

Special Use (Parking Reduction for Transit-Served Location within PMD) (v.1 2021)

PROPOSED FINDINGS OF FACT
SUBMITTED TO THE ZONING BOARD OF APPEALS

In the Matter of a Special Use Application

for Address: _____

Submitted by: _____,

[*check one*] Applicant or Applicant's Attorney

Special Use (Parking Reduction for Transit-Served Location within PMD) (v.1 2021)

ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

FINDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

IN THE MATTER OF A SPECIAL USE APPLICATION

FOR ADDRESS: _____

BY APPLICANT _____

I. THE APPLICANT

The Applicant is a(n) [check one] individual limited liability company corporation trust other (*please specify:*_____).

[*If the Applicant is a legal entity, please fill out this section. Otherwise skip to Section II.*]
The Applicant's [*insert title*] _____, [*insert name*] _____ (the "Applicant's Representative") was present at the hearing.

[*NOTE: The Applicant or (if applicable) the Applicant's Representative **MUST** be present at the hearing.*]

II. BRIEF SUMMARY OF REQUEST

The Applicant seeks a special use to _____

III. BACKGROUND OF THE SUBJECT PROPERTY

The subject property is currently zoned _____ and is [*check one*] vacant improved. Additionally [*provide any additional pertinent facts about the property*],

IV. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on _____, 20__, after due notice thereof as provided

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under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*.

The [*check one*] Applicant Applicant's Representative was present at the hearing. The Applicant/Applicant's Representative (as applicable) testified that their testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit A.

The Applicant's expert witness(es) [*insert name(s)*] _____ was present at the hearing. The Applicant's expert witness(es) testified that their testimony was consistent with the Report(s) on the subject property attached these proposed Findings of Fact as Exhibit B. A copy of their CV(s) is attached to the aforementioned Report(s).

[If additional witnesses are necessary to explain the Applicant's application, please attach their affidavits to these proposed Findings of Fact as Exhibit C. The affiant of any affidavit submitted as part of Exhibit C must be present at the hearing on the application.]

[All affidavits submitted as part of Exhibits A through C must be: (1) notarized; (2) fact-based; (3) based solely on an affiant's personal knowledge; (4) non-conclusory; and (5) made on the form attached to these proposed Findings of Fact. Please note that these requirements do not and are not intended to provide legal advice. If you have questions regarding the drafting of affidavits, please consult an attorney. The ZONING BOARD OF APPEALS and its staff cannot provide legal advice.]

The Applicant also submitted into the record the following documents: [*List all documents the Applicant intends to submit; add additional sheets as necessary*]

_____. Copies of these submitted documents are attached to these proposed Findings of Fact as Exhibit D. [*Note: **Plans must be attached.***]

B. Criteria for a Special Use Permit for Parking Reductions for Transit-Served Locations within PMD

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 all of the following: (1) complies with all applicable standards of the Chicago Zoning Ordinance; (2) 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; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) 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; and (5) is designed to promote pedestrian safety and comfort.

Pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly

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authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS finds that the special use meets the general criteria of Section 17-13-0905 of the Chicago Zoning Ordinance and all of the following specific criteria: (a) the project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance; (b) the project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street; (c) the project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission; (d) the Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures; and (e) the requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.

Pursuant to Section 17-13-0905-C of the Chicago Zoning Ordinance, in acting on any special use application within a planned manufacturing district, the ZONING BOARD OF APPEALS must apply the general criteria of Section 17-13-0905-A and make specific findings on the probable effects of the proposed use on: (1) existing manufacturing activities, including the potential for land use conflicts and nuisance complaints; and (2) efforts to market other property within the planned manufacturing district for industrial use.

Pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS considers the availability of on-street parking in the vicinity of the project.

V. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance because:

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2. The proposed special use 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 because:

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because:

4. The proposed 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 because:

5. The proposed special use is designed to promote pedestrian safety and comfort because:

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-C of the Chicago Zoning Ordinance:

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1. The proposed special use will have the following effects on existing manufacturing activities, including the potential for land use conflicts and nuisance complaints:

2. The proposed special use will have the following effects on efforts to market other property within the planned manufacturing district for industrial use:

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance:

1. The project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance because:

2. The project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street because:

3. The project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission because:

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4. The Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures, by:

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5. The requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities, by:

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance:

1. The availability of on-street parking in the vicinity of the project is as follows:
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VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved [*check one*] their case by evidence, testimony and the entire record covering the specific criteria for a special use pursuant to Sections 17-13-0905-A, 17-13-0905-C, and 17-13-0905-F of the Chicago Zoning Ordinance.

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The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

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EXHIBIT A

[ATTACH APPLICANT'S/APPLICANT'S REPRESENTATIVE'S AFFIDAVIT]

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EXHIBIT B

[ATTACH ALL EXPERT REPORTS]

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EXHIBIT C

[ATTACH ALL ADDITIONAL AFFIDAVITS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE FINDINGS OF FACT]

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EXHIBIT D

[ATTACH ALL OTHER DOCUMENTS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE PROPOSED FINDINGS OF FACT]

*[NOTE: AN ALDERMANIC SUPPORT LETTER IS **NOT** REQUIRED]*

*[NOTE: PLANS **MUST** BE ATTACHED]*

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IN THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

for Address: _____

AFFIDAVIT

[*Insert name*]_____, AN INDIVIDUAL, after being first duly sworn on oath, deposes and states that they have personal knowledge of facts set forth in this Affidavit and if called to testify in this matter, they would swear the following facts are true and correct:

- 1.
- 2.
- 3.
4. [*add additional pages to continue*]

Signature: _____
Name: [*INSERT NAME*] _____

Signed and sworn to before me on [*insert date*]_____ by [*insert name of affiant*]_____, at [*insert county name*] _____County, [*insert state*] _____.

Notary Public

Commission expires: _____