

MINUTES OF THE PLAN COMMISSION
February 9, 2009

The workshop meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:53 p.m. at the Village Hall.

Members present: Chairman Kurt Hezner, William Cotey, Terry Howard, Howard Jaffe, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden; Director of Community Development; David Smith, Senior Planner; and Pat Sheeran, Project Engineer.

OVERVIEW OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS HANDBOOKS, ETHICS AND DEVELOPMENT STANDARDS

Mr. David Pardys, Village Attorney, presented a workshop to the Plan Commission and Zoning Board of Appeals regarding their role and responsibilities. Mr. Pardys discussed why zoning laws are needed. He discussed property rights in contrast to zoning laws. He stated that zoning laws were legitimized in 1925. He stated that there is a balance that must be kept between individual property rights and the rights of governments to provide for the general welfare of the community as a whole. He discussed the issues that zoning laws were intended to control and not control. He stated that Libertyville's zoning laws were derived from the Illinois State Statutes. He stated that statutory law grants municipalities to create Plan Commissions. He discussed the Plan Commission responsibilities. He stated that statutory law grants municipalities to create Zoning Boards of Appeals. He discussed the Zoning Board of Appeals responsibilities. He discussed the need for Zoning Code variations and that the Village Board has the authority to grant variations. He stated that the Zoning Board of Appeals has authority to grant lesser variations per the Zoning Code parameters established in Section 16-8.6. He stated that there is a limit of number and types of variations that the Village Board may grant as established in Section 16-8.5 of the Zoning Code. He stated that the if a requested variation is not identified in the Zoning Code as an authorized variation, then it cannot be approved. He discussed what standards apply to variations and why the standards are important.

Mr. Pardys discussed Special Use Permits and the standards that apply to Special Use Permits. He discussed Planned Developments and the standards that apply to Planned Developments. He discussed Zoning Map and Zoning Code amendments and the standards that apply to amendments. He discussed subdivisions and stated that subdivisions are not covered by the Zoning Code, but under certain circumstances must receive a recommendation from the Plan Commission.

Mr. Pardys discussed the public notice requirement for meetings. He discussed the Open Meetings Act and how this restricts Plan Commission members to limit the number of their members that can

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discuss public business outside of the properly noticed public meetings to no more than two. He discussed *Klaeren v. Village of Lisle* as a case in point to illustrate how public hearings must afford parties' due process of rights including the right of cross examination. He discussed the difference between a "Public Hearing" and a "Public Meeting".

Mr. Pardys discussed the rules of the Plan Commission that they have adopted to govern their meetings. He discussed ethics including the Gift Ban Act, Interests in Contracts, and their obligation to vote. He discussed the importance of avoiding ex parte communications. He discussed the importance of completing and submitting the Statement of Economic Interests.

Commissioner Jaffe moved and Commissioner Howard seconded a motion to adjourn.

Motion carried 7 - 0.

Meeting adjourned at 8:58 p.m.