

**Village of Deer Park  
Plan Commission Meeting Minutes  
Dec. 4, 2006**

**CALL TO ORDER**

The Meeting of the Plan Commission of the Village of Deer Park was held on Monday, Dec. 4<sup>th</sup>, 2006, at the Village Office, 23680 W. Cuba Road, in the Village of Deer Park, Lake County and Cook Counties, Illinois.

Chairman Heidtke called the meeting to order at 7:06 p.m. Upon roll call, the following were present: Chairman David Heidtke, Commission members Frank Comber, Bill Koutsis, Eric Lorenz and Sandy Schroeder. Commissioner Jan Koe was absent. Other Village Officials present were Administrator Connors, Attorney Keller and Clerk Pratscher. Chairman Heidtke declared a quorum.

**PUBLIC HEARING REGARDING AN AMENDMENT TO SECTION 158.105(F) OF THE ZONING ORDINANCE REGARDING PUBLIC NOTICE REQUIREMENTS**

MOTION: by Commissioner Comber to temporarily adjourn the regular Plan Commission meeting. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

MOTION: by Commissioner Comber to open a public hearing. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

Attorney Keller stated that the Village's current zoning ordinance requires that notice of a Plan Commission hearing on an application for an amendment to the zoning ordinance, for a special use permit or for a plat of subdivision be mailed to owners within 500 feet of the subject property. State statute, however, requires that notice be published in a local newspaper. He said the Village traditionally has published notice, but the Village ordinance does not require it. Attorney Keller said the proposed amendment would bring the Village into compliance with state statutes.

Commissioner Schroeder questioned how the Village chooses which newspaper to carry the public notice, noting that the wording of the proposed amendment is "published in the Village."

Attorney Keller replied that he was unsure how the newspaper was chosen, but agreed that "a newspaper in general circulation in the Village" would be better wording than "published in the Village."

Commissioner Lorenz asked if other municipalities use any other type of notification for public hearings.

Chairman Heidtke stated that he had asked Administrator Connors to survey surrounding villages, and he found the majority require that a sign announcing the public hearing be posted on the property in question. Chairman Heidtke endorsed that idea, saying the sign could be the same size as a typical real estate sign. He also suggested that the signs could be kept by the Village and loaned out as needed.

Attorney Keller proposed the following wording be added to the proposed amendment: "The applicant shall also post notice of the public hearing on the property in a form to be determined by the Village Administrator."

At this point, Chairman Heidtke accepted public comments on the proposed amendment.

Mary Lahr of 201 Rue Touraine stated that it is her understanding that the Village publishes notices in the Daily Herald because it is a daily publication, making it easier to meet the time constraints of the notice.

Deborah Barry of 412 Bramble Lane supported the suggestion to require a sign on the subject property. She said Deer Park Neighbors have been asking for such a requirement for some time.

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Richard Chay of 408 Bramble Lane noted that fewer people today read newspapers and suggested an additional requirement that notice be posted on the Village's web site.

John Lahr of 201 Rue Touraine stated that the time constraints that would apply to mailed notice and published notice also should apply to the sign and web site posting.

Al Barry of 412 Bramble Lane stated that if Red Seal Development Corp. had been required to erect a sign on its property prior to the public hearing, more people would have come to the meetings and would have made sure the Village hadn't left so much money on the table in the land sale to Red Seal.

**PUBLIC HEARING REGARDING AN AMENDMENT TO SECTION 158.46 OF THE ZONING ORDINANCE REGARDING A PROPOSED PUBLIC LANDS DISTRICT**

Chairman Heidtke stated that the public hearing would continue with consideration of the proposed public lands district.

Village Planner Kon Savoy of Teska Associates introduced his colleague Michael Weaver, who worked with him on the proposed amendment. Mr. Savoy stated that the proposed amendment came in response to issues on the Village's Vehe Farm property. All Village-owned lands currently are contained in the R-1 residential zoning district, so the Village, in essence, has to petition itself for a variance any time a use not allowed in the residential district is proposed.

Mr. Savoy said he researched how other municipalities deal with their public lands, and he feels that a new Public Lands District would be the most effective tool. He noted that creating the new zoning district would be the first of a two-step process. If the Village Board approves the new district, it then would have to decide which public lands would be rezoned under the new classification. He said the fire station already falls under the Planned Development District, so the Village Board most likely would consider rezoning only Village parks and Vehe Farm.

Mr. Savoy and Mr. Weaver summarized the main points of the proposed amendment, including:

- ◆ Permitted uses would include emergency service facilities (such as police and fire stations), public administrative facilities (such as a Village Hall), public educational and cultural facilities (such as schools) and public recreational facilities (such as parks).
- ◆ Special uses would include other government buildings not outlined as a permitted use, utility substations and other permitted uses that exceed the performance standards outlined in the proposed amendment.
- ◆ Performance standards (or building restrictions) would include:
  - 1) Site plan approval prior to the issuance of a building permit.
  - 2) Floor Area Ratio (FAR) would not exceed 0.15 for lot sizes of 1-5 acres or 0.10 for lot sizes greater than 5.1 acres
  - 3) Accessory building size will be determined by the Village Board, but should not exceed the FAR of the principal use, unless authorized as a special use. The exception is windmills, which may exceed the building height of the principal structure but may not exceed 45 feet.
  - 4) Fence height should not exceed 8 feet unless authorized as a special use.
  - 5) Building height is not to exceed 37.5 feet
  - 6) Front yard setback will be 80 feet. Parking will not be within 20 feet of the front property line. Side yard setback will be 50 feet on a corner lot, 30 feet on a regular lot, unless the side yard adjoins a residential district. Setback would then be 75 feet, and parking in side yards will be no closer than 50 feet to the adjoining residential lot line. Rear yard setback will be 35 feet, unless it adjoins a residential district. Setback would then be 100 feet, and parking in rear yards will be no closer than 50 feet to the adjoining residential lot line.
  - 7) Buildings may not cover more than 25% of the lot, and impervious surfaces may not cover more than 50% of the lot. (Existing water areas will not be included in these calculations.)
  - 8) Light poles at playfields will not exceed 50 feet, fixtures will include cut-off shields and lights will be shut off by 10:30 p.m. if the playfield is adjacent to a residential area.

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Mr. Weaver noted that three existing sections of the Village's zoning ordinance would require minor modifications if the Village Board adopts the proposed amendment.

Mr. Weaver also stated that Vehe Farm meets all the conditions of the proposed public lands district, with the possible exception being the height of the barn. He said he would verify this height. Chairman Heidtke stated that the Village's definition of building height is to the center line of a sloped roof, not to the peak of the roof, so he did not think the barn would exceed the height restriction.

Commissioners discussed various aspects of the proposed performance standards. The consensus was that fence heights should not exceed 6 feet (because the butterfly garden fence at Vehe Farm has already been granted a height variance and would be grandfathered in) and building heights should not exceed 35 feet (because the barn height does not exceed 35 feet, using the Village's definition). Commissioner Schroeder requested that the figures used in the FAR be consistent with the allowable lot coverage.

Mr. Savoy stated that intent is not to limit the FAR to the figures specified, but rather to trigger a special use requirement if the FAR exceeds those figures. The lot coverage restriction of 25% would be the maximum control.

Commissioner Schroeder proposed changing the wording to read "FAR *for permitted uses* is not to exceed . . ." and "*If a development exceeds the FAR requirement, a special use permit would be needed, but in no case can the building exceed 25% lot coverage.*"

At this point Chairman Heidtke agreed to take public comments.

Mrs. Lahr called the proposed 50-foot standard for light poles outrageous and also spoke against the 8-foot fence height, saying residents are allowed only a 6-foot fence to protect their children.

Mr. Lahr noted that a portion of the land housing Charles Quentin Elementary School is in the Village, and the school's FAR and lot coverage might be at odds with the proposed standards. He also spoke against the 50-foot light poles and said a 10 p.m. shutoff time for the lights would be adequate. He also noted that the proposed amendment should include a pumping station as a special use because the Village has a pumping station along Rand Road.

Mr. Savoy replied that the pumping station might be within the Planned Development District, but he would verify that information.

Mrs. Barry stated that she thinks the proposed amendment as written would set a number of uncomfortable precedents. She said it feels like the amendment was designed for special interests and is not in the best interest of Deer Park.

Mr. Barry agreed with Mrs. Barry's comments. He also said the 10:30 light shutoff time is outrageous and spoke against the 8-foot fence height standard.

Mr. Chay stated that he endorsed all the other public comments. He asked whether the amendment would prohibit the Village from eventually selling the Vehe Farm to a housing developer, noting that he would prefer that action if it would improve the Village's finances. Mr. Savoy said that a potential developer could petition the Village to rezone the land back to R-1.

Mrs. Lahr asked whether Vehe Farm belongs in a public lands district if the Village intends to rent the Vehe Farm Barn to various users. She said that would constitute a commercial use. Attorney Keller responded that the use is not a zoning issue. He added in many municipalities, public land is exempt from any zoning regulations. By considering the proposed amendment, he said, Deer Park is establishing for itself a set of standards that many municipalities ignore.

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MOTION: by Commissioner Schroeder to close the public hearing. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

MOTION: by Commissioner Comber to reopen the regular Plan Commission meeting. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

Chairman Heidtke asked the Commission for any other comments on the public lands district proposal.

Commissioner Comber questioned the maximum height for light poles in other parts of village. Mr. Savoy said they are usually between 18 and 30 feet.

A discussion ensued whether there would ever be a need for a lighted ball field in the Village and whether it would be better to address the issue through the variance process if the need arises. Mr. Savoy replied that the idea was to set some standards so fewer issues would have to be decided on a case-by-case basis.

MOTION: by Commissioner Comber to abandon this and let the Board deal with it.

Attorney Keller stated that was not an appropriate motion. He said the Commission held a public hearing and has a responsibility to make a recommendation regarding the proposed amendment to the Board.

MOTION: by Commissioner Comber that the ordinance as proposed for a Public Lands District be adopted with the following modifications:

- ◆ The references to lighting be deleted completely;
- ◆ Fence heights be reduced from 8 feet to 6 feet;
- ◆ The FAR language be changed as discussed (specifically section 2 of the Performance Standards would read "the FAR *for permitted uses* is not to exceed 0.15; for lot sizes above 5.1 acres, the FAR *for permitted uses* is not to exceed 0.10;" and section d regarding lot coverage would read "*If a development exceeds the FAR requirement, a special use permit would be needed, but in no case can more than 25% of the lot area of any lot be covered . . .*")
- ◆ and the building height be reduced from 37.5 feet to 35 feet.

Other commissioners asked if he would modify his motion regarding lighting to eliminate sections 1 and 3 (which pertained to the height of the light poles and the shut-off time), but to retain section 2, which states that light fixtures shall have cut-off shields to eliminate glare on adjoining residential uses.

Chairman Heidtke requested that he amend the motion to state that a pumping station would be considered a special use in section 2, paragraph B. He also requested that the wording in the stated purpose of the amendment be change to read "including *but not limited to* all Village, County, State and Federal facilities . . ." Commissioner Comber agreed to all of the requested amendments.

Chairman Heidtke also noted that one of the three sections of the zoning ordinance (specifically section 151.10 regarding fence heights) that Mr. Weaver said would require revisions if the public lands district amendment was approved could remain as it stands.

Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

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Chairman Heidtke asked for a motion regarding the public notice amendment.

A brief discussion ensued whether to include the requirement that notice be posted on the Village's web site. Administrator Connors stated that he views that as an administrative issue. Attorney Keller agreed that such a requirement would put the burden on the Village staff, not the petitioner in a zoning hearing.

Attorney Keller outlined the changes that were discussed previously, specifically:

- ◆ Section 1 would read "shall publish notice in a newspaper *in general circulation in the Village*;"
- ◆ The following section would be added to Section 1: "*iii) shall post notice of the public hearing on the subject property in a format as proscribed by Village administrator.*"

MOTION: by Commissioner Schroeder to approve the proposed notice of public hearing ordinance subject to the addition of posting of signage on subject property as stated by the Village attorney. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

**ATIRA HOTELS PROPOSAL FOR A HAMPTON INN AND SUITES**

Dan Beider, principal of Atira Hotels, stated that Hilton Hotels has approved the revised building design that he was presenting to the Plan Commission tonight. He said his company had studied the architecture and design of Deer Park Town Center as directed by the Commission and had drastically changed the building's exterior from previous drawings. He said the size of the building and the site plan were unchanged from previous meetings, but the current submission also includes photometrics and a landscape plan.

Mr. Savoy highlighted some of the recommendations he raised in his plan review memo. Including:

- ◆ Trash receptacles should be enclosed with a brick or masonry wall to match the building. Mr. Beider agreed to that recommendation, adding that he did not have a problem meeting the additional landscaping recommendations in the memo.
- ◆ The pedestrian circulation path should be paved with asphalt and should tie in with the bike path planned for the entire Triangle area. In addition, a bike path running the length of the petitioner's property (but within the public right-of-way) should be constructed along Lake-Cook Road. Michael Rolfs of Hamilton Partners, developer of the Deer Park Office Center in which the hotel would be located, said he will review his company's contractual obligations with the Village and will build that portion if it was agreed upon. Sanjeev Misra, principal of Atira Hotels, said his company would build the pedestrian path extension to tie into the bike path.
- ◆ The hours that exterior lights will operate needs to be provided. Mr. Misra stated that the Hampton brand has requirements regarding the lighting of entrance ways as part of its risk management policy manual, and those standards must be followed. He said he would provide that information.
- ◆ The off-premises sign, which Mr. Savoy had questioned in his memo, is permissible under the Planned Development District ordinance. He did note, however, that the same ordinance stipulates that wall signs are not allowed above the first floor, so the location of the wall sign shown in the site plans would have to be revised. Mr. Beider responded that such a change would be a huge challenge. He said he would be hard-pressed to find hotel in the United States that did not have a sign that was visible upon approach.
- ◆ The architecture is not of the quality the Village expects, with stucco covering three-fourths of the façade. Mr. Savoy recommended an entirely brick façade and other architectural elements to reduce monotony. Mr. Beider stated that there are very few all-brick Hampton Inns, and those usually are historic renovations, not new construction. He said every deviation from the Hampton prototype requires a waiver from Hilton Hotels, but he said he would ask for permission to use additional brick. Mr. Bieder said a compromise could be to extend the lower level of bricks in columns along the façade. Mr. Misra suggested that they also could add some accents along the roof line.

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Commissioner Koutsis stated that he agreed with Mr. Savoy's comments about the need for improved architecture and materials, but he agreed with the petitioner about the need for the hotel's sign to be positioned above the first level.

Attorney Keller stated that moving the sign above the first story and the four-story building itself are inconsistent with the Village's Planned Development District ordinance and would require amendments to that ordinance by the Village Board. Mr. Beider said he would seek those amendments because the Board agreed in principal to a four-story building (but within the maximum allowable height) when Atira made its initial presentation.

Attorney Keller noted that a third amendment would be required because the building's proposed orientation is different from the one specified in the Planned Development District Ordinance.

At this time, Chairman Heidtke took comments from the public.

Mrs. Lahr asked if the guest room windows could be blackened to prevent light from spilling into the homes in Rue Vallee subdivision. Mr. Savoy responded that with other buildings and vegetation planned in the Office Center, the light would never reach that far.

Mrs. Barry stated that she agreed with the Commission's insistence on more upscale materials for the hotel's façade.

Mr. Beider asked if Atira could be on the Plan Commission's January agenda in an effort to resolve the final issues. Chairman Heidtke agreed, although he noted that the Commission would not meet the first Monday of the month as it normally does because of the New Year's holiday.

**ADJOURNMENT**

MOTION: by Commissioner Schroeder to adjourn. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (1)

Motion carried 4/0/1

The Regular Meeting of the Plan Commission was adjourned at 9:45 p.m.

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David Heidtke, Chairman

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Maureen Pratscher, Village Clerk