

DOUGLASS CITY PLANNING COMMISSION

CHECK LIST FOR CONDUCTING A PUBLIC HEARING ON  
REZONING AMENDMENT AND/OR SPECIAL USE CASE(S)

PURPOSE:

This check list is to assist: (1) the Chairperson in conducting the hearing; (2) the Secretary in an orderly process of minute taking; (3) the applicant in presenting their request; and (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case, the number of persons to be heard and whether the hearing is for a rezoning amendment and/or a special use. If a rezoning amendment and a special use case are heard concurrently, separate consideration and action should be taken on the findings and factors and recommendations since the reasons for approval or disapproval or attaching any conditions may be different. The Chairperson will find it helpful to mark up a check list on each case(s) prior to the hearing so that important procedural points are not inadvertently missed.

CALL AGENDA ITEM(S):

It is \_\_\_:\_\_\_ p.m. and I call Agenda item(s) #\_\_\_ and #\_\_\_ which (is a) (are) public hearing(s) on Case(s) No(s). (Z \_\_\_-\_\_\_) (and) (SU \_\_\_-\_\_\_). (This is) (These are) for a (rezoning amendment requesting a change from the present \_\_\_\_\_ District to the \_\_\_\_\_ District) (and) (an application for the establishment of \_\_\_\_\_ as a special use in the \_\_\_\_\_ District.) We would like to welcome everyone interested in this hearing and lay out a few ground rules:

1. It is important that you present any facts or views you have as evidence at this hearing so that an informed recommendation can be made by the Planning Commission to the Governing Body for their final decision.
2. The Governing Body does not have to hold another public hearing on the matter, although they may listen to whomever they wish. They may ask you questions and, in particular, you will be asked if you had a fair hearing and whether there is any new information which was not heard at this hearing. The Governing Body will decide if the question of a fair hearing or new information warrants returning the case to the Planning Commission before consideration by the Governing Body. It is to everyone's advantage if you present all the necessary information at this hearing.

3. After our Zoning Administrator provides us with some background information, I will call upon the applicant and then we will hear from other interested parties. After all have been heard, each party will have an opportunity for final comments. The Planning Commission will close the hearing to public comments and will then consider their recommendation during which time they may direct questions to the applicant, the public, the staff or our consultant.
  
4. In presenting your comments, you should be aware that the Planning Commission can recommend that the site be platted or replatted if necessary and that a screening plan approval for fencing and/or landscaping may be required. (Since [this] [one of these cases] is for a special use, more stringent conditions including a site plan approval may be required to make the use compatible with the surrounding property, the neighborhood and the zoning district. (Such conditions are further described in Section 11-101 of the Zoning Regulations.)
  
5. You should also be fully aware that any uses permitted outright in a district by the regulations can receive a zoning permit, not just the use(s) being proposed now by the applicant. For this reason, I have asked the Zoning Administrator to circulate a copy of the district regulations among you so that you can see the permitted uses. Furthermore, if the applicant chooses to describe various features of their development plans, the City can only enforce those provisions which are covered in zoning and other City codes.
  
6. Please write your name and address on the form being circulated among you so we will have a record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please use the podium and speak clearly so that your comments may be (picked up by the tape recorder to be) summarized for the minutes by our Secretary.)

**DISQUALIFICATION DECLARED AND QUORUM DETERMINED:**

Before we proceed with the hearing, I'll ask the Commission if any of them intend to disqualify themselves from participating in this case because they or their spouses own property in the area of notification or have conflicts of interests or a particular bias on this matter. (Please let the minutes show that \_\_\_\_\_ has disqualified himself/herself because

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and has temporarily disassociated himself/herself from our Commission.) (According to our Bylaws, those members who only abstain from voting are still part of the quorum.) I declare that we have a quorum of \_\_\_\_\_ present for the hearing.

**NOTIFICATION:**

According to the Secretary, a notice for this hearing was published in the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_ and notices were mailed to the applicant and \_\_\_\_\_ real property owners of record in the area of notification on \_\_\_\_\_, 20\_\_\_\_. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

**EX PARTE COMMUNICATIONS:**

Although we do not encourage such communications, I will ask the Commission if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members.

**ZONING ADMINISTRATOR'S REPORT:**

I call on our Zoning Administrator, \_\_\_\_\_, to provide us with a background report on the case(s). (See Rezoning Report.) (See Special Use Report.)

Thank you for your presentation. Are there any questions from the Commission, staff or consultant?

**APPLICANT'S REQUEST:**

I call upon the applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the applicant from the Commission, the staff or consultant?

**PUBLIC COMMENTS:**

Are there any members of the public who wish to speak on this case? (Recognize first come, first served; obtain name and address; and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

**WRITTEN COMMUNICATIONS:**

Are there any written communications or petitions? (Secretary could be asked to read them.)

**APPLICANT'S RESPONSE TO PUBLIC COMMENTS:**

Does the applicant wish to respond to the public comments?

**FINAL PUBLIC COMMENTS:**

Does anyone from the public wish to respond to the applicant's comments?

**CLOSE THE HEARING:**

Hearing no further public comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Commission wishes to ask questions to clarify information.

**PLANNING COMMISSION DELIBERATIONS:**

The Planning Commission will now deliberate (the) (each) request. There are 17 factors which the Commission must consider in order to make findings on the factors and a recommendation (on each case). They are found in the (Rezoning Report) (Special Use Report). Each factor will be considered and our collective opinion will be summarized.

**RECOMMENDATION:**

Having discussed and reached conclusions on our findings on the factors, I would remind the Commission that a proper motion should reflect the factors on which it is based and, if approval is recommended, then consideration should be given to conditions. Is there a motion to either recommend approval, modification and approval, disapproval or to table the decision?

**SAMPLE MOTIONS:**

**To Table Application**

Having considered the evidence at the hearing and the factors to evaluate the (rezoning) (and) (special use) application(s), I (\_\_\_\_\_) move that Case(s) No(s). (Z \_\_\_\_ - \_\_\_\_ ) (and) (SU \_\_\_\_ - \_\_\_\_ ) be deferred until \_\_\_\_\_, 20\_\_ at \_\_\_\_:\_\_\_\_ p.m. in this same meeting room for more (information) (and) (study) in regard to \_\_\_\_\_

**Rezoning Application**

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I ( \_\_\_\_\_ ) move that we recommend to the Governing Body that Case No. Z \_\_\_\_\_ - \_\_\_\_\_ be (approved) (modified and approved) (disapproved) to change the zoning district classification from the \_\_\_\_\_ District to the \_\_\_\_\_ District based on the findings of the Planning Commission as recorded in the Rezoning Report (as amended). (and that such approval be subject to the following condition[s]:)

**Special Use Application**

Having considered the evidence at the hearing and the factors to evaluate the special use application, I ( \_\_\_\_\_ ) move that we recommend to the Governing Body that Case No. SU \_\_\_\_\_ - \_\_\_\_\_ be (approved) (modified and approved) (disapproved) for the establishment of \_\_\_\_\_ in the \_\_\_\_\_ District based on the findings of the Planning Commission as recorded in the Special Use Report (as amended). (and that such approval be subject to the following condition[s]:)

Having heard the motion by \_\_\_\_\_, is there a second? Having been seconded by \_\_\_\_\_, is there any discussion of the motion? Is the Commission ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote, ask for a show of hands and Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of \_\_\_\_\_ to \_\_\_\_\_. (An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote, abstentions are counted as part of the majority vote. If the Commission fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as a recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

**CLOSING REMARKS AND PROTEST PETITIONS:**

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of \_\_\_\_\_, 20\_\_ which begins at \_\_\_:\_\_\_ (a.m., p.m.) in the Council's meeting room in City Hall. (The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)

Protest petitions against the (change in zoning) (and/or) (special use), but not directed at the Commission's recommendation(s) as such, may be received by the City Clerk for 14 days after tonight, i.e., until \_\_\_\_\_, 20\_\_ at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights-of-way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the City Council. (See Section 11-103.)

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I call for Agenda item #\_\_\_\_\_.