



# THE PUBLIC PROCESS FOR LAND USE REQUESTS

The public process is designed to allow petitioners (applicants) to present land use requests to the Village in a public forum, and to allow all concerned residents and property owners to be fully informed about the land use request by asking questions and expressing opinions and objections, either in writing, in person, or both. The Plan Commission, which hears all land use petitions as part of the public process, consists of seven volunteers, all Deerfield residents, who make recommendations to the Board of Trustees. The Board of Trustees has the final authority to approve or deny a land use request. However, the Plan Commission meetings are where the petition is considered in great detail and where detailed testimony takes place. The public process consists most often of a prefiling conference with the Plan Commission, a public hearing with the Plan Commission, and a meeting with the Board of Trustees; each of these meetings is described below.

## **Prefiling Conference with the Plan Commission**

The prefiling conference is an informal preliminary meeting with the Plan Commission that takes place during the workshop portion of the Plan Commission's meeting. During the prefiling conference, the petitioner meets with the Plan Commission to discuss their proposal and get the Plan Commission's input and feedback before the land use request is reviewed at a public hearing. Plan Commission prefiling conferences are open to the public, but do not include a public comment period. A prefiling conference is required for all planned unit developments, subdivisions, resubdivisions, rezonings, all projects in the P-1 Public Lands zoning district, for all public entities seeking a land use request, and for larger special use projects. For minor land use petitions, a prefiling conference may not be required.

## **Public Hearing with the Plan Commission**

Public hearings are required for planned unit developments, special uses, subdivisions, resubdivisions, rezonings, amendments to the Comprehensive Plan, amendments to the Zoning Ordinance, and other various land use requests. In preparation of the public hearing, Village Planning staff sends a legal notice to the newspaper detailing the petitioner's land use request, providing a legal description of the subject property, and listing the date and time of the Plan Commission public hearing. The petitioner is required to mail a certified letter notifying all surrounding property owners within 250 feet of the subject property of the upcoming public hearing. The notification includes the legal notice that was published in the newspaper, and may include additional information from the petitioner, such as drawings or site plans of the proposal. Also, before the public hearing, notification signs are placed on the subject property.

The public hearing is where the petitioner officially presents their land use request to the Plan Commission. Members of the public, including surrounding neighbors and property owners are welcome to attend the public hearing. During the public hearing the petitioner and their consultants (architects, land use planners, engineers, traffic consultants, etc.) present their request to the Plan Commission and the Plan Commissioners have the opportunity to ask questions and express their opinions and concerns. Once the petitioners have presented all their materials and the Plan Commissioners have asked all of their questions, the Plan Commission Chairman will ask for public comment. During this time all members of the public who wish to express their opinions are encouraged to do so. All Plan Commission testimony becomes a part of the public record and is included in the Plan Commission minutes.

Anyone who cannot attend the Plan Commission meeting but who would like to comment may submit a statement in writing which will be included in the record. Preferably, the written statement should be turned into the Village Planning Division by no later than 11 a.m. on the Friday prior to the date of the public hearing so that it can be placed in the meeting packet which is distributed to the Plan Commission members early Friday afternoon. Written comments may be submitted to the Planning Division via email to [kvonohlen@deerfield.il.us](mailto:kvonohlen@deerfield.il.us) or may be mailed to: Deerfield Village Hall (850 Waukegan Road, Deerfield, IL 60015), and will be forwarded to the Plan Commission. Letters and emails should be addressed to Michael Swartz, Chairman of the Deerfield Plan Commission.

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Public comment and participation at the Plan Commission public hearing is vital because this is the venue where changes and give and take occur in order to address the needs of the residents, the Village, and the petitioners. The Plan Commission encourages petitioners to respond to the needs of neighboring residents and the Village as a whole. When members of the public express their opinions to the Plan Commission, the Commissioners become more aware of related issues and benefits and can make a more informed recommendation to the Board of Trustees.

After all public comment is finished and once the petitioners have nothing further to add, the Plan Commission closes the public hearing and begins a workshop meeting. During the workshop meeting, the Plan Commissioners discuss the land use request amongst themselves and may ask further questions of the petitioners. The workshop meeting is open to the public, but there is no additional public comment. When the Plan Commission members have finished their discussion, a commissioner will make a motion regarding the petition. The motion is seconded and the vote is taken. In order for a land use request to be favorably recommended, a majority of the Plan Commission needs to vote in favor of it. If a majority does not vote favorably or if there is a tie, the Plan Commission recommendation is against the petition. Regardless of the vote outcome, the Plan Commission's recommendation and the public hearing and workshop minutes are forwarded to the Village Board of Trustees for a final decision.

## **Board of Trustees**

The Board of Trustees receives the Plan Commission's recommendation, public hearing and workshop minutes, as well as all materials provided by the petitioner in support of their land use request. During their meeting the Board members may ask the petitioner questions. The Board of Trustees also has a public comment period where neighbors may express their opinions on a land use proposal. After all public comment is finished and if the Board members have no further questions, a Trustee will make a motion regarding the Plan Commission's recommendation. Another Trustee will second the motion and then a vote is taken. All Trustees vote and the Mayor votes only in the event of a tie. In order for the Plan Commission's recommendation to be accepted, a majority of the Trustees needs to vote in favor of it. If a majority does not vote favorably on the Plan Commission recommendation, the recommendation is denied. The Board may agree or disagree with the Plan Commission recommendation.

If the Board of Trustees approves a land use request, the Village Attorney drafts an ordinance approving and authorizing the request. The ordinance must then go through two review readings, typically one reading at each of the next two Board of Trustees meetings, before it is finalized. While the ordinance is going through the two readings, the Mayor and Trustees or members of the public may still ask questions about the request. Once the ordinance has passed its second reading, the land use request is finalized.