

Special Use (Incinerator or Resource Recovery Facility 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 (Incinerator or Resource Recovery Facility 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 for Incinerators and Resource Recovery Facilities with Planned Manufacturing Districts

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-B(1) of the Chicago Zoning Ordinance, no special use application for a waste-related use 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

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Chicago Zoning Ordinance and all of the following specific criteria: (a) is necessary to accommodate the waste removal needs of the area it is intended to serve; (b) is located outside the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation, or the site is flood-proofed to meet the standards and requirements of the Department of Transportation and is approved as flood-proofed by said Department; (c) is designed to minimize the danger to the surrounding area from fires, spills or other operational accidents; (d) is so designed and located as to minimize the impact on existing traffic flow in the surrounding area; (e) is designed and proposed to be operated so as to minimize adverse impacts on air, land and water quality by using the best commercially available pollution control technology; (f) is located and operated so as to minimize adverse effects on the economic development potential of the area, and on the value of surrounding property; and (g) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

Pursuant to Section 17-13-0905-B(2) of the Chicago Zoning Ordinance, in reviewing an application for a special use for any sanitary landfill, liquid waste handling facility, resource recovery facility or incinerator, the ZONING BOARD OF APPEALS must consider the following factors: (a) the impact of the proposed facility on air, land and water pollution levels in the area; (b) the physical characteristics of the land on which the facility is to be located; (c) the number of existing and closed waste treatment facilities and disposal sites within a 3-mile radius of the proposed site; and (d) the proximity of the facility to residential uses and schools.

Pursuant to Section 17-13-0905-B(4) of the Chicago Zoning Ordinance, in reviewing an application for a special use for an incinerator or resource recovery facility, the ZONING BOARD OF APPEALS must evaluate whether the facility would meet the following criteria: (a) the operation of the proposed facility would not increase noise beyond levels permitted in Chapter 11-4 of the Municipal Code of the City of Chicago; (b) the operation of the proposed facility provides adequate monitoring and control of emissions of hazardous substances; and (c) the site must be designed to provide a buffer zone of at least 100 feet.

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.

V. FINDINGS OF FACT

[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, C and D 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.]

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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-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:

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:

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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-B(1) of the Chicago Zoning Ordinance:

1. The proposed special use is necessary to accommodate the waste removal needs of the area it is intended to serve because:

2. The proposed special use is located outside the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation, or the site is flood-proofed to meet the standards and requirements of the Department of Transportation and is approved as flood-proofed by said Department as evidenced by the following documents attached as Exhibit D:

3. The proposed special use is designed to minimize the danger to the surrounding area from fires, spills or other operational accidents because:

4. The proposed special use is so designed and located as to minimize the impact on existing traffic flow in the surrounding area because:

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5. The proposed special use is designed and proposed to be operated so as to minimize adverse impacts on air, land and water quality by using the best commercially available pollution control technology because:

6. The proposed special use is located and operated so as to minimize adverse effects on the economic development potential of the area, and on the value of surrounding property because:

7. The proposed special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected 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-B(2) of the Chicago Zoning Ordinance:

1. The proposed special use will have the following impact on air, land and water pollution levels in the area:

2. The physical characteristics of the land on which the facility is to be located are as follows:

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3. The number of existing and closed waste treatment facilities and disposal sites within a 3-mile radius of the proposed site is as follows:

4. The proximity of the facility to residential uses and schools is as follows:

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-B(4) of the Chicago Zoning Ordinance:

1. The operation of the proposed facility will not increase noise beyond levels permitted in Chapter 11-4 of the Municipal Code of the City of Chicago because:

2. The operation of the proposed facility will provide adequate monitoring and control of emissions of hazardous substances because:

3. The site is designed to provide a buffer zone of at least 100 feet 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:

VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved their/its 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-B(1), 17-13-0905-B(2), 17-13-0905-B(4), and 17-13-0905-C 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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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: _____