

Special Use (Cannabis Business Establishment within PMD) (v.2 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 (Cannabis Business Establishment within PMD) (v.2 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 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.***]

The Applicant also submitted into the record proof of its required community meeting on the form prescribed by the Commissioner of the Department of Planning and Development. Such proof is attached to these proposed Findings of Fact as Exhibit F.

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

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Pursuant to Section 17-13-0905-G of the Chicago Zoning Ordinance, no special use for a cannabis business establishment may be approved unless the ZONING BOARD OF APPEALS finds that the applicant for such special use has held at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the ZONING BOARD OF APPEALS. The applicant must notify the Chairman of the ZONING BOARD OF APPEALS and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish such notice in a newspaper of general circulation within the ward and the applicant must send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet of the property lines of the subject property. Such applicant shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the Chairman of the ZONING BOARD OF APPEALS on or before the public hearing is held by the ZONING BOARD OF APPEALS, in a form prescribed by the Commissioner of the Department of Planning and Development.

V. FINDINGS OF FACT

[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, C, D and E attached to these proposed Findings of Fact and must use those references to explain why or how the proposed special use meets the standards set forth. In other words, what is written below must be explanatory and must be supported by an exhibit. Add additional sheets as necessary.]

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:

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:

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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:

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:

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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-G of the Chicago Zoning Ordinance:

1. The Applicant has held their required community meeting in accordance with all notice requirements set forth in Section 17-13-0905-G of the Chicago Zoning Ordinance. Evidence of such notice is attached hereto as Exhibit E and made a part hereof.

VI. CONCLUSION

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

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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EXHIBIT E

*[ATTACH COMMUNITY MEETING AFFIDAVIT IN THE FORM PRESCRIBED BY
COMMISSIONER OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
TOGETHER WITH ALL ITS REQUIRED ATTACHMENTS]*

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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: _____