PLAN COMMISSION
Wednesday, January 14, 2015
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: December 10, 2014 and December 17, 2014

   A. PLANNED DEVELOPMENT
      1571 Maple Avenue
      Michael McLean of 1571 Maple Avenue, LLC. developer of the proposed project, has applied for a Special Use for a Planned Development in the D3-Downtown Core Development District (Title 6-Zoning of the Municipal Code, Section 6-11) to construct a 12-story (133.3-foot high) multiple-family building with 101 residential units, 3,696-square feet of commercial space and 13 open parking spaces. The applicant seeks site development allowances for the number of dwelling units, building height, floor area ratio (FAR), number of on-site parking spaces provided, and building setbacks from the east, north and northwest property lines. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Plan Commission makes a recommendation to the City Council, the final determining body for this proposal.

4. NEW BUSINESS
   A. MODIFICATIONS TO ADMINISTRATIVE RULES AND PROCEDURES OF THE PLAN COMMISSION
   B. ELECTION OF CHAIR, VICE-CHAIR, LIAISONS AND ZONING COMMITTEE MEMBERS

5. ADJOURNMENT

The next regular meeting of the Plan Commission is scheduled for WEDNESDAY, February 11, 2015 at 7:00 P.M. in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to Damir Latinovic, Neighborhood and Land Use Planner, at 847-448-8675 or via e-mail at dlatinovic@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las que no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, December 10, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford, Terri Dubin, Carol Goddard, Lenny Asaro, Andrew Pigozzi,

Members Absent: Scott Peters (Chair), Kwesi Steele, Colby Lewis, Richard Shure

Associate Members Present: Seth Freeman

Associate Members Absent: David Galloway, Stuart Opdycke

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Jim Ford, Chairman Pro Tempore

A. CALL TO ORDER / DECLARATION OF QUORUM

With Chairman Peters absent, Commission Ford volunteered to act as the chairperson pro tempore. Commissioner Asaro made a motion to elect Commissioner Ford as the chair person for the meeting. Commissioner Goddard seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0.

Chairman Pro Tempore Ford called the meeting to order at 7:00 P.M. He explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Pro Tempore Ford concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

Chairman Pro Tempore Ford suggested that the items regarding Modification to the Administrative Rules and Procedures of the Plan Commission and 2015 Plan Commission Schedule, Election of Liaisons, Zoning Committee Members, etc. be taken off of the agenda and be rescheduled for a meeting in January due to small turn out of the Commission members. With none opposed, the items were removed from the agenda.

B. APPROVAL OF MEETING MINUTES: November 5, 2014 and November 12, 2014
Commissioner Goddard made a motion to approve the minutes from November 5, 2014 with the following corrections:

Chairman Pro Tempore Ford noted that on page three, in the third paragraph, Mr. MaRous’ name had been misspelled.

Commissioner Dubin seconded the motion.

A voice vote was taken and the minutes were approved by voice call 4-0-1 with Commissioner Asaro abstaining.

Commissioner Goddard made a motion to approve the minutes from November 12, 2014. Commissioner Dubin seconded the motion.

A voice vote was taken and the minutes were approved unanimously.

C. NEW BUSINESS

TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0151
Parking Requirements for Increase in Residential Density
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to Chapter 16 – Off-street Parking and Loading, regarding the increase in parking requirements for the increase in residential use density.

Mr. Damir Latinovic, Neighborhood and Land Use Planner, presented the Staff Report. Staff proposes that conversions of existing buildings to increase residential density be required to provide parking spaces as any new development. Coach houses should also be required to provide one parking place per dwelling unit. Downtown Districts (D, RP) are to remain exempt to encourage density where transit is available. Mr. Latinovic explained the four standards and stated that all standards are satisfied.

Commissioner Goddard asked how a facility would provide 1.5 spaces. Mr. Latinovic explained that 1.5 would be rounded up to 2. For buildings such as a duplex, two units would require 3 parking spaces.

Commissioner Pigozzi asked for clarification that existing two or three-flats without garages or off-street parking are exempt and would be considered legal non-conforming if no dwelling units were being added, to which Mr. Latinovic said, yes.

Commissioner Freeman asked if the structure would still be exempt if the property changed ownership, to which Mr. Latinovic answered, yes. Commissioner Freeman then asked what need the proposal serves. Mr. Latinovic explained that this issue was first brought up at a Zoning Board of Appeals (ZBA) meeting. Converting a single-family residence into a three-flat currently creates a parking deficit. As a result, parking for new dwelling units would spill onto the street.

Discussion followed regarding residential projects and properties where new parking spaces would be required.
Chairman Pro Tempore Ford asked if anyone from the audience would like to ask any questions before getting into general comments about the proposal.

Ms. Jessica Feldman, 450 Davis Street, inquired where it would be possible for a single-family residence to be converted into a two or three-flat. Mr. Latinovic explained that most districts allow for various types of housing. The only districts where converting a single-family dwelling into a multi-unit dwelling would be prohibited would be in a R1 or R2 district.

Mr. Matt Rodgers, 133 Clyde Avenue, ZBA Chairman, explained that this text amendment started with a case that was heard in front of the ZBA where a single family residence was to be converted into a three-flat. The case only came before the ZBA because of a 20-sq. ft. increase in the building footprint, which in turn triggered a parking requirement. The applicant later eliminated the square footage increase in order to avoid the parking requirement and was able to convert a three-bedroom single family home into an eight-bedroom three-unit building without the need for additional parking. Mr. Rodgers brought this issue to City Council where Alderman Fiske made an aldermanic reference for staff to explore a text amendment.

Commissioner Asaro remarked that the rationale makes sense to increase the number of parking spaces when a number of units increases. He stated that he did not realize how frequently these cases happen and the amendment seems to make sense.

Discussion followed on other possible issues that arise when an increase in density is proposed.

Chairman Pro Tempore Ford stated his agreement with Commissioner Asaro and surmised that the amendment would be a reasonable solution to the parking problem.

Mr. Pigozzi noted that this amendment seems logical and even though it cannot control the number of cars retained at a single-family residence, it can help ease the burden on street parking for conversions.

Chairman Pro Tempore Ford closed Public Comment portion of the hearing.

Commissioner Freeman agreed that there is a gap in the code for single-family conversion parking requirements; however he does not see how it should apply to coach houses.

Chairman Pro Tempore Ford asked if any part of the City Code specifically referenced a change in use status when for example the children of property owners move out of the coach house and renters move in. Mr. Latinovic answered that if the property becomes a rental, it must be registered with the City.

Mr. Asaro pointed out that the proposed ordinance says that an existing coach house is exempt.

Upon a question by Commissioner Freeman, Mr. Latinovic stated that adding a bathroom and a kitchen would make the coach house an additional dwelling, and therefore, for a new dwelling unit parking would be required.
Chairman Pro Tempore Ford noted that this amendment will at least solve a part of the parking problem. The Commission might need to accept that they are imposing a burden on new coach house owners and not on others; however, this happens all the time.

Upon a question by Mr. Pigozzi, Mr. Latinovic stated only new coach houses and other increases in density will be held to this new requirement. If for some reason, the requirement places a hardship on the property, the owners are still able to apply for a variance. Chairman Pro Tempore Ford asked how the requirement would be triggered, to which Mr. Latinovic answered that a building permit for bedrooms, bathrooms, or kitchen facilities would trigger the requirement.

Chairman Pro Tempore Ford noted that no serious reservations had been raised with respect to multi-family units, only coach houses. He asked if the Commission would like to address them separately or in a single motion.

The Commission agreed to address both multi-family and coach houses in a single motion.

There being no further discussion, Chairman Pro Tempore Ford invited a motion.

Commissioner Pigozzi made a motion to approve the proposed text amendment as proposed by staff.

Commissioner Asaro seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0.

Mr. Latinovic reminded everyone about the special Plan Commission Meeting scheduled for Wednesday, December 17, 2014 for the Planned Development at 1571 Maple Avenue. He has received the required materials from the applicants that the Commission requested and received materials from the opposition. Materials will be posted as soon as possible.

D. ADJOURNMENT

There being no further discussion, Commissioner Dubin made a motion to adjourn the meeting. Commissioner Goddard seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0.
The meeting was adjourned at 7:50 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
MEETING MINUTES
PLAN COMMISSION
Wednesday, December 17, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Richard Shure, Colby Lewis, Terri Dubin

Members Absent: Kwesi Steele, Lenny Asaro, Carol Goddard, Andrew Pigozzi

Associate Members Present: Stuart Opdycke

Associate Members Absent: David Galloway, Seth Freeman

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Michelle Masoncup, Deputy City Attorney
Mario Treto, Assistant City Attorney

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:00 P.M and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Peters concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

2. OLD BUSINESS

A. PLANNED DEVELOPMENT 14PLND-0118
1571 Maple Avenue
Michael McLean of 1571 Maple Avenue, LLC., developer of the proposed project, has applied for a Special Use for a Planned Development in the D3-Downtown Core Development District (Title 6-Zoning of the Municipal Code, Section 6-11) to construct a 12-story (133.3-foot high) multiple-family building with 101 residential units, 3,696-square feet of commercial space and 13 open parking spaces. The applicant seeks site development allowances for the number of dwelling units, building height, floor area ratio (FAR), number of on-site parking spaces provided, and building setbacks from the east, north and northwest property lines. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the
proposed development. The Plan Commission makes a recommendation to the City Council, the final determining body for this proposal.

Mr. Latinovic explained that upon request from the Plan Commission, the petitioner has submitted requested materials. He also noted that the attorney representing the Winthrop Club Homeowners Association had also submitted additional materials, all of which can be found in the packet posted online.

Tom Ramsdell, attorney for Winthrop Club Homeowners Association, 1571 Elmwood Avenue, cross-examined witnesses who had previously spoken on behalf of the applicant for the planned development.

Michael MaRous, MaRous and Company, real estate appraiser, answered questions regarding his match-pair report and stated that the development provides for rentals and modern development which encompass public benefits and housing goals for the City. If the building was built parallel to One Evanston building and in compliance with what Zoning allows, then it would have a more proximate and negative effect on One Evanston.

Michael Werthmann, KLOA, traffic engineer, provided testimony regarding parking and whether or not it complied with ADA standards. He noted that the elderly or physically handicapped will probably not choose to live in this facility if they own cars.

Steve Lenet, AICP, ASLA, from LCT Design, gave testimony regarding the 2009 Downtown Plan and previous goals the City had in mind for this property. He noted that the Downtown Plan recommended a less intensive developments west of the Davis St. station, but the development is subject to the Zoning Ordinance.

Mr. Ramsdell concluded his cross-examination and began presenting his primary case and objections to this project.

Allan Kracower, Kracower & Associates, urban planner, stated that his role in this project included identifying context for the standards and in his opinion, this project is excessively dense and does not meet ADA requirements. He thinks the project excludes those in need of housing. He contested the listed public benefits and noted parking concerns.

Bernard Citron, attorney for 1571 Maple, remarked that the Downtown Plan is only advisory. The Zoning Ordinance governs land use in this case. Mr. Kracower commented that the Downtown Plan is mentioned in the Zoning Ordinance which elevates its significance.

Commissioner Shure asked about the status of the Downtown Plan and whether it was advisory. Chairman Peters thought the question was beyond the scope of this evening’s meeting.

Mr. Treto stated that the Zoning Ordinance is the governing code. The Downtown Plan serves to supplement the Comprehensive Plan both of which serve as a guide for the Zoning Code. The Form Based Code, a recommendation from the Downtown
Plan was not adopted by the City Council. Despite various recommendations made in the Downtown Plan, the Commission must govern by the Zoning Ordinance.

Bill Kokalias, Axios Architects & Consultants Ltd., architect, provided and explained his illustrations demonstrating the visual impacts the planned development would have on One Evanston building to the south.

Chairman Peters inquired whether the building could be built with a different alignment and what the impact would be. Mr. Kokalias responded that it could have a different alignment, but it would more significantly impact One Evanston.

Chairman Peters suggested taking a ten minute break at 8:32 pm.

The Commission reconvened at 8:42 p.m.

John Sattar, JCS Real Estate Services, Inc., appraiser, stated his role in this project was to identify imposed impacts of the planned development on One Evanston building. He expressed disagreement with Mr. MaRous' report.

Upon questioning from Commissioner Ford, Mr. Sattar noted general health and welfare as being potentially impacted by the development. He worried that a cumulative impact will mean future developments will get the same allowances.

Commissioner Lewis asked how a vacant lot affects property value. Mr. Sattar stated that any kind of decrease in property value would be temporary until the site was developed. Mr. Sattar then clarified that no studies on parking impairing the general welfare were completed for his report.

Howard Ellman, President of the Winthrop Club Homeowners Association for One Evanston, highlighted his personal experience in dealing with this planned development and thought the Downtown Plan was not adequately considered by City staff.

Commissioner Ford noted that the public benefit bonuses listed in the Downtown Plan's Form Base Code are conditional, not required.

Commissioner Shure noted that the Downtown Plan is only advisory.

Chairman Peters asked what should be built on the property. Mr. Ellman stated that a building with less density and which better fit in with the neighborhood would be appropriate.

Chairman Peters invited the public to ask questions or provide comments.

Joe Rocheleau, 1400 Maple Avenue, stated that he does not believe the planned development meets requirements, fears cumulative effect, and believes proposed parking plan is impractical and unsustainable.

Commissioner Ford inquired whether parking fees would be bundled with the residential lease. Mr. Citron answered that parking fees would be separate from
leases similar to most other apartment buildings. He noted that this building is not
catered to those who use cars frequently.

Doug Fuson, 1570 Elmwood Avenue, stated that he was told in spring of 2013 that
nothing over 4 stories tall would be built on this lot and stated concern that the zoning
ordinances are getting confusing.

Debbie Magnuson, 2611 Hartzell Avenue, cited her real estate experience and
expressed concern regarding traffic and lack of demand for rental units. She stated
that view does affect price and believes assumption that most people are going to
use public transit is impractical.

Steve Lewis, 1400 Maple Avenue, stated that Evanston has the ability to be selective.
The development is not necessary and he doesn’t want to accept bad deals from
developers while allowing them exceptions.

David Reynolds, 204 Davis Street, stated that the parking garage at Church and
Chicago was built to address parking problems. Not requiring parking for this
development is problematic. He expressed concern that there are more benefits for
the developer than the public.

Janet Larson, 1501 Oak Avenue, stated her concerns regarding views and reduced
natural light. She noted that women might not be comfortable being required to use a
parking garage two blocks away.

David Kuo, 1570 Elmwood Avenue, commented that the elderly, handicapped, and
women might be limited by the development in terms of accessibility and safety. He
also noted high rental rates and traffic congestion as concerns.

Katie Traines, 1570 Elmwood Avenue, submitted a petition to the Commission with
78 signatures.

Donna Marcus, nearby resident, noted that permit parking is available for street
parking and expressed concern 1571 Maple residents taking advantage of it. Mr.
Latinovic clarified that residential permit parking is only available to residents who live
on that block, which will not include the residents of the proposed development.

Upon questioning from Mr. Citron regarding Mr. Sattar’s testimony, Mr. MaRous
clarified that a market study was prepared by appraisal research counselors cited in
his report. Mr. MaRous further explained his match-pair analysis.

Upon questioning from Mr. Citron, Mr. Lenet stated that the weight of public benefits
needs to be considered as opposed to the number of public benefits on a case-by-
case basis.

Corena Pinopa, 1571 Elmwood Avenue, asked Mr. Lenet about the net benefit of tax
revenue, since property taxes of units facing the new building will drop to the value of
units going down. Mr. Lenet clarified he does not believe there would be any
decrease in any taxes but only additional tax benefits.
Mr. Ellman noted that there will still be tax benefits to a shorter, less dense building.

Mr. Kuo stated that rental residents are transient and maybe larger benefits could come from condominium owners. Mr. Lenet responded that zoning cannot discriminate or characterize residents. Despite how this development is marketed, it is defined as a multi-family residential building by the Code.

Commissioner Ford questioned the meaning of the term ‘transient’ in relation to Evanston, referencing 4-year student renters. Mr. Lenet stated that 4-year renters are also likely to become permanent residents.

Michael McLean, 642 Sheridan Square, developer, noted that in this area of downtown Evanston, 56% of units are rental units. It would be difficult to define Downtown Evanston as transient, however. He also stated that technology companies are more likely to move to downtown Chicago because that is where the talented, young millennials want to be. In order to keep tech companies in Evanston, Evanston must attract and retain the in-demand, talented, young people.

In response, Mr. Kuo stated that he did not think the size and price of the units in the proposed development would be enough to attract the demographic Mr. McLean had described. He noted that this demographic already exists in Evanston due to Northwestern University.

Mr. Ellman asked whether rental units making up 56% of this area is actually a good thing. Commissioner Ford noted that give or take a few percentages, a 44% ownership and 56% rental for the area is actually rather balanced.

There being no further discussion, Chairman Peters closed the public participation and public comment portion of the hearing.

A brief discussion followed amongst the Commission members if they should continue the case to the next meeting date or invite the closing statements by both parties.

Commissioner Ford made a motion to continue the hearing to January 14, 2015 for closing arguments and Commission deliberation.

Commissioner Lewis seconded the motion.

A voice vote was taken and the motion was approved 5-0.

3. NEW BUSINESS

A. 2015 PLAN COMMISSION SCHEDULE

Commissioner Ford made a motion to approve the 2015 Plan Commission Schedule as presented by Staff.

The motion was seconded by Commissioner Dubin.
A voice vote was taken and the motion was approved 5:0.

4. **ADJOURNMENT**

There being no further discussion, Commissioner Dubin made a motion to adjourn the meeting. Commissioner Lewis seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0. The meeting was adjourned at 10:42 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
PLAN COMMISSION

CASE # 14PLND-0118

Planned Development

1571 Maple Avenue
To: Chair and Members of the Plan Commission

From: Mark Muenzer, Community Development Director  
Lorrie Pearson, Planning and Zoning Administrator  
Damir Latinovic, Neighborhood and Land Use Planner

Subject: Planned Development 1571 Maple Avenue, 14PLND-0118  
Compliance with the Illinois Accessibility Code

Date: January 8, 2014

During the December 17, 2014 Plan Commission hearing questions arose regarding proposed Planned Development’s compliance with the Illinois Accessibility Code. Specifically, does the proposed parking arrangement with 11 on-site parking spaces (including one accessible/handicapped space) and 101 off-site parking spaces located at the Maple Avenue parking garage meet the Illinois Accessibility Code.

Per the City’s Building and Inspection Services Division Manager’s review of the Illinois Accessibility Code, the proposed parking arrangement meets the requirements of the Code. The number of accessible spaces required is based on the total number of parking spaces in each particular parking facility. Section 430.310 of the Code states that for parking lots with 1-25 parking spaces one accessible parking space is required. As such, the proposed 11-space on-site parking lot with one accessible parking space meets the Code requirements.

The number of required accessible parking spaces at the Maple Avenue parking garage is based on the total number of parking spaces in that facility (1400). The required number of accessible spaces was provided when the facility was constructed to meet the Illinois Accessibility Code.

A question was also raised regarding an accessible route of travel. The Code requires that accessible parking spaces serving a particular building be located on the shortest accessible route of travel from the adjacent parking space to an accessible entrance. The proposed on-site parking lot would meet this requirement.

If a parking facility (such as the Maple Avenue public parking garage) does not serve a particular building, but multiple buildings/developments, the accessible parking shall then be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
Subsequent to the hearing two additional questions regarding the parking accessibility were raised by the Plan Commission. The questions and staff’s responses are summarized below:

1. *Should the number of handicapped parking spaces be provided based on the total number of parking provided for this development; for 112 parking spaces provided (11 on site and 101 off-site) five handicapped parking spaces are required?*

As mentioned above, the number of accessible parking spaces required is based on the total number of parking spaces in each parking facility. Therefore, the 11-space on-site parking lot with one accessible parking space meets the Code requirements.

2. *Can the required number of handicapped parking spaces be distributed between different parking facilities serving the particular development?*

Per staff’s review of the Illinois Accessibility Code, the Code states that for buildings with multiple entrances and multiple adjacent parking facilities accessible parking spaces can be dispersed among adjacent parking facilities and located closest to the accessible entrance. Such distribution of accessible spaces is permitted only if greater accessibility is achieved. For the proposed Planned Development at 1571 Maple Avenue, the Maple Avenue parking garage is not considered an adjacent parking facility. The intent of the Code was to provide flexibility for buildings with multiple entrance and multiple parking facilities. Therefore, if the public is served better by locating more accessible parking spaces near one entrance because of usage, etc., it would be allowed.

In conclusion, based on staff’s review of the Illinois Accessibility Code, the proposed development at 1571 Maple Avenue with the parking arrangement that includes 11-on-site parking spaces (including one accessible space) and 101 parking spaces within the Maple Avenue garage meets the accessibility requirements of the Code.

**Attachments**

The Plan Commission packet for 1571 Maple Avenue Planned Development from December 17, 2014 hearing is available online [here](#).

Materials submitted by the public at the 12/17/2014 Plan Commission hearing
PETITION - CONCERNED 1570 ELMWOOD OWNERS AGAINST PROPOSED BUILDING NEXT DOOR AT 1571 MAPLE...

Maria A. Conn # 1105

Nathan Walker # 1304

Evan S. Bonfield # 609

Ellen Wong # 910

Vincent # 910

N. Fleming # 807

# 705

# 908

Archie O. # 1010

Neha Mihira # 707

Cindy M. # 1101

Sarena Espinoza # 810

Dee K. Brown # 305

# 305

M. Carter # 711

# 503

Reena Zoch # 503

# 1403

Rebecca Rieger # 603
PETITION —CONCERNED 1570 ELMWOOD OWNERS AGAINST PROPOSED BUILDING NEXT DOOR AT 1571 MAPLE...

Karen Rieger #603
David & Julie Rosen #806
Dan Frank #1205
Julian Steinberg #1005
Michael Kefen #1303
Chris & Dan Benner #505

Thomas North #1004

Margaret Hulley #1102

L.J. Jacobs #1502

Neil Koby #1502

Susan Roberts #1211
Linda Garcia #1001

Sue & Tom Jenkins #1302

Eunice Ryan & Bill Ryan #1301

Lisa Burson #801
Andy Selzer #1207

Bill Zehr #1401
William Burke #1402
PETITION – CONCERNED 1570 ELMWOOD OWNERS AGAINST PROPOSED BUILDING NEXT DOOR AT 1571 MAPLE...

Sue Langer 1201

Joanne 1201

O. Reid 1004

Ann Cooper 1003

Aquí Martín 605

Fumi M. Miller 906

Thurmond P. Mills 906

Lora Drake 1011

Edward Williams 1584

Joe M. Shen 506

Laurie Kuo 501

David Kuo 501

Judith Simon 1501

Carolyn Steinberg 1005

Sally Hendrick 608

J. 1306

Jiti Tzu 4911
PLAN COMMISSION

01/14/2015

Modifications to Administrative Rules and Procedures of the Plan Commission
ADMINISTRATIVE RULES & PROCEDURES

Adopted 9/15/1993
Revised 6/8/1994
Revised 8/9/1995
Revised 11/8/95
Revised 12/13/1995
Revised 12/8/1999
Revised 12/13/2000
Revised 3/9/2005
Revised 12/14/2005
Revised 11/11/2009
Revised 01/18/2012
Revised 12/4/2014
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ARTICLE I NAME OF THE COMMISSION

The name of this organization shall be "The Evanston Plan Commission of the City of Evanston, Illinois", hereafter referred to as the "Commission".

ARTICLE II AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 8 of the City Code, and Section 3.1-5 of the Zoning Ordinance, Title 6 of the City Code.

These rules are to be read in conjunction with 65 ILCS, Sections 5/11-13-1, et seq. "Zoning" and 5 ILCS, Sections 120/1, et seq. "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

Nothing contained herein shall be construed to give or grant the Plan Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

ARTICLE III POWERS AND DUTIES

The Plan Commission shall have the following powers and duties:

(A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.

(B) To initiate studies, reports and recommendations to the City Council, City Manager, or Officials of other local governmental bodies on matters concerning the present or future development of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or development of the City, which will be acted upon by the City Council, shall first be presented to the Plan Commission to provide them a reasonable opportunity for review and comment.

(C) To study, review and prepare recommendations on the annual revision of the capital improvement program and on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.

(D) To review, hold hearings and offer recommendations to the City Council on any zoning matters that involve planning considerations, including, but not limited to, an amendment, planned development and unique use.

(E) To review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may
None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.

To carry out the above duties, the Plan Commission shall have the following powers:

1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Plan Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.

2. To conduct such public hearings as provided for in the Municipal Code, as amended, and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan or other matters before the Plan Commission for consideration.

3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.

4. To request from the Planning Division such staff time as may be required to assist the Plan Commission in carrying out its duties.

5. To request from the City Council such funds as may be necessary for the employment of consulting services or temporary employees deemed necessary for carrying out the duties required by this Chapter.

The Chair or his/her designee(s) shall act as the spokesperson or representative of the Commission before all City Council, City Council Committees, and other public meetings.

ARTICLE IV       MEMBERSHIP

(A) The Mayor shall appoint nine (9) Evanston citizens to serve as regular members of the Commission, subject to confirmation by the City Council. The Mayor and the manager of the Planning and Zoning Division shall be ex-officio members of the Commission but shall have no vote. The manager of the Planning and Zoning Division shall serve as secretary of the Commission. The Community Development Director shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission.

(B) Each regular member of the Commission shall be entitled to one (1) vote.

(C) All appointed members of the Commission shall serve as such without compensation.

(D) Appointments of regular members shall be for three (3) years, and they may be reappointed for one additional term. When a vacancy is created by the resignation of a member prior to expiration of that member’s term, the member appointed to fill this vacancy shall be appointed to a full term unless otherwise
(E) The Chair shall notify the Mayor when a member of the Commission has failed to attend meetings during a consecutive four (4) months, or six (6) times during a consecutive twelve (12) months, unless the Chair shall determine that the failure to attend was for a good cause.

ARTICLE V GENERAL PROVISIONS

(A) Commission members shall abide by the City’s Code of Ethics set forth in Section 1-10-4 of the Municipal Code, as amended.

(B) Information concerning any pending matter may be obtained from the Secretary of the Commission consistent with the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.), as amended

ARTICLE VI OFFICERS

(A) The officers of the Commission shall consist of the Chair, and one Vice-Chair.

(B) At its December meeting, the Commission shall select a Chair and one Vice-Chair from among its members to serve for the following calendar year with eligibility for re-election.

(C) The Chair shall nominate and the Commission shall elect such associate members of the Plan Commission as are deemed necessary to carry out the Commission’s duties and responsibilities.

Such associate members shall:

1. Serve one year terms set from January 1 to December 31 with eligibility for re-nomination and re-election for up to a total of five full terms. Those associate members who have completed three or more terms at the time that this amendment to the Administrative Rules and Procedures is adopted shall be eligible for a single additional term. Associate members who have been appointed in the middle of a calendar year shall serve out the rest of the year. A partial year term shall not be counted toward an associate members’ five-term eligibility.

2. Be required to complete and submit an Ethics Disclosure Form.

3. Perform the same duties and assume the same role as regular members, but shall have no vote.

(D) The Chair shall supervise the affairs of the Commission, shall preside at all Commission meetings and hearings, shall appoint subcommittees as may be necessary to carry out the purpose of the Commission, shall provide for the oath to be administered when required to all witnesses in matters before the Commission, and shall conduct the hearings and meetings of the Commission in an appropriate and expeditious manner. The Chair shall be an ex-officio member of all subcommittees so appointed.

(E) The Vice-Chair, in the absence or disability of the Chair, shall perform all duties and exercise all powers of the Chair. In the event that the Chair be unable to complete his/her term, the Vice-Chair shall be named Chair for the remainder of the unexpired term. At the beginning of such an interim period, the Commission
shall also elect a new Vice-Chair

(F) The Community Development Manager of the Planning and Zoning Division shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission.

The Secretary shall:

1. Be custodian of the active files of the Commission, and keep all records.

2. Conduct the correspondence of the Commission.

3. In the case of zoning matters, inform petitioners when their petition is to be heard, and notify each petitioner to be present at the hearing.

4. Have public notice of public hearings published in a local newspaper as required by law for zoning matters and amendments to the Comprehensive General Plan, and provide such notice as otherwise required hereby.

5. Promptly deliver copies of said public notice to residents in the vicinity of the property in question as required by ordinance. Failure to do so shall not prejudice the hearing.

6. Furnish a copy of said notice and a copy of each petition and other material information or documents submitted to the Secretary which is to be heard to each Commission member.

7. Promptly prepare an agenda, in consultation with the Chair. The agenda shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.

8. Record the names and addresses of all persons appearing before the Commission who have willingly provided their names and/or addresses to the Commission.

9. Keep records of the Commission's official actions and a verbatim transcript or recording and minutes of all public hearings on zoning matters relating to zoning or the comprehensive plan. Keep records and minutes of all meetings of Commission committees or subcommittees.

10. Record the vote of each member upon every question, or if absent or failing to vote, indicate that fact.

11. Promptly prepare a prehearing report setting forth the description of any proposed changes, background, alternatives, expected ramifications and staff recommendations on zoning proposals or proposed changes to the Comprehensive Plan.

12. Be responsible for interpretations of these Rules of Procedures which may be overruled by the Commission by a majority vote.

13. Cause a web site to be maintained making available to the public commission agendas, packets for members and such other information as the Chairman, Secretary or Commission determine should be
available on the web site. Because web access is not universal, the Secretary or his designee shall also provide access to the above described material for viewing by members of the public in either paper or electronic form at the office of the Commission.

Perform such additional duties as may be requested by the Commission.

(G) Should the Chair and Vice-Chair both be absent from a meeting of the Commission, or be otherwise ineligible to act upon a matter before the Commission, the remaining regular members of the Commission constituting a quorum shall elect from among their number an interim Chair to preside over the Commission for the duration of such absence or ineligibility.

ARTICLE VII  MEETINGS

(A) The office of the Commission shall be located in the office of Manager of the Planning and Zoning Division, Community Development Department, Community and Economic Development Department, Lorraine H. Morton Civic Center, 2100, Ridge Avenue, Evanston, Illinois; and the documents pertaining to any matters may be examined at this location by any interested party.

(B) Except as provided below, regularly scheduled meetings shall be held on the second Wednesday of each month at 7:00 P.M., in the Civic Center, 2100 Ridge Avenue, unless such day shall be a legal holiday observed by the City, in which case the regular meeting shall be held on the following Wednesday, and, or at such other times as the Commission shall decide. Prior to the first meeting of each calendar year, the Commission shall adopt a meeting schedule for regularly scheduled meetings during the forthcoming year.

(C) In addition to the regularly scheduled meetings, the Commission shall schedule additional meetings when necessary to comply with the time limitations contained in Article XI (B) of these Rules to complete hearings and make recommendations. To comply with the time limits, hearings shall be continued to the subsequent special or regular meetings and the time of each subsequent meeting shall be announced at the end of the prior meeting so that hearings are continued to a time certain.

(D) Regular meetings may be canceled by the Chair when there are no matters pending.

(E) Special meetings may be called at the discretion of the Chair, or upon request of two (2) or more members, provided that notice of said meeting is published as required by law. The Commission shall attempt to schedule meetings and hearings whenever urgent matters cannot be heard at the next regular meeting.

(F) A recording shall be prepared for all Commission meetings, public hearings, that include actionable agenda items. Minutes shall be prepared for all Commission, committee, and subcommittee meetings. Each such record shall become a part of the permanent record for each meeting.

(G) All meetings and hearings of the Commission and any committees or subcommittees of the commission shall be open to the public and subject to the applicable public notice requirements of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended.
A quorum of the Commission is required for the transaction of any business. A quorum shall consist of a majority of the regular members of the Commission five (5) regular members. The quorum for committee or sub-committees shall consist of one more than a majority of the members of the committee or sub-committee. In the absence of a quorum, the members present may discuss rescheduling matters and available dates and They may also act to continue matters previously scheduled for the meeting time at which no quorum is present. In the event the applicant is not present at a meeting for which notice has been published his/her matter(s) scheduled for that meeting shall be continued to the next regularly scheduled meeting.

Associate Members of the Plan Commission may be elected to serve on count towards quorum for committees and subcommittees of the Plan Commission.

No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she has some other direct conflict of interest, shall participate in discussion, questioning or voting as a Commission member in the matter involving such property or person.

All meetings and hearings open to the public shall provide time for material public comment providing that the comments are relevant to matters on the meeting or hearing agenda. To allow for all public comments to be voiced, the following time allotments will be followed:

a. The comments of individual citizens shall not exceed five (5) minutes;

b. The comments of a group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals shall not exceed ten (10) minutes.

c. All time limits may be modified at the discretion of the Chairperson. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.

ARTICLE VIII COMMITTEES AND SUBCOMMITTEES

The Commission may establish committees and subcommittees as it deems appropriate.

Each member and associate member shall, at a minimum, serve on one committee per year.

Committees and subcommittees shall operate in a manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended, and the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.), as amended. Each committee or sub-committee shall maintain minutes and records of their activities. The Secretary to the Commission shall keep records of the actions taken by each committee or sub-committee and shall arrange for the publication of any notice of meetings or hearings as are required by law or by Commission rule.

ARTICLE IX ORDER OF BUSINESS – COMMISSION MEETINGS

All meetings of the Commission shall ordinarily proceed as follows, except that when the
provisions of this Article conflict with the provisions of Article XI – Public Hearing Procedures – in which the provisions of Article XI shall control.

(A) Declaration of a quorum, introductory statements, consideration of minutes, communications, announcements and review of new business.

(B) Call by the Chair for announcement by members present if they must abstain from consideration of any particular matter on the agenda due to a possible conflict of interest. If such abstention(s) results in the loss of a quorum on any matter, the matter shall be postponed to the next regular meeting date.

(C) Requests for withdrawal or continuances or Change in Order of Matters being considered:

1. Any matter may be withdrawn at any time prior to the Commission reaching a recommendation.

2. A request for a continuance will be considered from any petitioner, his/her representative, the City Council or any interested party, and may be granted by the Commission upon showing that he/she will be unable to proceed with his/her evidence at the hearing for good cause. In determining whether to grant a continuance after the first hearing, the Board shall consider the time limitations contained in Article XI (B) of these Rules, together with all other relevant information.

3. Request to change the order of matters on the agenda shall be considered, but shall only be granted for good cause.

(D) Hearing of further testimony and/or discussion on continued matters.

(E) Hearing of new matters.

(F) Other unfinished business.

(G) Committee Reports

(H) Other new business.

(I) Public Comment on matters listed on the meeting agenda, or discussed during a public hearing or discussed by the Commission or scheduled for consideration. Public comment must be pertinent to materials before the Commission. A time of 2 minutes per person shall apply to this public comment.

(J) Discussion of next agenda.

(K) Adjournment.

ARTICLE X FILING PROCEDURES FOR AMENDMENTS, PLANNED DEVELOPMENTS AND UNIQUE USES

(A) The Commission shall consider text or map amendments, unique uses or planned developments when a petition has been properly proposed. Proposed petitions will be initiated by,

1. Written petitions requesting that the Commission and the City Council consider such application on behalf of (a) any governmental agency; or
(b) any person, firm, corporation or organization; or


(B) In cases where an Application must be presented to both the Plan Commission and the Zoning Board of Appeals, an Applicant may request a joint meeting pursuant to Municipal Code Section 6-3-4-8, as amended.

(C) A petition shall be in the form set forth in Appendix D of the Zoning Ordinance. If the reclassification of property is proposed, the petition shall be accompanied by a “Disclosure of Ownership Interests” statement as required by Ordinance 15-0-78.

(D) If a specific development proposal is contemplated, a zoning analysis shall be obtained to determine any and all zoning relief necessary. Said zoning analysis shall be completed by City Staff in no more than thirty (30) days from the submission of a perfected application.

Prospective petitioners are encouraged to have a pre-petition conference with Planning and Zoning Division staff prior to submitting the petition for final review and scheduling, in order to improve the likelihood that the petition, if acted upon favorably, would achieve the desired objective, and to become familiar with the procedures that will be followed.

The petitioner shall provide any other information that may be required by the Commission to aid it in making its recommendation.

(E) Secretary shall prepare, within fifteen (15) days, a pre-hearing report and place the matter on the docket for the next available hearing, unless otherwise directed by the Commission. Petitions normally will be assigned for hearing in the order in which they are perfected, unless the Chair of the Commission directs otherwise in order to comply with priorities established by the City Council. Petitions will normally be scheduled for the next available hearing following completion of the pre-hearing report. The agenda shall be established by the Chair, or in consultation with the members, from those matters which have been properly submitted or are pending.

(F) The Secretary shall assign a docket number when the matter is scheduled for hearing. The docket shall be numbered serially from each January 1st, the beginning of the calendar fiscal year of the City, and shall indicate the number and year.

ARTICLE XI  EX PARTE COMMUNICATIONS

Commission members shall not have ex parte communications with Petitioner or Objectors after filing of a petition for relief that is or will be the subject of a Plan Commission recommendation. This rule shall not be construed to prohibit Commission members from viewing the property that is the subject of any petition or attending community meetings. A community meeting is a meeting to which the public has been invited.

Commission recommendations should be based on material presented at the public hearing. However, Commissioners should refrain from describing or opining on any pending matter and therefore a commissioner at such meetings is a prohibited ex parte communication. Decisions made by Commissioners shall be based on material that is part of the hearing record and any observations they
ARTICLE XII  NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every meeting to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the City; or if no newspaper is published therein, then in one or more newspapers having a general circulation within the City. Mailed Notices shall be consistent with the requirements in 6-3-6-8 of the Municipal Code, as amended.

The notice shall advise that a copy of the Plan Commission's Rules may be obtained from the Planning and Zoning Division Commission Secretary or his designee. A majority of members of the Commission may determine that a matter to be considered for public hearing is of such City-wide importance as to require extraordinary notice.

In addition to other pertinent information, any notice of a public hearing shall state, "The public hearing may be adjourned (continued) from time to time to dates certain without additional notice."

Extraordinary notice may consist of one or more of the following items to be determined by the Commission with direction given to staff:

1. A press release to the community affairs editors of all local newspapers.
2. Notice to each alderman with a request to notify community groups in their wards.
3. Notice to local access cable television.

ARTICLE XIII  PUBLIC HEARING PROCEDURES

General: Any materials to be presented by the Applicant, or other persons planning to address the Commission, parties in opposition, their witnesses, Attorneys, expert witnesses, shall be provided to the Secretary four (4) business days prior to a Plan Commission meeting where such material are discussed or considered. This allows all materials to be distributed to Commission members prior to the meeting during which they might be discussed. This includes all PowerPoint presentations, plans, sketches, pictures, charts and data or compilations and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in an Adobe PDF digital format, however if a PDF cannot be provided, the party submitting materials shall provide no fewer than fifteen (15) copies to City staff. The secretary shall promptly deliver copies of such material to Commission members and cause copies to be posted to the Commission web site.

Any factual material to be presented by the petitioner or objectors prior to the meeting shall be certified or sworn under oath. The makers of any such material shall be made available for questions from the Commission at the appropriate time in the hearing process. Submission of sworn factual or expert testimony prior to the hearing when such material might be discussed allows interested parties to submit more extensive testimony than would otherwise be possible in
light of the applicable time limits.

Order of Presentation During Hearings

(A) Introduction by the Chair: The Chair shall begin each public hearing by identifying the matter and explaining the procedures for the conduct of the public hearing. An oath should be administered to all persons intending to testify during the course of the public hearing. In a hearing that was continued from a previous meeting, the Chair shall remind those that were previously sworn that they remain under oath. The Chair shall have the list of documents placed on file read into the record.

Proof of lawful notice shall be introduced and made a part of the record. The notice and the petition or reference shall be part of the record. The Chair may waive reading of the published notice.

(B) City Staff’s Summary of the Petition and Relief Sought: Staff shall summarize the proposal, describe all material received from the petitioner, public and other interested entities, explain any recommendations, and speak to the standards.

Persons having an interest (supporting or opposing) in the petition or reference before the Plan Commission will be asked to enter their names and addresses on a sign-in sheet and indicate whether they wish to ask questions of witnesses or cross-examine witnesses. Persons who wish to cross-examine are “interested persons” for purposes of these Rules. Persons who do not want to identify themselves or provide their address may provide testimony without identifying themselves, or their address, but by refusing to identify themselves and provide their address, they waive any right they might have that arises from the location of their residence or property in relation to the subject property.

(C) Petitioner’s Presentation: The petitioner will present testimony of witnesses and other evidence. In general, the Commission shall allow the petitioner to make this presentation without interruption, except for questions allowed by the Chair that may be immediately necessary to aid the Commission or public in understanding the presentation. If the matter is a reference from the City Council or City Staff, the appropriate Staff Member shall explain the proposal. Material submitted to the Secretary prior to the hearing by the Petitioner shall be part of the record and does not need to be the subject of additional testimony provided the makers of such material are available to answer questions from the Commissioners during or at the close of Petitioner’s case. The time limit for Petitioner’s case, exclusive of questions to witnesses from Commission members is 20 minutes.

At the close of Petitioner’s case, the Chair shall inform those present of the following:

1. Persons or groups with an ownership or leasehold interest in property within five hundred feet (500’) in the case of amendments and within one thousand feet (1,000’) in the case of unique uses and planned developments, in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such continuance shall be by public announcement to a date certain. Such request shall be made in writing immediately following presentation of the Applicant’s Petitioner’s case.
If a request for continuance in proper form is received pursuant to the above provisions by a person who has disclosed his or her name and address to the Commission, then the meeting shall be continued to a date certain and the continued hearing will begin with the taking of testimony by those requesting the continuance, followed by public comment.

(D) Public Testimony and Comment:

1. General Provisions: Prior to the start of public testimony or comment, the Chair shall advise the public of time limits and rules governing public comment including the requirement that repetition should be avoided and that all comments or testimony must be relevant to the issues before the Commission. At the conclusion of the Chair's description of the rules governing public comment, the Secretary shall describe all material submitted prior to the hearing by organizations or persons other than the petitioner.

2. Members of the individuals or members of groups wishing to comment or present testimony to the commission may do so after the close of the Petitioner's case. Comments or testimony from organizations shall be taken by the Commission prior to comments from individuals. The Chair will determine how the any questions from the public shall be addressed. Following the conclusions of all public participation, the Chair will direct the questions from the public to the petitioner in an orderly and consolidated manner for response. The time limit for statements from organizations regarding the proposal under consideration shall be no more than 10 minutes; comments or testimony from others shall be no more than 2 minutes in length.

(E) Cross Examination: After the close of public comment and testimony, Cross examination of all witnesses shall be conducted. Such cross examination is limited to questions relevant to the standards and shall be confined to points raised during the testimony of the person being cross-examined. The Chair should determine the relevancy of any question and has the responsibility to limit questions to matters presented to the Commission during the hearing that are relevant to the applicable standards. In making this determination, the Chair may ask those conducting cross-examination to explain the relevance of their question to the standards and to the testimony of the person being cross-examined.

(F) Response by the Petitioner: The Chair will allow the petitioner a reasonable time to respond to the public testimony and comments presented.

(G) Optional Closing Statement by Staff.

(H) Questions by the Commission: The Commission members may ask questions of any individual that may clarify material presented or relief requested. Such questions should not be argumentative. At the conclusion of the questions from Commissioners, the public hearing will be closed.

(I) Commission Discussion and Deliberation: During the Commission's discussion, Commission members may direct additional questions to the petitioner or any witnesses or members of the public who testified. The Petitioner, witnesses or members of the public may not address the commission during this portion of the meeting without the Chair's consent.

(J) Commission Action. Based on the discussions, the Commission may: (a) require
the petitioner, the City staff and/or City Attorney to provide new or additional information and continue the hearing to a date certain; or (b) take action (vote) on the petition and make its recommendation to the City Council, which recommendation may include conditions. The Plan Commission shall issue a recommendation within 120 days of the first presentation by the Applicant to the Plan Commission. The Commission shall hold additional meetings during the 120 day period to meet the 120 day requirement. The Commission, with a 2/3 majority vote may extend the recommendation period up to thirty (30) additional calendar days to accommodate extraordinary issues that may arise during the hearing process.

(C) A recording of the Public Hearings shall be prepared. Minutes shall be prepared for all Public Hearings. Each such record shall become a part of the permanent record for each meeting.

(D) If the matter is a petition, the petitioner may appear on his/her own behalf or be represented by his/her own counsel or agent.

(E) If the petitioner fails to appear, the Chair may entertain a motion to dismiss the matter or to continue it to a date certain.

(F) If the matter is a reference from the City Council or City Staff, the appropriate Staff Member shall explain the proposal.

(G) Any materials to be presented by the Applicant, parties in opposition, their witnesses, Attorneys, expert witnesses, must provide all materials to City staff four (4) business days prior to a Plan Commission meeting so that all materials may be distributed to Commission members. This includes all PowerPoint presentations, plans, sketches, charts and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in an Adobe PDF digital format, however if not possible, the party submitting materials shall provide no fewer than fifteen (15) copies to City staff.

(H)(K) All persons appearing at the hearing shall be given an opportunity to be heard. All witnesses shall be sworn by the Chairperson and shall testify under oath. However redundant statements or matters not pertinent to matters pending shall not be permitted.

(I)(L) Statements made by an Attorney for any party shall not be considered as evidence unless the facts set forth by the Attorney are verified under oath by another witness or unless the Attorney is testifying as a witness.

(J) Cross-examination of persons giving testimony and citizen comment must be relevant to the matters heard and be confined to the points raised during that person’s testimony. Cross-examination is testimony designed to elicit weaknesses, omissions, and misstatements made in direct examination.
A person may not testify on behalf of another person. However, written statements may be submitted to City staff four (4) business days prior a Plan Commission meeting, and will be part of the permanent record. Written statements or letters must have the writer’s signature, address and contact phone number. Such statements shall be construed as the writer’s opinion about the proposal but not as factual testimony.

A petitioner or objector or his or her agent or Attorney may submit a petition favoring or opposing the proposal. Such petition shall contain only a brief statement of the position of the persons favoring or opposing the proposal; their printed names, addresses and signatures. No petition will be admitted into evidence unless the submitter certifies that he or she collected all signatures on the petition and that each person signing the petition did so in the presence of the person submitting the petition.

The chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses, taking into consideration:

1. The nature of the case.
2. The complexity of the issues.
3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
4. Whether the witness possesses special expertise.
5. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
6. The degree to which the witness’ testimony relates to the factors to be considered in approving or denying the proposal.
7. Such other factors appropriate for the hearing.

The Chair shall chair the public hearing and may disallow any testimony in accordance with the Rules. However any ruling disallowing testimony the Chair may be overruled by a majority of the Commission present and voting.

The Commission shall allow items to be placed on a consent agenda, upon receipt by the planning office of a written request by the applicant pursuant to the following conditions:

- Staff recommendation of approval;
- Applicant agreement with staff report conditions; and
- There is no one present at the time of the hearing who wants to speak or introduce evidence in opposition to a proposal.
- If any Commissioner wishes to remove an item from consent agenda to speak in more detail about said item.

The Chair shall have the right to cause removal from the hearing of any person who is disorderly or contemptuous.
The City shall be an interested party in every public hearing, but need not appear. The City staff and city attorney shall not be subject to cross-examination unless they have testified in favor of a proposal originating with the City staff or City Council.

Testimony shall ordinarily be presented in the following order, except that the Commission members may question witnesses at any time. All time limits may be modified at the discretion of the Chairperson. Reasonable adjustments may be made on a case-by-case basis to accommodate the requirements of extraordinary situations.

1. Staff report summarizing the proposal.

2. The Plan Commission will first hear testimony or evidence from the Applicants or their Attorneys and/or witnesses. Presentation time is limited to 20 minutes.

3. The Plan Commission will then hear testimony, or evidence from persons in support of the Applicants. Time is limited to five minutes (5 minutes) per person in support of the Applicants.

4. After the Applicants, their witnesses, and persons supporting the Applicants have completed their presentation, the Chair will allow cross-examination by persons or groups with an ownership or leasehold interest of the Applicants, their witnesses, and persons supporting the Applicants. This includes questions from persons opposing the request of the Applicants. No statements are to be made at this time.

5. Only the Applicant and persons or groups who have an ownership or leasehold interest in property within the five hundred-foot (500') or one thousand-foot (1,000') distance of the subject property, as applicable, shall have the right to cross-examine at the hearing.

6. The Plan Commission will then hear testimony, or evidence from all persons opposing the request of the Applicants. Time is limited to five (5) minutes per person, except as otherwise provided in these Rules.

A group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals that have an ownership or leasehold interest in property within five hundred feet (500') or one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, exclusive of public roads, streets, alleys and other public ways, who wish to object. Time is limited to ten (10) minutes per group.

7. All those who provide evidence or comments shall set forth how said evidence applies to the applicable standard(s).

Persons or groups with an ownership or leasehold interest in property within five hundred feet (500') in the case of amendments and within one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, exclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such
continuance shall be by public announcement to a date certain. Such request shall be made following presentation of the Applicant’s evidence.

8. After opposing testimony has concluded, Applicants may cross-examine all persons who have testified in opposition to the Applicants.

9. The Applicants may rebut evidence of persons opposing the request of the Applicants.

10. Re-examination by Persons or groups with an ownership or leasehold interest of the Applicants’ rebuttal witnesses and questions from persons opposing the request of the Applicants may be allowed.

11. Testimony or evidence may be allowed for rebuttal testimony consistent with the Rules.

12. Any testimony, evidence, or comment which is cumulative, repetitious, harassing, argumentative or irrelevant to the case being heard shall not be permitted.

13. Staff report, if any.

14. Cross-examination by Applicant and Interested Persons and persons opposing the request of the Applicant may ask questions of staff presenter(s).

15. Summary closing by Petitioner, limited to ten (10) minutes.

16. Summary closing by Interested Persons, limited to five (5) minutes per person.

17. Rebuttal / closing by Petitioner, limited to three (3) minutes.

18. Closing arguments which are repetitious, harassing or irrelevant to the case being heard will be disallowed.

(T) 19. Only speakers recognized by the Chairperson may speak. All persons in attendance shall refrain from making remarks, unless recognized by the Chairperson. All groups or individuals in the audience shall refrain from creating an atmosphere detrimental, or disturbing, to the conduct of the meeting at the risk of being asked to leave by the Chairperson.

20. Questions shall be addressed to the Chairperson; answers and follow-up questions by the Commission shall be reserved until the end of the presentation to avoid interrupting the speaker and duplicating ground the speaker may cover.

(U) 21A person may not testify both as a member of a group and as an individual.

(V) 22 The Plan Commission’s decision shall be in writing and contain its recommendation based upon the record. The decision shall be accompanied with a findings of fact relating to relevant standards.

(S) At the conclusion of evidentiary portion of the hearing, no further testimony or
evidence will be taken, unless the Chair continues the hearing to a date certain for the purpose of taking further testimony or evidence. The Plan Commission may, after all evidence and testimony, have concluded, among other actions, deliberate upon the evidence presented or continue the hearing to a date certain.

Any member absent from all or a portion of a public hearing who certifies that he or she has read the transcript on and/or watched recordings of the hearing for any given matter may vote upon any question before the Plan Commission with respect to such matter. If there is not a majority of a quorum present in agreement, then the case passes from the Plan Commission to the Planning and Development Committee without a recommendation. A case shall not be continued to allow absent members to vote.

Plan Commission Members may ask questions of witnesses during their deliberations to clarify their testimony.

Whenever a hearing is continued to a date certain, no additional notice or publication of notice shall be required providing that the notice of the initial hearing met all legal requirements.

Full Members shall be entitled to one (1) vote. Associate Members shall have no (0) vote.

ARTICLE XIII DISMISSALS OF ZONING PETITIONS

If a petition is dismissed, the applicant will be furnished written notice by the Secretary of such dismissal.

The petitioner shall have seven (7) working days from the date of notice of dismissal to apply for reinstatement of the matter. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon payment of the fee designated by Ordinance.

In all matters reinstated in the above described manner, the matter will be docketed and republished.

ARTICLE XIV RECOMMENDATIONS ON AMENDMENTS, UNIQUE USES, AND PLANNED DEVELOPMENTS

All deliberations of the Commission shall be conducted, and all motions, votes, actions, decisions or recommendations shall be made, at a meeting open to the public.

All decisions or recommendations shall be by a motion, made and seconded, and recorded with a roll call vote. If conditions are imposed such conditions shall be included in the motion. A recommendation to grant or deny any petition shall be supported by findings of fact specifying the reasons therefor.

A concurring majority vote of a majority of the members present shall be necessary to make a recommendation in any matter before the Commission. As provided in Rule VI (G), at least five (5) members must be present for a quorum.

Only members who have a conflict of interest or those who were not present for part or all of the testimony may abstain from voting.
Minority reports may be prepared by Plan Commission regular members not in agreement with a majority vote on matters decided by the Plan Commission with the following guidelines:

1. The regular member(s) voting in the minority shall notify the Chair and the Vice-Chair of their intent to submit a minority report within five (5) calendar days following the close of the hearing.

2. The minority report shall be completed and submitted to the Chair and the Vice-Chair within fifteen (15) calendar days after the close of the hearing. The minority report shall be submitted to the City Council along with the full report of the Plan Commission’s action regarding the case in question.

The Commission’s report of the recommendation shall be provided to petitioner, members of the Plan Commission, and the City Council promptly.

ARTICLE XV  COMPREHENSIVE GENERAL PLAN

Provisions regarding the Comprehensive General Plan are contained in Title 2, Chapter 8, Section 2-8-8 of the Municipal Code, as amended.

Petitions for amending the Comprehensive Plan may be initiated by the Commission, by reference from the City Council, by staff or by members of the public.

ARTICLE XVI  AMENDMENTS OF RULES

These rules may be amended by an affirmative vote of five (5) members of the Commission. These rules may be temporarily waived, suspended, or adjusted to meet the particular needs of the public hearing process consistent with Constitutional and statutory requirements for due process.