

MINUTES OF THE PLAN COMMISSION
April 11, 2011

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:15 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Dan Donahue.

A quorum was established.

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

OLD BUSINESS:

**PC 10-24 Lake County Government, Applicant
 400-800 W. Winchester Road
 1125-1303 N. Milwaukee Avenue**

Request is for a Special Use Permit for a Planned Development in order to further develop the approximately 172 acre Lake County Farm Government Center Campus in an IB, Institutional Buildings District.

**PC 10-25 Lake County Government, Applicant
 400-800 W. Winchester Road
 1125-1303 N. Milwaukee Avenue**

Request is for a Planned Development Master Plan in order to further develop the approximately 172 acre Lake County Farm Government Center campus in an IB, Institutional Buildings District.

The applicant requested that these items be continued to the May 9, 2011, Plan Commission meeting.

In the matters of PC 10-24 and PC 10-25, Commissioner Cotey moved, seconded by Commissioner Adams, to continue these items to the May 9, 2011, Plan Commission meeting.

Motion carried 6 - 0.

NEW BUSINESS: None.

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PLAN COMMISSIONER TRAINING:

Mr. David Pardys, Village Attorney, presented Plan Commission Workshop Training to the Plan Commission members. Mr. Pardys stated why the Zoning Code is necessary and briefly discussed zoning's history in the U.S. He stated that zoning regulations seek to find a balance between property rights and the governmental rights to provide for the general welfare of the community as a whole. He stated that zoning laws became legitimized by 1925. He stated that Libertyville's zoning laws are derived from the Illinois Compiled Statutes.

Mr. Pardys discussed what the zoning laws control, including the types of land uses, locations of uses, the relationship between different uses, parking requirements, sizes of lots, setbacks of structures from property lines, lot and building coverage, sign regulations, landscaping requirements, and performance standards such as noise, glare, vibrations and odors.

Mr. Pardys stated that zoning codes do not control building construction and fire codes, engineering issues, aesthetic issues regarding building interiors and business licensing.

Mr. Pardys stated that Illinois state law provides for the statutory creation of a Plan Commission. He discussed the jurisdiction, authority and responsibility of the Plan Commission members as outlined in the Zoning Code.

Mr. Pardys stated that Illinois state law provides for the statutory creation of a Zoning Board of Appeals. He discussed the jurisdiction, authority and responsibility of the Zoning Board of Appeals members as outlined in the Zoning Code.

Mr. Pardys discussed importance for the Board Members to read their Zoning Codes. He discussed the purpose of variations, that the Zoning Board of Appeals has the authority to grant minor variations and that the Village Board has the authority to grant other variations as provided by the Zoning Code.

Mr. Pardys discussed what some of the more common variations are that have been requested, including requests to reduce the minimum required setbacks, reduction of lot areas or widths, increase the maximum permitted lot or building coverage, increase the maximum permitted heights of structures, parking requirements, perimeter landscaped open space requirements, sign requirements and others.

Mr. Pardys stated that if the Zoning Code does not recognize an authorized variation, then the Zoning Board of Appeals or Village Board cannot approve it.

Mr. Pardys reviewed the established Standards for Variations. He stressed the importance of requiring the petitioner to address and meet each standard. He stated that meeting standards for variations are important in order to alleviate potential litigation action.

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Mr. Pardys presented the purpose and standards of Special Use Permits, Planned Developments, and Text and Map Amendments.

Mr. Pardys discussed briefly the Subdivision process and the Plan Commission's role in reviewing and providing recommendations to the Village Board regarding subdivisions.

Mr. Pardys discussed the process for the public notification requirements as stipulated in the Zoning Code.

Mr. Pardys discussed the importance of the Open Meetings Act and how it applies to the members of the Plan Commission. He explained that a meeting takes place when a majority of a quorum of a public body meets. He stated that when there is a 7 member commission, a quorum equals 4 persons and a majority of a quorum would then be 3 persons. He stated that this means that no more than 2 members of a 7 member board can meet to discuss a pending case with a petitioner or with anyone else. He stated that this includes over the phone, email or in any location.

Mr. Pardys discussed that the Plan Commission just affords parties full panoply of due process rights during public meetings and referred to the *Klaern v. Village of Lisle* court case to support this rule.

Mr. Pardys discussed the Gift Ban Act. He stated that Board Members must not accept gifts that exceed \$100 per year from a prohibited source. He discussed the importance of Board Members voting on cases as an obligation.

COMMUNICATIONS AND DISCUSSION:

Commissioner Cotey moved and Commissioner Schultz seconded a motion to adjourn.

Motion carried 6 - 0.

Meeting adjourned at 8:43 p.m.