

Village of Riverwoods
Plan Commission Meeting
Meeting Minutes December 13, 2023

A meeting of the Village of Riverwoods Plan Commission was held on Wednesday, December 13, 2023 at Village Hall. Chairperson Laurie Breitkopf called the meeting to order at 7:30 PM.

Present:

Laurie Breitkopf, Chairperson
Karl Blalock
Sherry Graditor
Stephen Levin
Mike Marshall
Kathryn Romanelli

Absent:

Carey Rothbardt

Also Present:

Vivian Hofeld, Deputy Village Clerk
Steve Witt, Director of Community Services
Bruce Huvad, Village Attorney
Rick Jamerson, Village Trustee
Henry Hollander, Village Trustee

1. Approval of Minutes

Ms. Graditor moved to approve the minutes from the October 5, 2023 Plan Commission meeting. Mr. Blalock seconded the motion. There was a correction by the Commissioners. The motion passed unanimously on a voice vote as amended with Commissioner Marshall and Commissioner Romanelli abstaining.

2. Visitors wishing to address the Plan Commission

There were no visitors wishing to address the Plan Commission on non-agenda items.

3. New Business

Training Workshop presented by Teska Associates, Inc.

Mr. Witt explained the Village asked Teska Associates to present a training workshop to discuss procedures and codes. Michael Blue and Lee Brown from Teska Associates made the presentation. Mr. Blue explained there are various roles when dealing with development review. The Plan Commission's role is to consider applications for amendments or special uses regarding the Comprehensive Plan, annexations, subdivisions, PUDs, zoning text amendments, and other duties assigned by the Village Board. The Plan Commission is a recommending body and forwards its recommendations to the Board. The Village Board can accept, amend or reject the Commission's recommendations. The Plan Commission holds public hearings where it hears testimony.

Each Commissioner is responsible for staying informed on local planning and development issues as well as planning tools and techniques, visiting developments after construction and occupancy, reading the packet before each meeting, visiting proposed sites to understand the application, understanding the Comprehensive Plan and Zoning Ordinances, and contacting staff with questions before meetings. Plan Commissioners must listen to petitioners and objectors, ask questions, understand the proposal, consider the project in relation to the Comprehensive Plan, and openly deliberate the proposal. Plan Commissioners should not debate the applicant or visitors. They should be aware of Village policies and principles and be attentive to the insights from Village staff and the Village Attorney. The Plan Commissioners are part of a team and support the Chairperson.

The Plan Commission Chairperson should run an efficient and effective meeting. The Chair should manage the meeting flow and stick to the agenda, as well as expedite actions and votes.

Trustee Jamerson noted when a member of the public asks a question, the Board was directed not to answer at that point in time. The Board or Commission should not engage but let the information come out later. Mr. Blue explained if the Board or Commission has an answer, it is a good idea to respond at that time. If the visitor is asking the Board's or Commission's opinion, the member should not respond at that time. Mr. Blue noted it is not the Board's or Commission's role to respond on behalf of an applicant.

Mr. Blue reported the Village Board is responsible for non-land use issues and has a broader public policy function than the Plan Commission. The Board considers recommendations from the Plan Commission and Zoning Board of Appeals. The Board is the final authority on most land use matters and is responsible for appointing qualified Commission members.

The role of planners/staff includes assisting Boards and Commissions with planning and other issues, informing residents about the purpose and process of good planning, guiding applicants and the public regarding codes and processes, working with both

supporters and objectors, explaining requests, enforcing conditions post-approval and staying current on the latest planning principles and laws. Staff works with applicants on proposals to ensure proposals meet the standards of the Village.

Applicants are responsible for submitting complete, current and accurate information, answering questions about a proposal and conforming to the requirements necessary for approval. It is the developer's responsibility to make and advocate for its case. The public is responsible for listening, asking questions, and providing comments in a courteous manner.

The goal of a Plan Commission hearing is taking testimony fairly and allowing all views to be heard and questions asked. The hearing process should be explained at the beginning of a hearing. It is recommended that one of the hearing rules be that speakers should not repeat prior testimony.

Special Uses possess unique characteristics to consider. The Plan Commission is responsible for ensuring a Special Use meets the standards of the Village Code. Special Uses can mitigate the impact of use upon neighboring properties and public facilities and mitigate the impact upon the environment, natural resources and community. The standards for a Special Use keep decisions fair and consistent. The standards for Special Uses state: "No Special Use shall be granted by the Village Board unless the Special Use:

1. Is deemed beneficial for the public convenience at that location.
2. Is so designated, located and proposed to be operated that the public health, safety, morals and welfare and interest will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located."

Mr. Huvad noted *ex parte* communications (contact between a Commissioner and applicant outside the public meeting) need to be better defined by the Village or State. Discussions should be held at a public meeting rather than in private. The concern regarding *ex parte* conversations is that a Commissioner may have been influenced by the applicant outside of a public meeting. It is recommended that Commissioners notify staff if information is received from an applicant outside of a public meeting. Trustee Hollander noted that during the Lexington Homes development proposal process, each Trustee was asked to meet with the developer and residents from Meadowlake to answer questions. He asked if this should be avoided in the future. Mr. Blue explained the Village needs to have guidelines on how to handle these situations. Trustees and Commissioners also must comply with the Open Meetings Act if they have conversations with other Trustees or Commissioners.

Plan Commissioners must serve the public interest without personal gain. They must be aware of ethical standards and potential conflicts of interest. Even the perception of a

conflict of interest must be avoided. If there could be financial gains, a Commissioner should recuse herself/himself. There are very specific rules on what creates a conflict of interest. If a Commissioner does not know whether a situation presents a conflict of interest, he or she should talk to Village staff.

Ms. Graditor asked about the possible structure and ramifications of Appearance Review Commissions. Mr. Brown explained it is a good idea for Appearance Review Commissions to have standards that are measurable so the Commission, applicants and the public know there will be consistency. The standards can include a set of acceptable colors, consistent materials, etc. Mr. Huvad suggested having appearance review standards added to zoning ordinances relating to larger commercial developments.

4. Old Business

Continued discussion of sub-area plan amendment to the Comprehensive Plan for the Wolters Kluwer site, to consider possible land uses other than office and research.

Mr. Huvad stated that there may be a developer interested in building a destination-type spa facility at the Wolters Kluwer site which would adapt the existing building.

Mr. Brown explained there is a distinction between Special Uses and conditional uses. A Special Use possesses unique characteristics that must be considered according to specific standards for that site. A conditional use will be permitted if predetermined conditions are met.

5. Comments from the Chair

Ch. Breitkopf welcomed Commissioner Romanelli and Commissioner Marshall to the Plan Commission. She noted Jay Datt has moved to the Zoning Board of Appeals.

6. Adjournment

There being no further business or discussion, Mr. Blalock moved to adjourn the meeting. Mr. Levin seconded the motion. The motion passed unanimously on a voice vote.

The meeting was adjourned at 8:54 pm. The next scheduled meeting of the Plan Commission is January 4, 2024 at 7:30 pm.

Respectfully submitted,

Jeri Cotton