

**Village of Deer Park Planning and Zoning Commission Agenda**  
**Monday, April 2, 2018 – 7:00 p.m.**  
**Deer Park Vehe Barn**  
**23570 W. Cuba Road, Deer Park, Illinois 60010**

**Pledge of Allegiance**

**Roll Call and Determination of a Quorum**

**Approval of Planning and Zoning Commission Meeting Minutes of December 4, 2017**

**Public Comments – Requested sign up on sign-in on podium; 5 minute limit**

**Public Hearing: Consider a Special Use Permit Application for Fuel Station, Convenient Store and Car Wash at 20176, 20190, 20220 N. Rand Rd, Deer Park, IL 60074**

**Petitioner: Gendell Realty Partners, Inc.**

**i) Submitted Special Use Permit Application Dated January 26, 2018**

- a. Public Hearing and Establish Quorum
- b. Petitioner Comments
- c. Staff and Commission Questions/Comments
- d. Public Comment
- e. Close Public Comment
- f. Commission Motion on Special Use Permit Application for Fuel Station, Convenient Store and Car Wash
- g. Close Public Hearing

**Public Hearing: Consider a Special Use Permit Application for Public Space Enhancements, Revise Design Guidelines and Amend Permitted Uses at 20530 N. Rand Rd, Deer Park, IL 60010**

**Petitioner: DDR Deer Park Town Center, LLC c/o Poag Shopping Centers, LLC, it's Managing Agent**

**i) Submitted Special Use Permit Application Dated March 12, 2018**

- a. Public Hearing and Establish Quorum
- b. Petitioner Comments
- c. Staff and Commission Questions/Comments
- d. Public Comment
- e. Close Public Comment
- f. Commission Motion on Special Use Permit Application for Public Space Enhancements, Revise Design Guidelines and Amend Permitted Uses
- g. Close Public Hearing

**Any Old and/or All New Business**

**Adjournment**

**Village of Deer Park Planning and Zoning Commission Minutes**  
**Continuation from Monday, October 2, 2017**

**Monday, December 4, 2017 – 7:00 p.m.**  
**Deer Park Vehe Barn**  
**23570 W. Cuba Road, Deer Park, Illinois 60010**

**Pledge of Allegiance**

A meeting of the Planning and Zoning Commission of the Village of Deer Park was held on December 4, 2017 7:00 p.m. at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the Counties of Lake and Cook, Illinois. Chairman Heidtke called the meeting to order at 7:00 p.m.

**Roll Call and Determination of a Quorum**

Upon Roll Call, the following were present: Chairman Heidtke, Committee Members Comber, Wohl, Koutsis, Pinchot and Koe. Committee Member Pautler was absent.

Other Village officials present included Village Administrator McAndrews, Building and Zoning Development Coordinator Doniec, Building & Zoning Official Garrett, Village Attorney Cahill, and Clerk Kelly.

**Approval of Planning and Zoning Commission Meeting Minutes of November 6, 2017**

*Motion: Commissioners Wohl moved and Koe seconded to approve the meeting minutes of November 6, 2017.*

Upon Voice Call:

*Ayes: Koe, Comber, Koutsis, Wohl, Pinchot*

*(5) Ayes / (0) Nays/ (1) Absent*

*Motion Carried 5/0*

**Approval of 2018 Planning and Zoning Commission Meeting Calendar**

*Motion: Commissioners Wohl moved and Koe seconded to approve 2018 Planning and Zoning Commission Meeting Calendar*

Upon Voice Call:

*Ayes: Koe, Comber, Koutsis, Wohl, Pinchot*

*(5) Ayes / (0) Nays/ (1) Absent*

*Motion Carried 5/0*

**Public Comments – Requested sign up on sign-in on podium; 5 minute limit**

**None**

**Public Hearing: Amendment to Chapter 158 Zoning Code**

**Petitioner: Village of Deer Park**

- a. Open Public Hearing and Establish Quorum

***Motion: Commissioners Koe moved and Comber seconded to re-open the public hearing quorum established.***

**Upon Voice Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

**b. Petitioner Comments**

Zoning Compliance Official Ken Garrett discussed placement of generators in the side yard setback of our surrounding Villages. Ken Garrett recommended that generators not be allowed to encroach into side yard setbacks. He stated most generators can comply with this restriction, if a property owner cannot comply with the recommended regulations, they can request a variance from the setback requirement. Commission, Staff and Building Official Ken Garrett discussed the placement of generators and whether they should be allowed in the side yard setback. The Commission agreed to limiting the use of generators for emergency use only and not to be used for the main source of power to a home. Commission, Staff and Building and Ken Garrett discussed whether existing equipment should be grandfathered or whether it should be required to conform with the new setback restriction. Commission, Staff and Ken Garrett discussed whether to require air conditioners to comply with the proposed set back restrictions or to exempt them.

***Motion: Commissioners Koe moved and Wohl seconded to allow existing permitted air conditioning units to be grandfathered and allowed to remain located in the side yard setback and further to allow for the replacement of grandfathered air conditioning units within the same footprint as determined by the Building and Zoning Official, in his sole discretion. New air conditioner units, or air conditioning units not located within the same footprint, must comply with the new location restrictions and will not be allowed to encroach into the side yard setbacks.***

**Upon Roll Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

Commission, Staff and Building and Zoning Official Ken Garrett discussed the placement of generators and whether they should be allowed in the side yard setback.

***Motion: Commissioners Koe moved and Pinchot seconded to allow existing permitted generators to be grandfathered and allowed to remain located in the side yard setback and further to allow for the replacement of grandfathered generators within the same footprint as determined by the Building and Zoning Official, in his sole discretion. New generators, or generators not located within the same footprint, will not be allowed to encroach into the side yard setback.***

**Upon Roll Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

The Commission also discussed a prohibition on car ports as a temporary structure. The Commission agreed that car ports should not be allowed as a Temporary Structure and the Commission agreed to the revision of section 158.019 item B9 of municipal code to add *"The following types of temporary structures are prohibited: carports, non-rigid walls/roof or other temporary structure not meeting the intent of this section as determined by the Building Official."* and to add language to only allow a temporary structure for 90 days *"within any 12-month period"* and require a temporary structure permit.

***Motion Commissioners Wohl moved and Koe seconded to approve adding suggested language to 158.019 item B9 as amended to include the word roof as non-rigid to the suggested language.***

**Upon Roll Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

The "Visibility Triangle" drawing in Section 158.024 was discussed and the Commission agreed to add a reference to the distance for visibility for corners that would affect clearing of space for visibility on Village roads. Section 158.024 contains a diagram of a triangle but does not include measurements. The Commission discussed measurement options and Ken Garrett recommended not using IDOT standards as they are too strict, most municipalities use 25 feet. Ken Garrett's recommendation is to use 25 feet as the vision triangle as outlined in the previous meeting. Measurement is set at the pavement.

***Motion Commissioners Koe moved and Pinchot seconded to approve amendment to 158.024,0 adding the use of 25 feet criteria for Vision Triangle drawing***

**Upon Roll Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

Ken Garrett stated under 158.021 Permitted Obstructions Item B driveway setback at least 10 feet from property line. Ken Garrett suggested to change the setback for driveway to stated 5 feet from the property line.

***Motion Commissioners Pinchot moved and Koutsis seconded to approve changing driveway setback from 10 feet to 5 feet from the property line.***

**Upon Roll Call:**

***Ayes: Koe, Comber, Koutsis, Wohl, Pinchot***

***(5) Ayes / (0) Nays/ (1) Absent***

***Motion Carried 5/0***

- c. Staff and Commission Questions/Comments  
Staff and Commission Questions and comments were addressed under petitioner comments
  
- d. Public Comment  
None

- e. Close Public Comment  
Chairmen Heidtke closed public comments
- f. Commission Motion on Amendment to Chapter 158 Zoning Code  
Motions provided under Petitioner Comments
- g. Close Public Hearing

*Motion: Commissioners Koe moved and Wohl seconded to close the public hearing.*

**Upon Voice Call:**

*Ayes: Koe, Comber, Koutsis, Wohl, Pinchot  
(5) Ayes / (0) Nays/ (1) Absent*

*Motion Carried 5/0*

**Any Old and/or All New Business**

**Adjournment**

*Motion: Commissioners Koe moved and Pinchot seconded to adjourn at 8:52 p.m.*

**Upon Voice Call:**

*Ayes: Koe, Comber, Koutsis, Wohl, Pinchot  
(5) Ayes / (0) Nays/ (1) Absent*

*Motion Carried 5/0*

*Respectfully Submitted,*

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*Kimberly A. Kelly  
Village Clerk*

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*David Heidtke  
Committee Chair*