

PLAN COMMISSION PROCEDURES SPECIAL USE

Obtain necessary paperwork from the Clerks Office (rezoning application).

Fill application out completely. The application will be submitted to the Building Commissioner for his review. Once the Building Commissioner has approved the application you will be contacted with the next available meeting date and meeting deadline.

Once your application has been approved, you will need to make thirty copies of the application along with any additional pictures or paperwork you would like included in the Plan Commission packet.

The original application, the correct fee and the thirty copies must be submitted to the City Clerks Office a minimum of 25 days prior to the meeting. There is no exception to this rule.

Once you have filed your paperwork along with the correct fee the City Clerks Office will submit a legal notice to the local paper, which is the Herald News. The Herald News will contact the petitioner and let you know how much the publication is going to cost. This must be paid in advance of publication by cash, check or credit card to the Herald News.

The petitioner must notify all property owners within 300 feet (500 feet for a PUD) of the property. Once you have obtained the property owners names, there are two ways to notify them.

If you are going to notify property owners by personal deliver, you will need to personally hand them a letter with their name and address on it and then have them affix their signature on the notifications sheets showing that they accepted the notice.

If you are unable to contact the property owner by personal delivery or if the property owner refuses to accept the letter by personal delivery, then a certified letter (property owners name and address must be on it) with return receipt will have to be sent.

Property owners should be notified of the meeting date a minimum of fourteen (14) days or sooner prior to the meeting. A signature sheet is attached to the application and there is also a sample letter enclosed for your convenience.

The petitioner will be responsible to supply a court reporter for the hearing, and shall supply to the City Attorneys Office a copy of the transcribed proceedings. **If the petitioner does not supply a court reporter, the case will not be heard.** (To hire a reporter see reporter, court in yellow pages of phone book).

← On the night of the meeting you will be required to submit to the secretary of the Commission, your paid receipt from the Herald News, your affidavit of notification notarized and copies of the return receipt cards if applicable. **If these items are not submitted the night of the meeting, your case will be tabled until the following month.**

The Plan Commission will hear all interested parties who file a written appearance and any objectors. The Plan Commission shall make a written decision of finding of fact to the City Council to deny or accept the petition as presented or as amended. **ALL CASES WILL BE CONTINUED UNTIL THE FOLLOWING MONTHS MEETING SO THAT THE WRITTEN DECISION OF THE FINDINGS OF FACT AND TRANSCRIPT CAN BE REVIEWED BY THE COMMISSION PRIOR TO SUBMITTAL TO THE CITY COUNCIL.**

The City Council receives the written decision of findings of fact from the Plan Commission and transcript and makes the FINAL DECISION on the Commission's written decision.

If you have any questions regarding this matter please contact the City Clerks Office at (815) 741-5100 Monday through Friday from 8:00 a.m. to 5:00 p.m.

**CREST HILL PLAN COMMISSION
APPLICATION FOR RECLASSIFICATION OF PROPERTY
(REZONE/SPECIAL USE)**

APPLICANTS NAME: _____

ADDRESS: _____ PHONE: _____

CITY: _____ STATE: _____

LEGAL DESCRIPTION OF PROPERTY: (legal description can be attached to this application)

COMMON ADDRESS OF PROPERTY: _____

LOT SIZE: Width _____ Depth _____ Area _____

PRESENT USE: _____

EXISTING ZONING: _____

ADJOINING PROPERTIES ZONING CATEGORIES AND USES:

North of property: _____

South of property: _____

East of property: _____

West of property: _____

ZONING CLASSIFICATION REQUESTED: _____

PURPOSE OF REQUEST TO REZONE: _____

PROPERTY INTEREST OF APPLICANT: _____

If applicant is not the owner, please supply the following:

NAME OF PROPERTY OWNER: _____

ADDRESS: _____

I agree to be present in person or by counsel when the Plan Commission and City Council hear this rezoning request.

Date

Applicants signature

NOTICE TO NEIGHBORING PROPERTY OWNERS

DATE: _____

TO: _____

ADDRESS: _____

CITY/STATE: _____

Dear _____:

I have applied to the City of Crest Hill Plan Commission for a:

____ zoning change ____ variation

____ planned unit development ____ preliminary/final plat

Address of the property: _____

The request, if granted, would permit the use of the property in the following manner:

The Plan Commission will hold public hearing on my application on

_____, 20____ at 7:00 p.m. at the City of Crest Hill Municipal Building, in the City Council Chambers, 1610 Plainfield Road at which time you may express your views in person.

If you have any questions regarding our request, please fee free to contact us at

() _____

OWNER OR PETITIONER

(PLEASE PRINT NAME)

ORDINANCE NO. 1119

AN ORDINANCE ESTABLISHING SUPPLEMENTAL NOTICE PROVISIONS FOR APPEARANCES BEFORE THE CREST HILL

Be it ordained by the City Council of the City of Crest Hill, Illinois:

Section 1: There is hereby added to the Crest Hill Zoning Ordinance Section 12.5-1.1, which Section shall read as follows:

"12.5-1.1 Filing Requirements

Whenever any provision of the Zoning Ordinance requires that notice of a property owner's or occupier's petition or other matter must be presented before the Plan Commission, the party presenting the petition must submit a legible copy of it to the City Clerk no later than twenty-five (25) days before the Plan Commission meeting at which it is to be presented."

Section 2: There is hereby added to the Crest Hill Zoning Ordinance Section 12.5-1.2, which Section shall read as follows:

"12.5-1.2 Notification Requirements-Plats of Subdivision and P.U.D. Developments

Whenever a property owner or his agent seeks approval from the Plan Commission of a plat of subdivision or a planned unit development, the petitioner shall notify all surrounding property owners of the date, time and place he plans to present his preliminary plat or plan to the Plan Commission, no later than fifteen (15) days of the Plan Commission hearing thereon, giving a full description of the action he wishes the Plan Commission to take. This notice shall be performed in the same manner as the serving of notices for rezoning, variances, and special uses."

Section 3: This Ordinance shall take effect on January 1, 2000.

PASSED this 20th day of December, 1999.

Christine Westray
CITY CLERK

AYES: 8

NAYES: 0

ABSENT 0

APPROVED this 20th day of December, 1999.

Donald L. Randuk
MAYOR

ATTEST: Christine Cleary By [Signature]

**RULES REGARDING THE APPLICATION AND HEARING
ON THE GRANTING OF SPECIAL USE PERMITS ADOPTED BY THE PLAN
COMMISSION OF THE CITY OF CREST HILL, ILLINOIS**

Section 1. PURPOSE - The Plan Commission of the City of Crest Hill, Illinois, hereby adopts these rules in order to provide for the orderly disposition of special use variation applications coming before the Plan Commission, and to provide a framework for all parties to be heard upon an application which is in compliance with all parties procedural due process.

Section 2. DEFINITIONS -

- A. PLAN COMMISSION - the duly appointed and acting Plan Commission of the City of Crest Hill, Illinois.
- B. PETITIONER - the applicant for a special use variation.
- C. APPLICATION -- the Petitioner's application for a special use under the Zoning Ordinance.
- D. CHAIR - the presiding officer of the hearing.
- E. HEARING - the public session of the Plan Commission conducted for the purpose of receiving evidence in support of, and against, the special use permit.
- F. CITY CLERK - the duly elected and acting City Clerk of the City of Crest Hill, Illinois.
- G. CITY - the City of Crest Hill, Illinois.
- H. SPECIAL USE - as defined in the Zoning Ordinance, also sometimes referred to as special use permits or special use variations.
- I. NOTICE - also publication notice, as defined in Section 12.7-4 of the Zoning Ordinance.

- J. ZONING ORDINANCE - The City of Crest Hill Zoning Ordinance, 1989 (Revised July 3, 2002), and as may be amended from time to time.
- K. INTERESTED PARTIES - All individuals, corporations or other business entities recognized under Illinois law, who have an ownership interest in any real estate located within 300 feet of the real estate that is the subject of the special use variation application.
- L. GENERAL PUBLIC - All individuals, corporations or other business entities recognized under Illinois law that are not Interested Parties and all Interested Parties who fail to file his/her/its' appearance in accordance with these rules.

Section 3. FORM OF NOTICE - All special use permit publication notices shall now contain the language:

"All persons in attendance at the hearing shall have an opportunity to be heard. Any person who also wishes to appear as an "interested party" with the right to cross examine others at the hearing must complete and file an appearance with the City Clerk no later than (three business days before the date of the hearing). Appearance forms are available from the City Clerk during regular business hours."

Section 4. PUBLIC HEARING - All hearings of the Plan Commission are subject to and shall be conducted in conformance with the Illinois Open Meetings Act. The evidence heard shall be received in conformance with the strict rules of evidence.

Section 5. CHAIR OF THE HEARING - The Chairman of the Plan Commission designee shall chair the public hearing. The Chair shall control the conduct of the meeting as set forth herein below.

Section 6. DUTIES OF THE CHAIR.

- A. The Chair shall, upon reasonable limitation on the evidence and testimony presented by the petitioner, interested parties and the

general public;

- B. The time limits imposed by the Chair, if any, shall be fair, and strictly enforced;
- C. The Chair shall rule on all questions related to the admissibility of evidence, except that the Chair's ruling on the admissibility of evidence may be overruled by a majority of the plan commissioners then in attendance. In no circumstance shall irrelevant, immaterial and/or unduly repetitious evidence shall not be admissible;
- D. With regard to the restrictions to be set in Section 6(a) and 6(b), the Chair shall set such restrictions in light of the following factors:
 - (a) The complexity of the issue involved in special use applications;
 - (b) Whether a witness, who is testifying possesses any special expertise relevant to the special use application;
 - (c) The extent to which a particular witness' testimony is directly relevant to a factor to be considered in approving and denying the proposal.
- E. The Chair shall maintain an orderly and civil hearing. The Chair may direct that any individuals disrupting or not observing the decorum of the hearing to be removed or otherwise sanctioned.

Section 7. CONDUCT OF THE HEARING.

- A. A report of proceedings shall be made of each hearing. The Petitioner shall supply a court reporter for the hearing, and shall supply to the City Clerk's office a copy of the transcribed proceedings.
- B. Proof of notice shall be submitted into evidence prior to the taking of any oral evidence.

- C. At the public hearing, the Petitioner shall appear on his or her own behalf, or by counsel. Corporate petitioners shall appear either by an agent or officer of the corporate with the authority to bind the corporation or by counsel.
- D. The City is a party to every hearing and need not file any appearance.
- E. Any interested person may appear and participate at the hearing.
- F. All interested persons and the Petitioner, when appropriate shall identify themselves for the record, and indicate if an attorney is representing them.
- G. The examination of a witness shall not be used by the questioner as an opportunity to proffer new evidence or evidence of the questioner.
- H. All testimony shall be offered under oath.
- I. An attorney representing a party shall not be sworn if he or she is questioning witnesses, summarizing the testimony of witnesses to be presented or who have testified, or is addressing the plan commission. If an attorney is to offer evidence by way of oral testimony, he shall be sworn in as if he or she were any other witness.
- J. The order of presentation at a hearing shall be generally as follows, unless modified by the Chair upon a showing of appropriate circumstances:
 - 1. Calling of the hearing to order;
 - 2. Identification of the Petitioner;
 - 3. Submission of proof of notice;
 - 4. Introduction/opening statement of the Petitioner;
 - 5. Petitioner's case-in-chief (submission of testimony on direct examination by the Petitioner of his witnesses)
 - 6. Questioning of Petitioner's witnesses by

- the members of the Plan Commission;
7. Cross-examination of Petitioner's witnesses by Interested Parties who have filed their appearance;
 8. Interested parties' case-in-chief;
 9. Questioning of the interested parties' witnesses by the members of the Plan Commission;
 10. Cross-examination of Interested parties' witnesses by the Petitioner;
 11. Any report or commentary as to the appropriateness of the relief sought by City staff;
 12. Closing summation by the Petitioner;
 13. Closing summation by Interested Parties;
 14. Rebuttal, if any, by the Petitioner;
 15. Comment on the application by the general public, which shall be limited to comments only, and shall be restricted to two (2) minutes per speaker.

To the extent possible, the order of items numbered 5, 6 and 7, and 8, 9 and 10, shall be followed on a witness by witness basis, in order to endure an orderly flow of the presentation of the evidence and to avoid the cross-examination of multiple witnesses at the same time.

- K. At the conclusion of the evidentiary portion of the public hearing, the plan commission may, move to deliberate its' decision on the evidence presented, consult with city staff as to the appropriateness of the relief sought, or continue the hearing to a date, time and location certain in the future. If the hearing is continued to a date that is not a regular meeting date for the Plan Commission, the Petitioner shall pay the special meeting fee of the Plan Commission for that date.
- L. The Plan Commission shall prepare a written decision, which shall contain written findings of fact as required by Section 12.7-6 of the Zoning Ordinance, and the Plan Commission's recommendation or decision based upon the evidence adduced at the hearing.

Section 8. APPEARANCE FORMS.

The office of the City Attorney shall prepare, and the City Clerk shall make available appearance forms for Interested Parties to file so that they may appear and present evidence at any special use hearing.

Section 9. AMENDMENT OF THESE RULES.

These Rules for Public Hearing may be amended by a vote of the majority of all of the members of the Plan Commission. No amendment of the Rules shall be effective immediately, but shall only be effective commencing at the next regular session of the Plan Commission following the enactment of such amendment.

SECTION 10. AVAILABILITY OF THE RULES.

These Rules for Public Hearing shall be available for inspection in the City Clerk's office during regular business hours by the general public. Further, a copy of these rules shall be provided to all Petitioner's upon submission of their application for a special use variation.

AS ADOPTED BY THE CREST HILL PLAN COMMISSION ON JUNE 11, 2003

BEFORE THE PLAN COMMISSION OF THE
CITY OF CREST HILL, ILLINOIS

IN re the application of:)
)
 _____)
) NO. _____)
 _____)
)
 for a special use permit.)

APPEARANCE AS AN INTERESTED PARTY

The undersigned, does hereby enter his/her/their appearance in this matter before the City of Crest Hill Plan Commission as an interested party in this case/or on behalf of _____ as an interested party to this case.

Name:
Address:
City, State, Zip:
Phone Number: