

*In light of the current COVID-19 public health emergency, Governor J.B. Pritzker’s Gubernatorial Disaster Proclamation, and the Village’s Continuation of Proclamation of Local Disaster Emergency in response thereto, the Acting Village President and Board of Trustees have determined that an in-person meeting is not practical or prudent because of the disaster. **This Planning and Zoning Commission meeting will be held entirely remotely.** The Village Administrator and Village Clerk will be at the Village Office during meeting. The following information is being made available to the public for the purpose of public participation in the spirit of transparency, and an open meeting process.*

If you wish to submit a question or comment to be read during the public commentary portion of the agenda, please email your full name and your question or comment to CLERK@VODP.NET before May 3, 2021 prior to 6:30pm. If you wish to make a Public Comment during the meeting, Video/Phone Conference into meeting as posted below:

Open Public Meeting Join Video Conference Call via Go to Meeting:

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OR Phone Conference into our meetings at: 1-877-309-2073 Access Code: 449-411-981

Village of Deer Park Planning and Zoning Commission Agenda
Monday, May 3, 2021 – 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 Agenda

Approval of Planning and Zoning Commission Meeting Minutes of April 5, 2021.

Public Comments – *If you wish to submit a question or comment to be read during the public commentary portion of the agenda, please follow the instructions above, Comments are limited to 5-minute time limit per person.*

Public Hearing: Requested Variance from 158.24 (H) of the Deer Park Zoning Code to allow a 15 foot encroachment into the 30 foot side yard setback to construct a garage at 20 Deerpath.

Petitioner: James and Cindy Nelson

- a. Re-Open Public Hearing and Establish Quorum
- b. Petitioner Comments
- c. Staff and Commission Questions/Comments
- d. Public Comment
- e. Close Public Comment
- f. Commission Motion to approve/deny variance from 158.24 (H) of the Deer Park Zoning Code to allow a 15 foot encroachment into the 30 foot side yard setback to construct a garage at 20 Deerpath
- g. Close Public Hearing

Any Old and/or All New Business

Adjourn

*In light of the current COVID-19 public health emergency, Governor J.B. Pritzker's Gubernatorial Disaster Proclamation, and the Village's Continuation of Proclamation of Local Disaster Emergency in response thereto, the Acting Village President and Board of Trustees have determined that an in-person meeting is not practical or prudent because of the disaster. **This Planning and Zoning Commission meeting will be held entirely remotely.** The Village Administrator and Village Clerk will be at the Village Office during meeting. The following information is being made available to the public for the purpose of public participation in the spirit of transparency, and an open meeting process.*

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Village of Deer Park Planning and Zoning Commission Minutes
Monday, April 5, 2021 – 7:00 p.m.
Deer Park Village Hall, 23680 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 April 5, 2021 at 7:00 p.m. at Village Hall, 23680 W. Cuba Road, in the Village of Deer Park, in the Counties of Lake and Cook, Illinois. Chairmen Heidtke called the meeting to order at 7:06 p.m.

Roll Call and Determination of a Quorum

Upon Roll Call Chairmen Heidtke, Committee Members Mann, Lammers, Comber, Psarakis and Wohl were present on conference call. Committee Member Pinchot and Psarakis were absent.

Other Village Officials Present in conference room included Administrator McAndrews, Acting Village President Rusteberg and Village Clerk Kelly. Other Village Officials present on conference call were Village Attorney Cahill, Village Engineer Burke, Village Building Official Garrett and Village Planner Cigliano.

Approval of Agenda

Motion: Commissioners Comber moved and Wohl seconded to approve agenda for April 5, 2021

Upon Roll Call:

Ayes: Wohl, Comber, Mann, Lammers
(4) Ayes / (0) Nays / (2) Absent

Motion Carried 4/0

Approval of Planning and Zoning Commission Meeting Minutes of January 4, 2021

Motion: Commissioners Comber moved and Mann seconded to approve Planning and Zoning Commission Meeting Minutes of January 4, 2021.

Upon Roll Call:

***Ayes: Wohl, Comber, Mann, Lammers
(4) Ayes / (0) Nays / (2) Absent***

Motion Carried 4/0

Public Comments – *If you wish to submit a question or comment to be read during the public commentary portion of the agenda, please follow the instructions above, Comments are limited to 5-minute time limit per person.*

No Public Comments

Commission member Psarakis entered conference call at 7:10pm.

Public Hearing: Requested Variance from 158.24 (H) of the Deer Park Zoning Code to allow a 15-foot encroachment into the 30-foot side yard setback to construct a garage at 20 Deerpath.

Petitioner: James and Cindy Nelson

- a. Open Public Hearing and Establish Quorum

Motion: Commissioners Comber moved and Mann seconded to open the public hearing quorum established to request a Variance from 158.24 (H) of the Deer Park Zoning Code to allow a 15-foot encroachment into the 30-foot side yard setback to construct a garage at 20 Deerpath.

Clerk Kelly stated sign and notices have been posted and proof mailing has been received.

Upon Roll Call:

***Ayes: Wohl, Comber, Psarakis, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent***

Motion Carried 5/0

- b. Petitioner Comments

Chairmen Heidtke swore in petitioner James Nelson. Mr. Nelson stated with the process of remodeling his home to create a third bedroom, he needed to expand his septic field. The septic plan that was submitted for this variance was designed for the existing home before the new garage was proposed. With the new garage construction, he is asking for a variance to encroach 15 feet into the side yard setback due to the type of septic field and to give more space in the yard.

- c. Staff and Commission Questions/Comments

Building and Zoning Official Garrett stated the petitioner is requesting a variance for a 30x30 detached garage to encroach 15 feet into the side yard setback. The existing garage would be demoed for the new garage. Petitioner is remodeling their home to create a third bedroom. The existing septic system will need to be replaced to accommodate for the expansion of the home. The existing drive way will stay the same, but will need an extension to reach the new garage door. Garrett stated property is zoned R-1 but the lot is not 1 acre, just under at .81 and noted the lot has 30-foot sides setback, 40-foot front setback and a 50-foot rear setback. The Lake County Health Department will have to provide approval for the placement of the Wisconsin mound septic system. The mound system was moved closer for better flow for drainage. The request is officially a 14 feet 10 inches encroachment into the setback. Overhead powerlines will

be buried underground. One tree will have to be removed, but is concerned with 2 very large oak trees that might need to be removed. All trees will need to follow the Village Tree Code for replacement. Building and Zoning Official Garrett stated on the proposal submitted and with Lake County Health Departments Septic placement approval with the new garage placement the request seems reasonable.

Garrett stated he spoke to the septic designer who was unable to attend this meeting on the petitioner's behalf.

Village Engineer Burke stated in his review the new garage will not affect drainage. There is one requirement to add at the end of the driveway but this is not impacted by the location of the new garage. No major changes to the overall plan.

Commissioner Comber questioned where the water well was located and will it be affected with the relocation of the garage? The water well is currently in the front of the property and will not be affected with the addition or the relocation of the garage.

Commissioner Lammers is concerned with the impact of the very large oak trees that are in the area of septic relocation and garage relocation.

Commissioner Wohl would like to know if there are any concerns of the neighbor to either side of the property? Village Administrator McAndrews stated there is a letter from 16 Deerpath that will be read under public comments.

Commission Chair Heidtke questioned the reason for the request is to have more space in the yard? Would it be better if the septic was placed parallel in a more level place? Petitioner stated the existing septic is failing. It is up to the septic engineer for design and placement. The Wisconsin Mount septic system is mostly above grade but will be buried about a foot and half below grade. Heidtke stated it would have been helpful if the septic engineer could have joined this meeting.

d. Public Comment

Motion: Commissioners Comber moved and Lammers seconded to open public comments

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis, Mann, Lammers

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

Motion Carried 5/0

Village Administrator McAndrews read a letter sent via email from Scott Sauer and Mary Meyer, Owner 16 Deerpath Road, Deer Park.

In response to the zoning variance application for 20 Deerpath Road, Deer Park.

1. Village ordinance. We believe in the ordinance as it provides for the aesthetics of each home in the Village of Deer Park. Setbacks are usually a matter of policy for reasons such as safety, privacy, and environmental protection. We had to build our own garage under the guidelines established by the residents of Deer Park and we hope the village will maintain the 30' setback ordinance in this request. If a variance of the ordinance is approved, we would request that the homeowner be required to create a living hedge along the south side of the new 30' x 30' garage and the area next to the newly extended driveway. The use of a berm to add height would be optimal. Evergreen trees such as thuja green giant arborvitae, deer resistant with a minimum starting height of 5' be

placed every 4 feet would address the visual impact that this new structure will have on the neighbors.

2. Impact on trees. None of the diagrams indicate the position of any trees. Stating that three trees will need to be removed now is significant. As from our own experience, the oaks nearest the new structures will be stressed and potentially be taken down as well. We also experienced this when the house to our south was built. Not only were the oaks chopped down for construction but two years later twenty-two oaks had to be cut down due to the impact of house, construction, and septic field.
3. Burke engineering report dated March 25th 2021. The report states that they “did not identify any drainage issues associated with the proposed project” for the property owners. We can understand that position from their property but our property will be greatly impacted. Our property is currently being impacted due to the location of an asphalt driveway that acts as an impediment for the normal run off of water. Our side of the property line is usually saturated. Building a larger garage and placing it closer to our property line will increase the amount of water not absorbed by the ground and put that water into our property as well. We had a similar issue on the south side of our property when the first owner/builder decided to build an above grade septic system which then put rainwater runoff from the elevated land onto our side yard. This created a situation where we had to put our time and money into making accommodations on our property so that runoff water would be directed to our front yard instead of saturating our side yard and some ground in our crawl space.
4. B and F Construction Code Services. The first page has inaccurate information about the proposed location of the garage. The trees to be removed are stately oaks and impact several yards. On the second page the consultant writes the new detached 30’ by 30’ garage will not impact the adjoining neighbor. This is inaccurate and clearly contradicts the next part of his discussion where B and F Construction Code Services talks about a 900 square foot structure at least 15 feet tall within 15 feet of our property line, cutting down at least three 100 year old oak trees, and adding another 500 - 1000 square feet of new asphalt. Our property will be impacted.
5. General drawings of proposed improvements. As a general observation, we are wondering why the Wisconsin style septic field can not be positioned parallel to the east west property line on the north side of the property. This easily makes room for the required 30’ setback. That way the garage can be relocated closer to the back of the property which will keep it away from the septic field, not require a variance, and will not impact the neighbor’s property as much as the proposed plan.

Andrew Nelson of 30 Deerpath stated the current garage is dilapidated. Others are cutting down about 40 trees and have 5 cords of wood piled on property. The house is set in a wooded area and the proposed request is much more desirable and this will be a fantastic improvement to the property.

Additional Committee comments

Discussion of going back to the septic engineer to redesign to comply with setbacks.

e. Close Public Comment

Motion: Commissioners Comber moved and Wohl seconded to close public comments

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent

Motion Carried 5/0

- f. Commission Motion to approve/deny variance from 158.24 (H) of the Deer Park Zoning Code to allow a 15-foot encroachment into the 30-foot side yard setback to construct a garage at 20 Deerpath.

Motion: Commissioners Wohl moved and Comber seconded continue Public Hearing to the next Planning and Zoning Meeting, May 3, 2021 for further discussion.

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent

Motion Carried 5/0

- g. Close Public Hearing

Public Hearing: Requested Variance from 158.24 (H) of the Deer Park Zoning Code to allow an 8-foot encroachment into the 30-foot side yard setback to construct an expansion of a garage located at 20578 Primrose Court.

Petitioner: Josephine Doniec & Lester Doniec

- a. Open Public Hearing and Establish Quorum

Motion: Commissioners Mann moved and Wohl seconded to open the public hearing quorum established to request a Variance from 158.24 (H) of the Deer Park Zoning Code to allow an 8-foot encroachment into the 30-foot side yard setback to construct an expansion of a garage located at 20578 Primrose Court.

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent

Motion Carried 5/0

- b. Petitioner Comments

Clerk Kelly stated sign and notices have been posted and proof mailing has been received.

Commissioner Heidtke swore in petitioner Lester Doniec.

Petitioner Lester Doniec stated the depth of the garage is very tight to fit their truck and other items and a motorcycle trailer. Requesting an 8-foot with overhang to encroach into the setback.

- c. Staff and Commission Questions/Comments

Building and Zoning Official stated a request for 8 foot would include the overhang. The inside of the garage is 21 feet deep and the truck is 20 feet long, they can't get around the truck. No Trees are impacted. There is a slope at the rear of the garage. Gutters and downspouts would discharge to comply and drain underground. Brick work is to match the existing brick work as closely as possible or match the siding. The roof line would be modified a bit. Building and Zoning Official Garrett stated this a reasonable request.

Village Engineer Burke stated there is a steep slope in the back, the construction will not affect the drainage on the site.

Planning and Zoning Commission members stated this seems like a reasonable request.

Questions of the siding and bricks. Suggested to offset the extension to disguise the bricks if they don't match. This could be addressed at permitting. Question of the roof line is affected. Spoke to neighbors no problems or concerns are noted.

d. Public Comment

Village Attorney Cahill stated no Motion is needed to open and close public comments.

No public made comments.

e. Close Public Comment

- f. Commission Motion to approve/deny variance from 158.24 (H) of the Deer Park Zoning Code to allow an 8-foot encroachment into the 30-foot side yard setback to construct an expansion of a garage located at 20578 Primrose Court.

Motion: Commissioners Wohl moved and Comber seconded to Allow a variation from 158.24 (H) of the Deer Park Zoning Code to allow an 8-foot encroachment into the 30-foot side yard setback to construct an expansion of a garage located at 20578 Primrose Court and finding of fact in the consultants reports.

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis, Mann, Lammers

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

Motion Carried 5/0

g. Close Public Hearing

Motion: Commissioners Wohl moved and Mann seconded to close public hearing

Upon Roll Call:

Ayes: Wohl, Comber, Psarakis, Mann, Lammers

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

Motion Carried 5/0

Public Hearing: Planned Development to develop thirty-one (31) residential townhomes in eight (8) buildings located at 21660 W. Field Parkway.

Petitioner: Caymus Ventures, LLC

- a. Open Public Hearing and Establish Quorum

Motion: Commissioners Comber moved and Mann seconded to open the public hearing quorum established to request a Planned Development at 21660 W. Field Parkway for thirty-one (31) residential townhomes in eight (8) buildings.

Upon Roll Call:

b. Petitioner Comments

Clerk Kelly stated sign and notices have been posted and proof mailing has been received. Commissioner Heidtke swore in petitioner Joe Elias of Vintage Luxury Homes and property owner of Caymus Ventures. Petitioner Joe Elias stated the 3-acre property to develop 30 townhouse units. Conversations with staff and Chairman to stay in the 10 units per acre. This would be for 30 townhomes in the 3 acres. They have addressed all the questions from the consultants and staff in 2 reviews. The height of the building has changed to comply with residential building code, they have eliminated the roof top terrace. As noted, then reduced the number of units to 30 instead of the 31. This was the 2 biggest issues. The rest of the issues can be addressed for final approval with final engineering, landscape and all other final plans.

c. Staff and Commission Questions/Comments

Village Planner Cigliano stated the adjustments to the plan to eliminate one unit and to comply with Village code on the height of the buildings. Cigliano stated in final elevations plans all roof top units must be obscured from site and fully screened. Relief will be needed from residential density will require relief even with the removal of the one unit. The update of building height now complies with the distance between buildings. Relief will be needed for the front setback of the standard 15 feet. She noted this is common for townhouses but special attention will be needed for pedestrian safety. General comments have noted the sidewalk to gazebo is out of the property line to move the gazebo into the property lines. Special attention to additional gathering spaces should be detailed on final landscape plans due to the density. Other items that need to be addressed in our review can be completed under final planned development approval with the final landscape plans. When looking at the final plans Teska will be looking at how the project fits in area, mailbox, trash, snow removal and public health. Mr. Elias stated he agrees all the connections, public safety and resident spaces are import to this project. Connections to the park, Town Center, walking paths will be a benefit to this project.

Village Engineer Burke stated traffic was addresses and the biggest issue is the curb cut at the Town Center. Petitioner reached out to Town Center and they will not address this until the Village has approved this preliminary plan. This will be conditional before final. Subdivision of the parcels have been addressed to show each unit's parcel. This would be required to go to Lake County recorders before permit. The photometric plan will be addressed at the time of the full electrical site plans but the lighting is consistent with The Crossing Development. There will need to be a full Stormwater design and review for final. A list of permits that would be required also have been provided in his review. Mr. Elias had no questions and agreed with all comments. Village Building and Zoning Official Garrett stated much of his comments have been noted by Teska. Sidewalks will need a plan how they are maintained will out leaving the property lot lines. Elevation drawings, need dimensional drawings are required to determine compliance with Village requirements. Snow removal from property will need to be addressed as these roads are private roads. Amendment to ordinance to address re-subdivision of the property. Relief will be needed at final for planned development requires 5 acres, this is approximately 3 acres. Relief will be needed to address the density. Landscape improvements will need to be reviewed by Teska. The setbacks, there is some safety issues for vision triangle to meet the traffic requirements. The first level needs to be 750 square feet of livable space with the style of the development it could get relief as the 2nd floor of livable space. The sign for property, directional signage will need to be addressed at final. Provide details response of the impact this development will have and comply with Village code to be completed at the time of final plat.

Lighting has been addressed by Teska. Sprinkler system, water and sewer lines, visitors parking utilities to be underground and utility meters have been addressed and will comply at final. Updated elevation drawings to show no parking in front of the garage. Mr. Elias stated no questions and is in agreement. He stated this is maintenance free development all the landscaping and snow removal from all sidewalks, driveways and private road ways will be done by a contractor. If needed snow could be hauled away or relocated for the site. Garrett would like a written report on the snow removal.

Commission Member Psarakis clearance of the fire truck or garage truck seems to be a bit tight. The backing up from the driveways is tight, but should work. The trash cans will be normal Village trash cans and are stored in the garage until trash day. Snow removal will be addressed. Commission Member Mann questioned no roof top decks; no outdoor space other than common areas.

Commission Member Wohl questioned if the Town Center has approved this development. Burke stated the Town Center did not want to look at a preliminary plan until the Village has approved this development. This will need to be addressed before final. Mr. Elias stated there are currently 2 curb cuts, and they will be eliminating 1 of the curb cuts.

Commission Member Comber questioned which unit is being removed from the plan. Mr. Elias stated unit number 23 will be removed and the building will align with the building to the North. The Deck on the roof is eliminated so will the stairs from the 3rd floor to the roof. Mr. Elias stated yes, they will. Comber questioned the type of material called Indiana Limestone Full Color. Mr. Elias stated Indiana Limestone material is Limestone and the color Slate is the color of the composite called Nichiha. The bricks are real Chicago Bricks. The Rails are powder coated aluminum.

Commissioner Chair Heidtke stated the height on the drawings are confusing. Heidtke suggestion for thought is to change each building design or color or garage doors to be unique so visitors and delivery persons can find the units.

d. Public Comment

No Public Comments

e. Close Public Comment

f. Commission Motion to approve/deny Planned Development for thirty-one (31) residential townhomes in eight (8) buildings located at 21660 W. Field Parkway.

Commission Member Comber questioned the build scheduled all at once or one at a time? Mr. Elisa stated start with foundations of 2 or 3 buildings then go up. Completed projects in 12 months. Comber questioned the units are not rents they are for sale units. Mr. Elisa stated yes, they are for sale units. For final approval there will be a time limit for construction as well.

Attorney Cahill stated in the motion to include the finding of fact from Teska's report and all the consultant's report.

Commission Member Psarakis is concerned with the fire truck tight space and is noted that the Fire Department will and have reviewed the turning radius.

Commission Member Lammers questioned the fire alarm is to go off one unit will other units attached be affected? These units are treated as a single-family unit and the others will not be affected.

Motion: Commissioners Mann moved and Comber seconded to approve preliminary planned development of 30 townhomes in 8 building units at 21660 Field Parkway, Deer Park, to include the finding of fact in Teska's report and to comply with comments in all consultants reports.

Upon Roll Call:

*Ayes: Wohl, Psarakis, Comber, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent*

Motion Carried 5/0

g. Close Public Hearing

Motion: Commissioners Comber moved and Mann seconded Close Public Hearing.

Upon Roll Call:

*Ayes: Wohl, Psarakis, Comber, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent*

Motion Carried 5/0

Any Old and/or All New Business

None at this time.

Adjourn

Motion: Commissioners Wohl moved and Comber seconded to adjourn at 8:46 p.m.

Upon Roll Call:

*Ayes: Wohl, Psarakis, Comber, Mann, Lammers
(5) Ayes / (0) Nays / (1) Absent*

Motion Carried 5/0

Respectfully Submitted,

*Kimberly A. Kelly
Village Clerk*

*David Heidtke
Committee Chair*