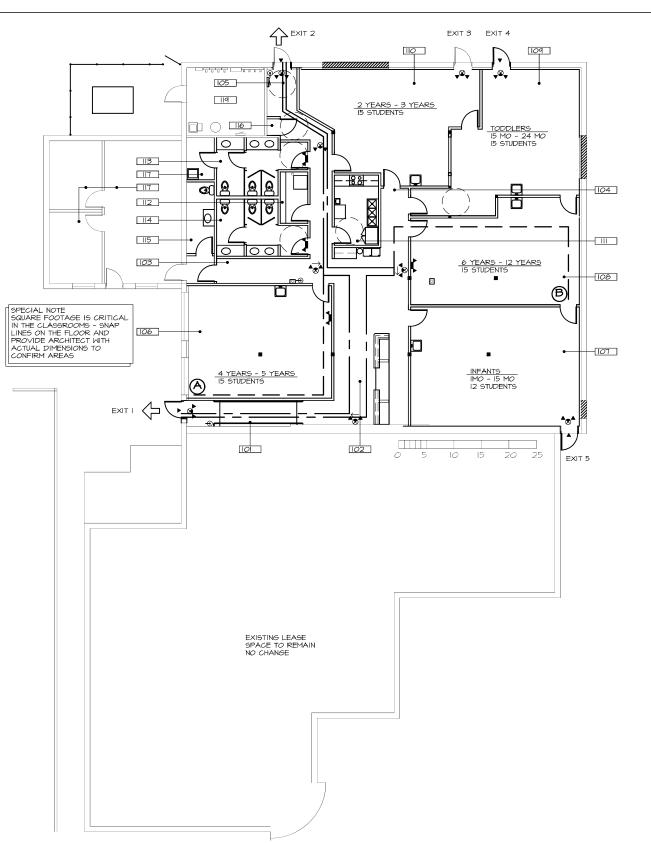
EXIT CAPACITIES

EI 34" 0.2" / 0CC 170 0CC 83 0CC E2 34" 0.2" / 0CC 170 0CC 83 0CC E3 34" 0.2" / 0CC 170 0CC EMERGENCY ONLY E4 34" 0.2" / 0CC 170 0CC EMERGENCY ONLY E5 34" 0.2" / 0CC 170 0CC EMERGENCY ONLY TOTAL 680 0CC 173 0CC	EXIT	MIDTH	FACTOR	CAPACITY	ACTUAL
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OCCUPANT LOAD

THE FACILITY WILL HAVE AN OCCUPANT LOAD OF 72 STUDENTS AND 15 STAFF FOR A TOTAL OF 87.

DCFS REGULATES THE NUMBER OF STUDENTS BASED ON CLASSROOM SIZE AND STAFF BASED ON NUMBER OF STUDENTS





Ⅲ L.B. HERBST & ASSOCIATES, INC

ARCHITECTURE - PLANNING 994 COUNTRYSIDE LANE CAROL STREAM, IL. 60188 (630) 289 - 5742 ROY@LBHERBST.COM

JOLIET, IL

Leroy B. HERBST III DATE
PRESIDENT
PROFESSIONAL DESIGN FIRM #184-002222 EXPIRES 04/30/2028

THE IDEAS AND DESIGNS CONTAINED HEREIN ARE THE SOLE PROPERTY OF L.B. HERBST AND ASSOCIATES, INC. AND MAY NOT BE COPIED IN WHOLE OR IN PART WITHOUT MRITTER PERMISSION.

L.B. HERBST & ASSOCIATES, INC. 2023

NOTES

EXPIRES II / 30 / 2024

THIS BAR ONE INCH WHEN IN SCALE

ROOM KEY

IOI MAIN ENTRY CORRIDOR
IO2 CHECK IN
IO3 OFFICE CORRIDOR
IO4 CLASSROOM CORRIDIOR
IO5 WASHROOM CORRDIOR
IO6 CLASSROOM I
IO7 CLASSROOM 3
IO9 CLASSROOM 4
IIO CLASSROOM 5
III WARMING KITCHEN
II2 LAUNDRY
II3 MALE WASHROOM
II4 FEMALE WASHROOM
II5 UNISEX WASHROOM
II6 CORRIDOR CLOSET
II7 MECHANICAL CLOSET
II8 EXISTING OFFICES
II9 BUILDING MECHANICAL

	BIDS & PERMITS	4-26-24
- 1	REVIEW	4-12-24
NO.	ISSUE	DATE

A BUILDOUT FOR:

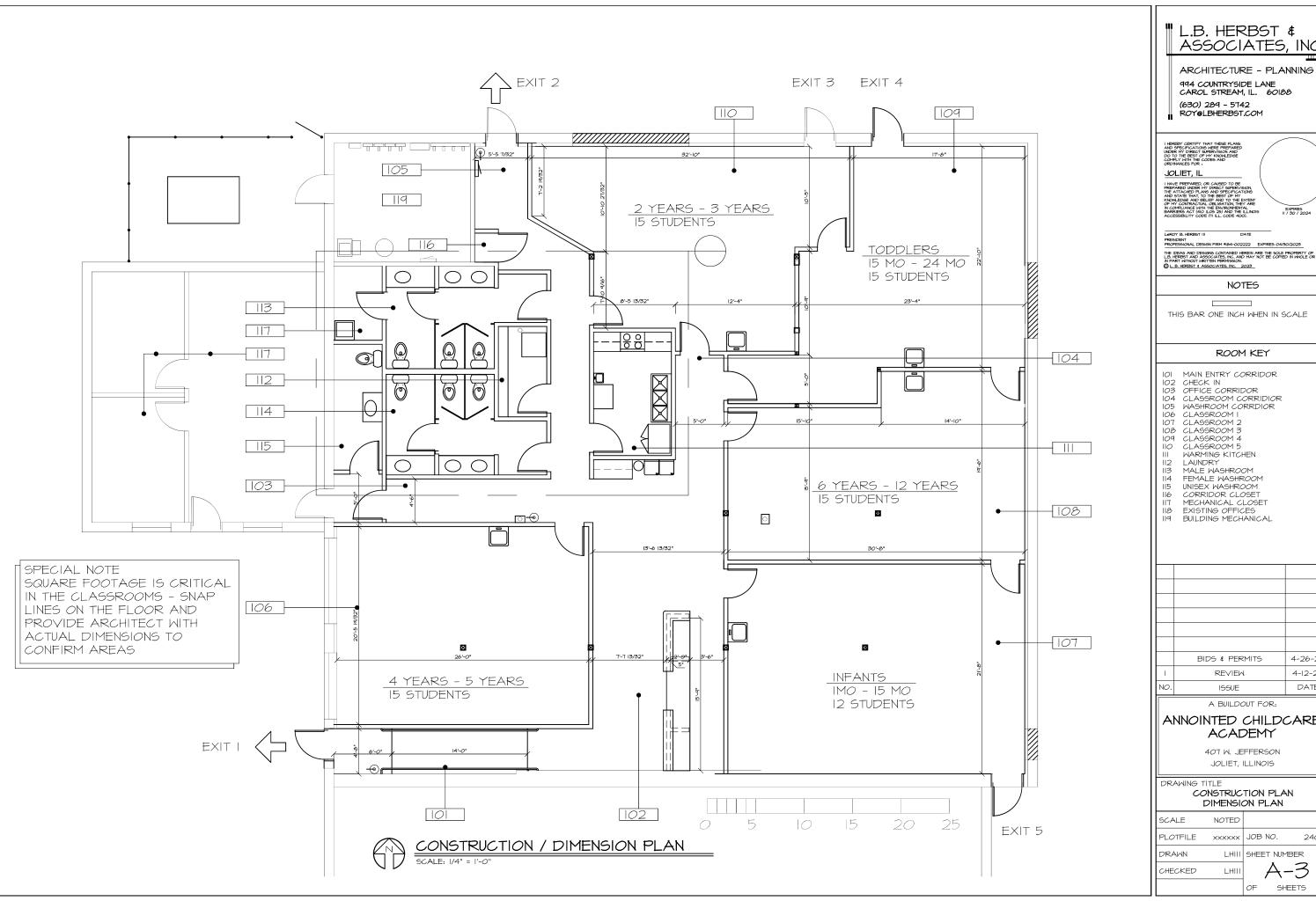
ANNOINTED CHILDCARE ACADEMY

407 W. JEFFERSON JOLIET, ILLINOIS

DRAWING TITLE

LIFE SAFETY PLAN / SITE PLAN OCCUPANT LOADS

SCALE	NOTED		
PLOTFILE	×××××	JOB NO.	24011
DRAWN	LHIII	SHEET NUM	BER
CHECKED	LHIII	A	-
		OF SH	EETS



Ⅲ L.B. HERBST & ASSOCIATES, INC.

994 COUNTRYSIDE LANE CAROL STREAM, IL. 60188 (630) 289 - 5742

EXPIRES II / 30 / 2024

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L.B. HERBST & ASSOCIATES, INC. 2023

- BUILDING MECHANICAL

	BIDS & PERMITS	4-26-2
I	REVIEW	4-12-2
۱O.	ISSUE	DATE

A BUILDOUT FOR:

ANNOINTED CHILDCARE **ACADEMY**

JOLIET, ILLINOIS

CONSTRUCTION PLAN DIMENSION PLAN

SCALE	NOTED		
PLOTFILE	×××××	JOB NO.	24011
DRAWN	LHIII	SHEET NUM	1BER
CHECKED	LHIII	A -	-3
		OF SH	EETS

***Verified by Planner (please initial):	***
Description of the state of the	
Payment received from: Petition #:	
Common Address:	
Date filed:	
	ested:
ZONING BOARD OF APPEALS	
JOLIET, ILLINOIS PETITION FOR SPECIAL USE PERI	MIT
City of Joliet Planning Division, 150 W. Jefferson St., First Floor, South Wing, Phone (815)724-4050 Fax (815)724-4056	
ADDRESS FOR WHICH SPECIAL USE IS REQUESTED: 467	Jefferson
PETITIONER'S NAME: HUNTER Schmidt	
HOME ADDRESS: 16608 135th st lement	IL ZIP CODE: 60430
BUSINESS ADDRESS:	ZIP CODE:
PHONE: (Primary) 815-603-2958 (Secondary)	
EMAIL ADDRESS: HJS 166 @gmail, com FAX:	
PROPERTY INTEREST OF PETITIONER.	
OWNER OF PROPERTY: D&H Property Mgmt Co LLC	
HOME ADDRESS: 16608 135th St Lemont IL 60439	ZIP CODE: 60439
BUSINESS ADDRESS: 16608 135th St Lemont IL 60439	ZIP CODE: 60439
EMAIL ADDRESS: hjs166@gmail.com FAX:	N/A
Any use requiring a business license shall concurrently apply for copy with this petition. Additionally, if this request is for operation	a business license and submit
the following information:	on of a business, please provid
BUSINESS REFERENCES (name, address, phone):	
OTHER PROJECTS AND/OR DEVELOPMENTS:	

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.):;		
Property Index Number/P.I.N. can be found on tax bill or Will County Supervisor of Assessments website LEGAL DESCRIPTION OF PROPERTY (attached copy preferred):		
LOT SIZE: WIDTH: AREA: PRESENT USE(S) OF PROPERTY: UACUT + office S PRESENT ZONING OF PROPERTY: T3 - 3		
PRESENT ZONING OF PROPERTY: 13-3 SPECIAL USE REQUESTED: Day care facility		
The Zoning Board of Appeals is authorized to grant a special use permit provided the		

applicant establishes by clear and convincing evidence:

- (1) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and
- (2) That the special 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; and
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and
- (4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided; and
- (5) 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; and
- (6) That the special use shall in all other respects conform to the applicable land use regulations of the district in which it is located and shall not be in violation of any other applicable law, ordinance or regulation; and
- (7) At least one (1) year has elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites, unless conditions in the area have substantially changed.

Please describe how this request meets the criteria by responding to the following questions in your own words.

1. How will the establishment, maintenance, or operation of the special use affect the public health, safety,
morals, comfort, or general welfare?
It will improve all of the above as it will provide a service for the
Community
2. How will the special use impact properties in the immediate area? It will have no direct impact as it will be an enclosed facilty
no direct impact as it will be
enclosed facilty
3. Will the use impede the normal/orderly development/improvement of surrounding property? The continuous impede the normal/orderly development/improvement of surrounding property?
4. Are adequate utilities, access roads, drainage, and/or other necessary facilities provided? Ve 5
5. Have adequate measures been taken to provide ingress/egress design to minimize traffic congestion in public streets? Yes measure have been provided.
6. Does the use conform to the applicable land use regulations of the district in which it is located and does it violate any other applicable law, ordinance or regulation? Yes 17 does
7. Has at least one (1) year elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites (unless conditions in the area have changed substantially)?
no prior applications

DEALTHE	
REQUIRED SUPPORTING ATTACHMENTS	0 \
Site plan / concept plan / floor plan / building elev	vation plan (blue prints)
✓ Joliet Ownership Disclosure form ☐ Business license application (if applicable) —)	some ofen to a
— Business incense application (if applicable) —)	Jay Cart Peter (& MANT
NOTARIZATION OF PETITION	
STATE OF ILLINOIS) ss COUNTY OF WILL)	
I. Hunter schnid depose and say that my knowledge and belief. I agree to be present in person the Zoning Board of Appeals.	the above statements are true and correct to the best of or by representation when this petition is heard before
Petitioner's Signature	
Orenavis Signature	Subscribed and sworn to before me
Owner's Signature (If other than petitioner)	this 3 day of June, 20 24
	Blue Howe
	OFFICIAL SEAL
	BRIANNA HOWE NOTARY PUBLIC, STATE OF ILLINOIS
	MY COMMISSION EXPIRES 04/21/2027

IV. BUSINESS OWNERSHIP

If the owner of the business is different than the owner of the real property associated with the application, then the following information must be provided:

Select the type of business owner associated with this application and fill in the contact information below:

Individual:	State the names, addresses, and phone #'s of the individual owner(s)		
☐ Corporation:	State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders		
☐ Limited Liability Company:	State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member		
Partnership:	State the names, addresses, and phone #'s of all partners		
Other type of organization:	State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization		
Ellise Boyd-Johns			
2216 Preston Lake	es ct. Plainfield II. 60586		
708-510-1287	}		
E-MAIL: Chj@anointedch	nildcare.com fax:		
NOTE:			
not an individual, then the ir property or business associ example, if the real property and the beneficiary of the land the limited liability company r liability company is a partners	neficiary or partner disclosed in Section III or Section IV is adviduals holding the legal or equitable title to the real sated with the application must also be disclosed. For associated with an application is owned by a land trust, detrust is a limited liability company, then the members of must be disclosed. If one of the members of the limited hip, then the identity of the partners must be disclosed. If the oration, then all persons owning 3% or more of the issued		
SIGNED: Ellise Bar	20 - tohason		

Ellise Boyd-Johnson, Owner 708-510-1287

Name, Title, and Telephone Numbers of Person Completing and Submitting This Form:

CITY OF JOLIET OWNERSHIP DISCLOSURE FORM

The City of Joliet requires that applicants for zoning relief, subdivision approval, building permits and business licenses disclose the identity of all persons having an ownership interest in the business and the real property associated with the application. A copy of this form must be completed and submitted with other application materials. Failure to properly complete and submit this form may result in the denial of the application.

I. INFORMATION ABOUT THE APPLICATION

Rezoning, Special Use F			
II. <u>INF</u>	ORMATION ABOUT THE PROPERTY		
	property associated with this application are:		
PIN(s):			
III.	PROPERTY OWNERSHIP		
Select the type of owner of the recontact information below:	al property associated with this application and fill in the appropriate		
☐ Individual:	State the names, addresses, and phone #'s of the individual owner(s)		
☐ Corporation:	State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders		
Limited Liability Company:	State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member		
☐ Land Trust:	State the names, addresses, and phone #'s of the trustee(s) and all beneficiaries		
Partnership:	State the names, addresses, and phone #'s of all partners		
Other type of organization:	State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization or the right to direct the affairs of the organization		
Deborah scl			
Ronald schn			
Hunter Schni	dq		
E-MAIL:	FAX:		

D&H Properties Ownership Disclosure

Deborah Schmidt: 49% 708-549-9659 debbieschmidt166@gmail.com 6190 Luna View Ave. Las Vegas, NV 89131

Ronald Schmidt: 49% 312-354-0737 r166bowser@gmail.com 6190 Luna View Ave. Las Vegas, NV 89131

Hunter Schmidt: 2% 815-603-2958 his166@gmail.com 16608 135th st Lemont IL 60439

TAX ID'S

The Whole property consists of 4 PIN's

30-07-09-325-024-0000

30-07-09-325-023-0000

30-07-09-325-022-0000

30-07-09-325-021-0000

State of Illinois DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Type of Facility

DAY CARE CENTER

PRINT DATE: 05-17-2022

NO. **549055-04**

F - FULLTIME 5 HOURS OR MORE

LICENSE ISSUED TO ANOINTED CHILDCARE ACADEMY

300 RUBY ST

JOLIET IL 60435-6228

Effective Dates

05-04-2022 - 05-04-2025

Capacity

EXTD: 000

Supervising Child Welfare Agency

DAY: 033

NIGHT: 000

-51

Area Used for Children

2 CLASSROOMS

Ages of Children Served

DAY: 02Y TO 05Y

HOURS OPERATION: 06:00AM - 06:00PM

Mailing Address for this facility is:

ANOINTED CHILDCARE ACADEMY

300 RUBY ST

JOLIET

IL 60435-6228

Director

Marc D. Smith

2A- -26

NOT TRANSFERABLE – Supersedes all prior licenses for type of care specified above.

Certificate of Registration of Assumed Business Name

State of Illinois

SS.

No. 34763

County of Will

This certifies on March 02nd 2023, ELLISE BOYD-JOHNSON filed a Certificate of Registration of Assumed Business Name in the office of the Will County Clerk, Joliet, Illinois

Receipt is hereby acknowledged on this 22nd day of March, 2023 of Proof of Publication of Assumed Business Name Registration showing that such notice was duly published in the JOLIET HERALD-NEWS. The first publication insertion on 03/08/2023 and the last insertion on 03/22/2023.

ANOINTED CHILDCARE ACADEMY
300 RUBY ST
304 RUBY ST
JOLIET, IL 60435

Hauren Staley Ferry.
Will County Clerk

This certificate does not indicate compliance with local zoning or state and federal tax laws. Post this certificate in place of business. 500/1-76

ZONING BOARD OF APPEALS

CRITERIA FOR SPECIAL USES

Section 47-5.2 (C) of the Zoning Ordinance states:

A special use permit shall not be granted unless the applicant establishes by clear and convincing

evidence:

evidence:	Does the evidence	
		Caramanta
	presented sustain this	Comments
	criteria?	
(1) That the establishment,		
maintenance or operation of the		
special use will not be		
detrimental to or endanger the		
public health, safety, morals,		
comfort, or general welfare; and		
(2) That the special 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; and		
(3) That the establishment of the		
special use will not impede the		
normal and orderly development		
and improvement of surrounding		
property for uses permitted in the		
district; and		
(4) That adequate utilities,		
access roads, drainage, and/or		
other necessary facilities have		
been or will be provided; and		
(5) 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;		
and		
(6) That the special use shall in		
all other respects conform to the		
applicable land use regulations		
of the district in which it is		
located and shall not be in		
violation of any other applicable		
law, ordinance or regulation; and		
(7) At least one (1) year has		
elapsed since any denial of any		
prior application for a special		
use permit that would have		
authorized substantially the		
same as all or part of the sites,		
unless conditions in the area		
have substantially changed.		
nave substantially chariged.		