

PLANNING AND ZONING COMMISSION MINUTES
City of Geneva
109 James Street - City Council Chambers

January 23, 2020 – Meeting #8

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. Roll call followed:

Present: Chairman Scott Stocking; Commissioners Mim Evans, John Mead, Michael Slifka, Bradley Kosirog, John Rittenhouse, Teri DeBates (7:10)

Absent: none

Staff Present: Community Development Director David DeGroot, City Planner Paul Evans

Public Present: Andy Cross and Cindy Winland from Illinois APA Chapter and DePaul University Chaddick Institute For Metropolitan Development; Paula Freeze, APA Illinois Editor, Mayor Kevin Burns

Approval of the Agenda

Motion by Commissioner Evans, second by Commissioner Kosirog to approve the agenda. Motion passed by voice vote of 6-0.

Commissioner Training

Andy Cross and Cindy Winland from the Illinois Chapter of the American Planning Association and DePaul University Chaddick Institute conducted a comprehensive commissioner training workshop covering such things as the history behind zoning and other land use regulations to role of commissioners and the public hearing process.

[See attached PowerPoint outline]

Other Business

Planner Evans reported the agenda for the next regularly scheduled meeting on February 13, 2020 will include the discussion about accessory structures continued from January 9, 2020 and a plat of resubdivision review for the Woodland Subdivision.

Public Comment – Mayor Kevin Burns addressed the Planning and Zoning Commission about the Cannabis decision and the process that led up to that decision.

Adjournment

Meeting was adjourned at 9:55 p.m. on motion by Commissioner Evans, seconded by Chairman Stocking. Motion carried unanimously by voice vote of 7-0.

Citizen Planner Training


Geneva, IL
January 23, 2020

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Make No Little Plans


Make no little plans; they have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work.


○ Daniel Burnham



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Participating Agencies







DEPAUL UNIVERSITY
CHADDICK INSTITUTE FOR METROPOLITAN DEVELOPMENT

■ Cindy Winland, FAICP ■ Andy Cross, AICP

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A Brief History of Planning

- 1893: Chicago Worlds Fair
 - "White City" - vision of what cities could be
- 1909: City Planning evolving
 - Burnham Plan for Chicago
- 1916: New York City
 - first zoning law
- 1926: U.S. Supreme Court
 - Ambler Realty v. Euclid, Ohio

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Agenda

- Welcome and Introductions
- Planning + Development 101
- Tools of the Trade
- Roles of Others in the Process
- Responsibilities of Commissioners
- Tricks of the Trade

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Comprehensive Plan

- The community's vision for its future
- Authority established by:
 - Municipal Code
 - Illinois Constitution
- Plan - *general future policy*
- Zoning - *specific current regulation*



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Long range planning

Steps in the Process:

1. Gather and analyze base of existing conditions data
2. Identify issues & opportunities (SWOT Analysis)
3. Confirm Community Vision
4. Develop goals and objectives
5. Prepare and evaluate plan options
6. Select a Preferred Plan
7. Adopt the Plan
8. Implement actions in plan
9. Monitor results annually
10. Update every 5 years (Ideally)

Note: this process applies to the downtown plan, corridor plan, transportation plan, preservation plan, housing plan, sustainability plan, etc. – not just to the comprehensive plan

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Working with the Public

- Schedule meeting at convenient time for public
- Hold meeting in accessible location, with enough seats
- Provide microphones so all can hear
- Use large screens so all can see
- Ensure temperature in room can be adjusted if needed

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Comprehensive Plan

- Typical topics:
 - Land Use
 - Historic Preservation, urban design
 - Housing
 - Economic Development
 - Environment
 - Public Facilities, private utilities
 - Transportation
 - Sustainability



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Working with the Public

- Encourage applicant to meet informally with neighborhood
- Use additional means to publicize meeting
 - City website, social media
 - Posting in public gathering places (library, train station, park building)
- Provide copies of material for public
 - Before meeting (website, at City Hall)
 - At meeting
- Public hearings
 - Create atmosphere that welcomes public participation
 - Arrange agenda so simple, non-controversial cases are first

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Public Participation in the Plan


- Educates and informs the public
- Public ownership of plan supports implementation
- Various formats to engage residents and businesses
 - Print, radio
 - Local cable TV access channel
 - Social Media
 - On line survey
 - Advisory groups
 - Design charrette
 - Open house
 - Public hearing



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Plan Implementation

- Policy: economic, environmental well being of City
- Financial: use incentives when appropriate (TIF, SSA, BID)
- Regulations: tree preservation, stormwater ordinance
- Procedures: development review, design guidelines
- Improvements: streetscape, bikeways and trails
- Consistency with plan Important in decisions on petitions
- Review and revise plan when needed




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Questions & Discussion

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Regulating Development

- Regulatory Tools
 - Building Codes
 - Sign Regulations
 - Subdivision Regulations
 - Zoning Ordinance
- Advisory Tools
 - Comprehensive Plan
 - Downtown Station Area Plan
 - Historic Preservation Plan
 - Southeast Master Plan



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Foundations of Development Regulations

Public Services	Economic Development	Environmental Sustainability
	Design Guidelines	Historic Preservation
Performance Standards	Property Maintenance	Stormwater Management
	Zoning Regulations	Building Codes
Light	Public Health, Safety and Welfare	Clean Air

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Zoning


- Protect residents from others' actions, not intended to limit owner's use
- State statutes *authorize* local governments to zone; case law *limits* how zoning is used
- Tool to implement Plan by regulating
 - Use of land
 - Amount of open space on lot, building setbacks
 - Bulk of buildings, land coverage on lot



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Regulating Development

- Police Power – health, safety, welfare
- Balance community character and economic development
- Clear structure with objective codes applied consistently
- Predictable, fair, timely process
- Each community is different
- No right answer, but consider legal limitations



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Zoning Districts



- Rural Single Family
- Estate Single Family
- Single Family
- Two and Three Family
- Multiple family
- Mixed Residential
- Public Schools
- Office
- Business
- Commercial Mixed Use
- Office Research
- Industrial
- Industrial Mixed Use
- Historic Preservation Overlay
- Corridor Overlay

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Types of Zoning Approval



- Permitted Uses (no hearing)
- Variation
- Special Use
- Planned Unit Development

Conditions

- Must be rational nexus to proposal
- Listed in approving ordinance

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Planned Unit Development

PUD must:

- Be earned and is not a right to be claimed
- Be compatible with character of the zoning district
- Be consistent with the city's comprehensive plan
- Promote development benefiting the community


Items Reviewed by Commission

- Uses, density, bulk, design
- Lighting, signs, parking
- Landscaping, open space, drainage
- Utilities, streets, sidewalks, street lights



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Keeping Zoning Current




- Text Amendment changes the language in the code
- Map Amendment changes the zoning district for some parcels - avoid spot rezoning just one parcel
- Often amend zoning text and zoning map after new Comp Plan adopted

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Subdivision

- Procedure to regulate division of land into lots for sale, lease, or development
- Operates with zoning code and building code
- Affects the look and function of a community
- Requirements for access, safety and health
- Technical process to confirm plat meets standards in the ordinance



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Planned Unit Development

- Benefits to developer
 - Permits flexibility in design
 - Allows construction to be phased
 - Includes variations, if in public interest
- Benefits to the City
 - Access to valued amenities
 - Provide open space, recreational areas
 - Preserve natural features, environmental resources
- Typical Procedure
 - Pre-application meeting with staff about sketch plan
 - Preliminary plan to Commission for public hearing
 - City Council decision on preliminary plan
 - Final plan for Commission's review
 - City Council action on final plan

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Subdivision Regulations

- Public Improvement Standards
 - Roads, street lighting
 - Sidewalks, bike paths
 - Utilities, drainage
 - Land dedication for schools and parks
 - Performance guarantees
- Typical Process
 - Informal pre-application meeting with Commission
 - Commission hearing to review preliminary layout
 - City Council decision on preliminary layout
 - Commission hearing and action on final plat

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Annexation

- Two goals:
 - Expand a municipality's boundaries (extend services, community growth)
 - Address potential impacts of adjacent properties outside of municipal boundaries
 - Zoning and development of properties within 1.5 miles of existing municipal boundary
- Process may be voluntarily initiated by property owner(s); municipality can negotiate terms in annexation agreement
- Municipality can require annexation as a condition for providing utilities
- Forcible annexation is authorized in state law
 - Requirements: less than 60 acres and surrounded by municipalities (generally but refer to statute)

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Questions & Discussion

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Annexation Considerations

- Key impact: annexed property will be under zoning control of annexing municipality
- Evaluate both revenues and expenses from area to be annexed
 - Urban, suburban or rural area?
 - Commercial or residential?
 - Suitability for municipal water and sewer?
 - Is site compact and close?
 - Or is site odd shape mostly distant from rest of City?
 - Cost to extend infrastructure: roads, gas, electric, telecom?
- Does a community of interest exist with area to be annexed?
 - How will it contribute to existing municipality?
 - What connections exist (school district, others)?
 - Next steps: outreach to owner or legal considerations?

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Commissions


- Planning and Zoning Commission
- Economic Development Commission
- Historic Preservation Commission



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Building Code and Sign Code

- Building code addressed by staff
- Signs usually reviewed by staff
- Sign variations reviewed by Planning and Zoning Commission
- Signs and the Constitution; City authority for time, place, manner only
- Signs contribute to community visual appeal, necessary for commerce



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Other Jurisdictions




- School District 304
- Geneva Public Library
- Geneva Park District
- Adjoining municipalities
- Geneva Township
- Kane County, Forest Preserve District
- State Agencies: IDOT, IEPA, DCEO
- Federal Agencies: FHWA, FEMA, EPA

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CMAP


- State legislation created the multi-county agency in 2005
- In 2018 CMAP adopted its second regional plan, ON TO 2050
- CMAP addresses issues that cross municipal borders: roads, transit, economic development, housing, air quality and water supply
- CMAP cooperates with municipalities to further integrated planning for all sub-areas in region
- CMAP *recommends* on land use issues
- Municipalities *regulate* land use
- CMAP partners with municipalities:
 - provides technical assistance to update plans
 - disseminates best practices, case studies
 - develops model plans and ordinances
 - collects data: one stop local data shop
 - community snapshots for local governments



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Role of Elected Officials


- Non-land use responsibilities
- Final authority on land use matters
- Policy direction to Commission
- Appoint Commission members



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Role of Planning and Zoning Commission

- Prepare plans for future of community
- Preserve property values
- Focus on community vision and character
- Note outstanding examples of development from nearby communities or from your travels that could be replicated locally
- Visit developments after occupancy
- Keep informed on local issues via City newsletter, local media
- Current tools and techniques: APA publications, podcasts, state conference




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Working with the Elected Officials

- Clarify reasons for decision differing from commission decision; occasionally City Council will reach different conclusion as they consider additional factors in reaching their decision
- Dialogue about common vision for community
- Consider what sections, how and when comp plan needs updating
- Recommend any needed zoning amendments
- Provide insight from cases about current issues in community
- Suggest solutions for potential future problems

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Chapter-Only Membership Now Available!



Join for just \$50 annually!

Chapter-Only Membership is a great choice for plan commissioners, non-traditional planners, allied professionals, elected officials, engaged citizens, and those that want to stay up-to-date on Illinois planning.

For more information, visit ilapa.org/membership

Role of the Planner

- Obtains information from other staff that is necessary for Commission to make educated decision on application
- Educates citizens about purpose and process of planning
- Guides applicant and public regarding codes and hearings
- Fair and consistent with both supporters and objectors
- Explains the request; applicant *advocates* for request

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Working with the Planner

- Call planner with any questions about upcoming case
- Review several past cases to ensure process fair to all
- Suggest changes to hearing procedure when needed
- Hold workshop for training on technical issues
- Suggest informal meeting with related City commissions

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Developer's Perspective

- Can spend "6 figures" to be told no.
- Must meet the bottom line - there can be no vision nor any development without profit.
- Need to talk to the municipality early to understand the process - not all do.
- Towns have lots of rules, which change from town to town.
- Not all towns can explain the rules they have or why they have them.
- Financing is an essential element of the process - just as important as zoning approval.

Development Stakeholders

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Roles of Other Key Actors

- City Attorney
 - Provides guidance on hearing procedure
 - Might or might not attend hearing
 - Clarifies zoning provisions for Commission
- Public
 - Listen
 - Ask questions, provide testimony
 - Be courteous to all

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Responsibilities of members of Planning and Zoning Commission

Be prepared

- Understand Comp Plan and Zoning Ordinance
- Read packet to be informed at the hearing
- Visit site
- Understand proposal
- Contact staff with questions (before hearing if possible)

Play active part

- Attend; alert staff if will be absent
- Arrive on time
- Listen to staff, applicant, public, other commissioners
- Ask questions
- Consider project's relation to Plan

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Developer's Role

- Help to implement (build) the community's plan.
- Focus on certain types of development forms (a developer is not always in a position to provide all land uses).
- Provide the municipality complete, current, accurate information about the project (especially if seeking local funds or zoning relief).
- Work with the municipality to answer questions and resolve conflicts throughout the development process.
- Conform to requirements of approval.

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Responsibilities of members of Planning and Zoning Commission

- Hearing Procedures
 - Generally follow Robert's Rules to give structure to hearing
 - Avoid esoteric details of parliamentary procedure
 - Consider conditions to mitigate impacts raised by public
 - Avoid debates-ask public questions but make comments later
 - Obtain all information needed to make decision
 - Continue hearing if necessary to obtain information

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Responsibilities of members of Planning and Zoning Commission

- Professionally perform duties
 - Be consistent, fair and impartial
 - Avoid jargon - use terms understandable to public
 - Make all comments on the record
 - Not necessary to repeat comments by other commissioners
 - Be patient, courteous and respectful
 - Remain calm; model appropriate behavior for all

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Responsibilities of the Chair

- Efficient, effective meeting
 - Quality decisions by Commission depend on strong leadership by Chair
 - Chair controls meeting and sets tone
 - Ensures all interested parties have input
 - Focuses discussion on the topic
 - Expedites action
 - Votes

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Responsibilities of members of Planning and Zoning Commission

- Vote based on standards
 - Explain how vote relates to standards of review
 - Give appropriate weight to staff recommendations, if any
 - Keep an open mind
 - Recognize audience may not represent all views in City
 - Discuss with the other members only during the hearing
 - Do not exceed authority granted by Code or Statute

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Questions & Discussion

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Items not subject to review by Commission

Some items reviewed by staff

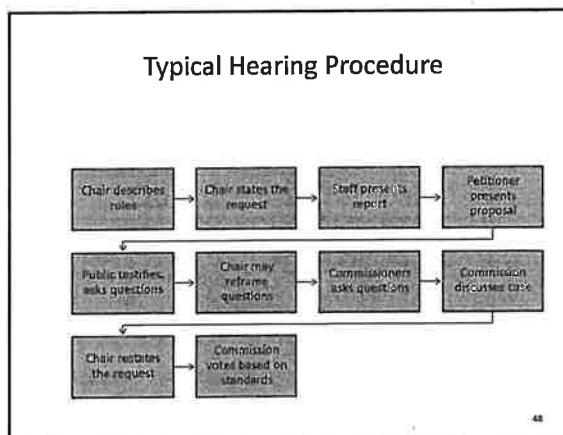
- Building code issues
- Property maintenance issues
- Private security (Police)

Some items reviewed by elected officials

- Financing


Some items not reviewed by City

- Interior design
- Internal business operations
- Rents, sale prices and unit mix
- Business competition (free market)



Staff Report

- Overview: applicant, address, action requested, notices
- Background: zoning and uses of site and surrounding area
- Data: description of site, history of prior uses, relief granted
- Comprehensive Plan objectives; zoning requirements
- Standards of review
- Documents from the applicant, reports from consultants
- Comments from other departments
- Communications received from the public
- Staff writes findings of fact; Commission accepts or changes
- Provide commission adequate time to read it



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Findings of Fact

- Basis to ensure fair decisions
- Consistency with the Plan
- Evidence must show standards are met
- Refer to standards when voting

Setting a precedent

- Proposal considered on its merits
- Record clear reason for decision

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Taking Testimony

- Fair hearing so all views heard
 - Ensure that all have the right to speak
 - Weigh relevance of testimony to standards of review
 - Consider all the testimony in voting
 - Number of people for or against the application is not criteria for decision

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Findings of Fact

Illinois Supreme Court case: La Salle National Bank of Chicago v Cook County (1957)

- Zoning is constitutional
- Zoning cannot be arbitrary, capricious
- Health, morals, safety and general welfare of the public

The "LaSalle Factors" – basis of zoning standards

- Existing uses and zoning of nearby property
- Extent owner's property values diminished
- Decrease in owner's property values promotes public health, safety and welfare
- Gain to public versus hardship to owner
- Suitability of property for zoned purpose
- Length of time property has been vacant

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Ex Parte Contacts

- Contact between Commissioners and applicant, opponents or supporters outside public hearings
- Includes in person contact, phone calls, written materials provided by applicant or interested party
- Avoid it as could invalidate ultimate determination
- Suggest the interested party attend the hearing or send comments to staff
- At the site: avoid contact with public if possible
- Must disclose any ex parte contact at the hearing

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Special Uses

A Special Use possesses unique characteristics so that it can not be classified as a permitted use in the zoning district.

Consider:

- Impact of use upon neighboring land
- Public need for that particular use at that particular location

The special use must satisfy standards to minimize or eliminate potentially harmful characteristics or off site impacts of the use on the permitted uses in the zoning district.



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Special Use Standards

The Commission shall not recommend granting a special use unless the applicant presents evidence at the public hearing on the application which demonstrates compliance with each of the following standards:

- The proposed special use at the specific location is consistent with the Comprehensive Plan.
- The proposed building or use will not diminish the value of adjacent and nearby properties.
- The proposed use at the specific location will not substantially or unduly increase traffic, traffic congestion and on-street parking demand in the immediate vicinity of the proposed use and in the area affected by traffic generated by the proposed use.
- The proposed use has been designed to provide for adequate ingress and egress to minimize potential vehicle conflicts and congestion in the public streets. 55

Variations

- A variation provides relief when the ordinance creates a practical difficulty or a particular hardship upon a particular parcel which makes compliance with the zoning district regulations extraordinarily difficult or impossible.
- A variation from a specific zoning requirement as applied to a specific piece of property is not a rezoning of the property.



Special Use Standards

The Commission shall not recommend granting a special use unless the applicant presents evidence at the public hearing on the application which demonstrates compliance with each of the following standards:

- The proposed use at the specific location will not adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.
- Adequate utility, drainage, parking and other necessary facilities to service the proposed use will be provided and that such utility, drainage, parking and other necessary facilities will not adversely affect the use, development and value of adjacent and nearby properties. 56

Variation Standards

The Commission shall not recommend granting a variation unless the applicant presents evidence at the public hearing on the application which demonstrates compliance with each of the following standards:

- The property in question cannot yield a reasonable return if permitted to be used only under the regulations of the district in which it is located.
- The particular shape, topography or other conditions of the land is such that it is extremely difficult to comply with the regulations applicable to the property. The variation being considered shall be the minimum variation necessary for the reasonable use of the land.
- The granting of the variation will not be materially detrimental to the public welfare, or materially injurious to the enjoyment, use or development of property permitted in the vicinity; will not materially impair an adequate supply of light and air to properties in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety, or welfare. 59

Special Use Standards

The Commission shall not recommend granting a special use unless the applicant presents evidence at the public hearing on the application which demonstrates compliance with each of the following standards:

- The proposed building or use will not adversely affect or change the character of the area in which it is located.
- The proposed building, other structures and use comply with any and all regulations, conditions or requirements of the city applicable to such building, structure or use.
- The exterior architectural appeal and function of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district to cause a substantial depreciation in property values in the neighborhood. 57

Questions & Discussion

APA Ethical Principles in Planning

- Continuously and faithfully serve the public interest
- Clarify community goals, objectives and policies
- Respect the rights of all persons
- Strive to expand choice and opportunity for all persons
- Plan for the needs of disadvantaged groups and persons
- Pay attention to the long range consequences of present actions

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Conflicts of Interest

- Have a business or financial relationship with an applicant as a client or customer
- Have a financial interest in the project or are business partner with applicant or own the property

Appearance of Impropriety

- No conflict of interest exists but it may impair ability to exercise independent judgment
- A relationship between applicant and Commissioner such that a reasonable person may believe a conflict exists

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APA Ethical Principles in Planning

- Protect the natural environment and the built environment
- Recognize the rights of citizens to participate in planning decisions
- Give citizens full, clear and accurate information on planning issues
- Exercise fair, honest and independent judgement in their role
- Strive to achieve high standards of integrity and proficiency
- Judgment requires balancing based on facts of the situation

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Recuse or Disclose

- Recuse when an actual conflict of interest exists - leave the room and do not participate in any part of the hearing
- If there is a conflict of interest, not allowed to participate in the hearing and then abstain
- Disclose on the record the relationship when there may be an appearance of impropriety

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Ethics

- Intent: serve public interest without opportunity for personal gain
- State Statute 5ILCS 430/1-1 et seq.
- City Code Title 1, Chapter 6, Article H
- Applies to elected and appointed officials and employees
- Limits specified gifts and certain political activities
- City Ethics Advisor and City Ethics Commission
- For questions, check with staff or City Attorney

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When is it not a conflict of interest?

- Voting on general laws which affect all citizens
- Request from organization in which you are a member
- Commissioner related by blood or marriage to applicant, but has no financial connection to project

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Reasons for Open Meetings Act

- Public access to information
- Understand decision making process
- Strengthen transparency
- Hold government accountable



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Resources

- American Planning Association
 - www.planning.org
 - 2019 PAS Memo Increasing Diversity, Equity and Inclusion In Planning: <https://planning.org/publications/documents/9176238>
 - www.ilapa.org
 - APA-IL 2017 Planning for Equity Program: <https://www.ilapa.org/diversity-equity-inclusion>
- Websites & Listserves
 - www.planetizen.com
 - www.plannersnetwork.org
- Other Organizations
 - <https://ias.dennisl.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/pages/default.aspx>
 - www.strongtowns.org
 - www.cnt.org
 - www.landmarks.org
 - <http://petepointnerplanning.blogspot.com/>

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Open Meetings Act

All commission meetings are open to the public

- When commission hears testimony on a specific case, it is a *public hearing* (which requires 15 day notice)
- When commission meeting is informal workshop, it is a *public meeting* (which requires 48 hour notice)
- Gathering of a majority of quorum to discuss public business is a *public meeting*
 - Meetings
 - Phone calls
 - Audio conferences
 - Video conferences
 - Email (never reply all)
 - Instant messaging*

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Diversity, Equity and Inclusion Resources

- APA Annual Diversity Forums: <https://planning.org/diversity/efforts/>
- APA Ambassador Program: <https://planning.org/ambassadors/>
- APA Diversity and Inclusion Training: https://learn.planning.org/local/catalog/view/product.php?globalid=LRN_PAC18_001
- APA course Promoting Diversity and Inclusive Communities: https://learn.planning.org/local/catalog/view/product.php?globalid=LRN_18B182
- 2019 PAS Memo Increasing Diversity, Equity and Inclusion In Planning: <https://planning.org/publications/documents/9176238/>
- APA-IL 2017 Planning for Equity Program: <https://www.ilapa.org/diversity-equity-inclusion>
- American Association of University Women Work Smart Online: salary.aauw.org

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Resources



- Staff, local library
- APA website, magazine, books, podcasts
- APA state and national conferences and webinars
- APA's The Commissioner newsletter
- Mainstream media and newspapers
- Planning Commissioner's Journal (plannersweb.com)

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Thank you for attending and
for serving your community

■ Cindy Winland, FAICP ■ Andy Cross, AICP

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