

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

1 of 7

CALL TO ORDER

The Meeting of the Plan Commission of the Village of Deer Park was held on Monday, May 1, 2006, at Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake County and Cook Counties, Illinois.

Chairman Heidtke called the meeting to order at 7:08 p.m. Upon roll call, the following were present: Chairman David Heidtke, Commission members Frank Comber, Jan Koe, Bill Koutsis, Eric Lorenz and Sandy Schroeder. Other Village Officials present were Administrator Diesen-Dahl, Attorney Hargadon and Clerk Pratscher. Chairman Heidtke declared a quorum.

Others present were: (see attached sign-in sheets).

REQUEST FOR FINAL APPROVAL OF PLANS FROM RED SEAL DEVELOPMENT CORP. FOR THE CORNER OF QUENTIN ROAD AND LONG GROVE ROAD (DEER PARK ESTATES)

Todd Fishbein, president and CEO of Red Seal Development Corp., stated there had been some minor changes to the development plan since it was last reviewed by the Plan Commission, and he intended to outline those changes for commissioners. He said the Village Board passed an ordinance granting preliminary approval to the development, with a list of conditions. He said all those conditions have been addressed by Red Seal if they are in the appropriate stage of development (some conditions apply to the actual construction phase), but the company is willing to live with all conditions stated. He said the changes made include:

- ◆ The entry monument signage wall was replaced with island pier-type signs that will not be lit.
- ◆ Several interior units were flipped from a standard design to a reverse design, but none of the end units were affected nor was the site plan affected. On-street parking areas were not affected.
- ◆ In response to requests from potential buyers, a small tot lot was added to the open space in the middle of the plan.
- ◆ The rear of some buildings changed as a result of grading plans, with some walkout basements changing to lookouts and some lookouts changing to a standard basement. In most cases, the massing of the buildings was decreased.
- ◆ The emergency access location was moved about 40 feet south on Quentin Road due to engineering issues. The Lake County Department of Transportation and the Lake Zurich Rural Fire Protection District both signed off on the change.
- ◆ Three streetlights were removed along the row of single-family homes, as requested by the Village Board.
- ◆ A proposal was added to allow 3-foot-by-6-foot dog runs that would be in compliance with the Village's fence ordinance and would be located immediately behind units within the footprint of the deck.
- ◆ To meet the condition that no two single-family homes with the same elevation be placed next to each other, the company designed two new elevations for those homes, which are very similar to designs previously submitted.

Mr. Fishbein stated that he also wanted to highlight several other important issues:

- ◆ Red Seal has determined that there is a very strong market demand for its product. In the 45-60 days of marketing the development, the company has sold a mix of 30 units: 25 hard contracts and five contracts in the attorney-approval stage.
- ◆ Red Seal will be paying substantial recapture fees if the project is approved, including (approximately) a sanitary sewer fee of \$53,000; a paving fee of \$560,000; a water fee of \$475,000; a Metropolitan Water Reclamation District fee of \$107,000; and interest on all fees of \$230,000. The total is approximately \$1.424 million.
- ◆ Red Seal will also pay one-time impact fees to: Community Unit School District 95--\$146,518; Village of Deer Park's park fund--\$178,907; Lake Zurich Rural Fire Protection District--\$27,000; Barrington Area Library District—almost \$16,000.
- ◆ Red Seal conducted a fiscal impact analysis regarding the school district and fire district. The analysis shows the development will generate an annual surplus of almost \$189,000 for the schools and almost \$7,000 for the fire district.

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

2 of 7

- ◆ Red Seal was able to accommodate several suggestions relating to the declarations and covenants, specifically addressing deck maintenance. He said his company has had great success requiring the homeowners association to maintain any vertical portions of the decks, while the townhome owner would be responsible for maintaining any horizontal portions of his or her deck. This approach maintains a uniform appearance to the buildings.

Chairman Heidtke asked to hear from the Village's consultants next.

Kon Savoy, of Teska Associates Inc., the Village's planning consultant, stated that he issued a report dated April 26 outlining his recommendations regarding the proposed development. He noted that many items already have been addressed by Red Seal. He said he considers the remaining issues minor and no reason for the Plan Commission to withhold final approval.

Mr. Savoy stated that he spent a lot of time last fall working with the developer to come up with plan that would be economically feasible and in line with the Village's comprehensive plan. He said he believes this plan is consistent with the comprehensive plan, providing for a mix of uses and conservation of private open space, providing for transitional uses from single-family homes on the western side to townhomes and commercial development to the east, and providing a transition in density.

Mr. Savoy highlighted several of the points in his report, including:

- ◆ Emergency access to the property. Mr. Savoy said he wanted verification that it would be designed with a sub-base that would support emergency equipment, and the Village engineer said that would be the case.
- ◆ Sidewalks. Mr. Savoy stated he was not at the last meeting when sidewalks were discussed extensively so his memo recommends the addition of a sidewalk along the southern row of townhomes. He said he agrees with the idea that maintaining the setback to the wetland buffer is more important than adding a sidewalk in that area.
- ◆ A letter from Trustee Plautz asking that landscape plans eliminate any burning bushes, which have been identified as invasive in this area. He recommended spice bushes be used instead.
- ◆ Additional landscaping. Mr. Savoy said he would like to see a variety of perennials and bushes added along the bike path and between buildings to provide additional screening.
- ◆ Berm details. Mr. Savoy asked for a berm grading plan along the perimeter of the property.
- ◆ Detention pond. The Village engineer recommended that proposed wetland plantings be reviewed by the Village's wetland consultant, and Mr. Savoy stated he agrees with this.
- ◆ Entry sign. Mr. Savoy said the logo identifying Red Seal Homes is in violation of the Village's sign ordinance and should be eliminated from the entry sign.

Todd Gordon of Gewalt Hamilton Associates Inc., the Village's engineering consultant, stated that he issued a report dated April 26, which also includes a letter from Red Seal's engineering consultant and a copy of his letter to Red Seal listing technical issues that must be addressed in the final plat of subdivision. He highlighted the following points from his report:

- ◆ The plans submitted are in compliance with Village engineering codes and the Lake County Stormwater Management watershed development ordinance. He recommended approval of the plans conditioned upon final engineering approvals.
- ◆ He and Red Seal representatives met with Lake County Department Transportation regarding access to the property, including location of the construction entrance. That entrance currently is located next to the main entrance on Westpark Place, but the developer is hoping to relocate it further west on Long Grove Road to avoid traffic from Deer Park Place. Lake County will make the final decision on the access point.
- ◆ Red Seal must obtain a variety of permits or jurisdictional approvals from other agencies, including the Lake County Department of Transportation, the Metropolitan Water Reclamation District, the Illinois Environmental Protection Agency, the Village of Palatine, the Lake County Health Department and the Lake Zurich Rural Fire Protection District. He said any changes made during these processes should come back to him for review.
- ◆ Red Seal will bury overhead utilities along Quentin Road and Long Grove Road.

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

3 of 7

- ◆ The irrigation system well will go to the deep aquifer so it will not be in conflict with shallow residential wells. The irrigation system will feed off the detention pond and access the deep well only if needed.
- ◆ Wetland buffer plantings and the detention pond will be coordinated with the Village's wetland consultant, Applied Ecological Services.
- ◆ Red Seal will work with United Land Development and Lake County Department of Transportation to coordinate improvements to Westpark Place and access from Long Grove Road.

In response to questions from commissioners, Engineer Gordon stated there are wells on the property, and Red Seal is working with Lake County Health Department to abandon those wells. He also expounded on the reason for requiring a deep well for the irrigation system, saying that it is now a requirement for all developers in the Special Services Area (commonly known as The Triangle) so that there will be no impact on shallower residential wells. He also stated that he is not aware of any environmental issues relating to the land. Mr. Fishbein added that Red Seal conducted a Phase I environmental study, which did not identify any environmental hazards.

Chairman Heidtke at this point opened the floor to questions from commissioners.

Commissioner Comber asked for more information about the proposed tot lot, such as what type of equipment is planned and how it will be maintained. Mark Kurensky, Red Seal's landscape architect, stated that it will be targeted toward younger children, and the equipment will be a metal composition to increase durability. He said it will include a slide and climbing areas, and the homeowners association will be responsible for maintenance.

Commissioner Comber also inquired about any enhancements to landscaping along the bike path and berms, as recommended by Mr. Savoy. Mr. Fishbein stated that it was noted at the January Plan Commission meeting that the easement provisions along Quentin Road and Long Grove Road prohibit any altering of the grade, which would preclude berms. In addition, he said that Red Seal's preliminary plan included a very high level of landscaping detail, which will cost in excess of \$500,000. He said the current plan is entirely consistent with the preliminary plan, which was approved by the Village Board, and Red Seal does not intend to add to it.

Mr. Fishbein also addressed recommendations made by Engineer Gordon, saying Red Seal is amenable to all conditions stipulated in Engineer Gordon's report, and changes will be made on the final plat of subdivision. He also stated that Red Seal would eliminate its logo from the entry sign and will work with the Village's wetlands consultant to put any appropriate covenants in place.

Commissioner Schroeder asked to go through the Commission's list of conditions imposed with preliminary approval. Items discussed included:

- ◆ Clarification about the entry signage wall. Mr. Kurensky stated that the wall was eliminated, and three piers will be erected at the entrance to Deer Park Estates (not on Westpark Place): one on the right hand side of the entry road (yet to be named) and one flanking either side of the sidewalk on the left side of that road. The two piers closest to the street will have plaques naming Deer Park Estates.
- ◆ Architectural shingles. A material sample board was requested to be kept at the Village office.
- ◆ Interior street names. Mr. Fishbein stated that Red Seal has picked several names that are being reviewed by the fire protection district. He said the approved names will be put on the final plat.
- ◆ Streetlights. Mr. Fishbein said Red Seal is looking at fixtures that allow less light spillage, and the final choice will be subject to the Village Engineer's approval.
- ◆ Outbuildings. Mr. Fishbein stated he is agreeable to adding a stipulation to the covenants and declarations prohibiting outbuildings and enclosed porches.
- ◆ Petition to reduce the speed limit on Long Grove Road. Attorney Hargadon said it is actually the Village's responsibility to submit the petition, and he assumes the Village Board will do so.
- ◆ Additional parking spaces. Although additional parking spaces were agreed upon at the last meeting, Commissioner Schroeder said he does not like the fact that drivers parking on the

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

4 of 7

extended asphalt areas will have to back into someone's driveway in order to exit. He said he was torn between the need for more parking spaces and the need for more green space.

- ◆ A sidewalk in front on southern row of townhomes. Commissioner Schroeder asked if it would be possible to install a sidewalk on the inner circle without moving any buildings. Mr. Fishbein stated that the issue had been debated extensively at both the Plan Commission and Village Board meetings, and that the consensus was that the wetland buffer should be maintained, the Long Grove Road setback should not be eroded, and driveways should be long enough to park a car. He said it is a balancing act. Commissioner Schroeder agreed that it is a reasonable compromise, given the fact that most of the Village does not have sidewalks. Chairman Heidtke stated he was more concerned now about the lack of a sidewalk in that area because of the proposed tot lot, but Mr. Fishbein responded that he would rather eliminate the tot lot than add the sidewalk, given the constraints he outlined.

Commissioner Koutsis stated that Red Seal already had addressed most of the concerns he had. He urged the company to keep the tot lot, even if it means foregoing a sidewalk on the south side.

Commissioner Lorenz asked for more information about the proposed dog runs. Mr. Fishbein stated the dog runs would be attached to the rear of the homes and would be limited to where the deck would otherwise be (the size of the deck would be decreased to accommodate the dog run). In some cases, it would be underneath the deck. Because Deer Park Estates is a zero-lot line development, the issue of dog runs will be addressed in the subdivision covenants, he said. Commissioner Heidtke asked that the dimensions specified in the covenants be 3x6 feet, not 3x7 feet.

Commissioner Koe asked if Red Seal had reviewed the declarations and covenants with Attorney Hargadon. Specifically, he asked that the following issues be addressed in those covenants: a prohibition on parking commercial vehicles, jet skis, trailers, campers and the like; the inclusion of a monthly contribution by homeowners to a capital reserve fund based on a schedule of depreciation for replacement of roofs, roads and other capital items; an annual review of the homeowners association's financial records by a certified public accountant; and a statement that Red Seal will bury all utilities, not attempt to bury them.

Red Seal attorney David Reifman stated that the parking prohibition has been included. He said every homeowner will contribute to an initial capital reserve fund, and the homeowners association can establish additional reserves or levy a special assessment at a later date. Commissioner Koe stated that he thinks it is more fair for all homeowners to pay on a monthly basis as opposed to a special assessment some years down the road when many original purchasers might already be gone.

Mr. Fishbein stated that it is 90-95% certain that all utilities can be buried. He said that barring a circumstance such as a fiber optic cable or high voltage wire that would cost hundreds of thousands of dollars to bury, all utilities will be buried.

Commissioner Koe also suggested that the covenants require the hiring of an expert to manage the wetlands. Mr. Fishbein responded that the covenants will delineate the wetlands and wetlands buffer and all restrictions relating to them, based on the Stormwater Management ordinance.

Commissioner Koe asked that a Plan Commission member give final approval to the streetlight specifications, saying that he wants to be sure it will be a recessed fixture so the actual bulb cannot be seen. Mr. Fishbein stated he would get the spec sheet to Chairman Heidtke within days.

Chairman Heidtke questioned the maintenance of decks, asking if there will be any restrictions on the choice of paint or stain color. Mr. Fishbein replied that the covenants state homeowners must maintain the color scheme and architecture of all exterior elements.

Chairman Heidtke asked if overnight parking will be allowed on the subdivision streets. Mr. Fishbein responded that the issue had never been raised, but he was amenable to prohibiting overnight parking.

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

5 of 7

Chairman Heidtke asked if Red Seal would substitute spice bushes for burning bushes. Mr. Kurensky responded that they will eliminate burning bushes, but proposed something smaller than a spice bush, such as a Miss Kim lilac. Chairman Heidtke also inquired if there would be any seasonal plantings along the bike path to bring in some color. Mr. Kurensky replied that the area along the path is mostly naturalized with grasses, but there is a forbes mix (flowers) specified in the plan. He said he was not comfortable requiring the homeowners association to plant annuals or bulbs each year.

At this time, Chairman Heidtke opened the meeting to public comments and questions.

Carrie Groeller of 219 Rue Touraine asked for the dimensions of the signage piers and whether a variance would be required. Chairman Heidtke said they would be 3-foot-8-inches square and 5 feet high, and no variance would be necessary.

Layla Broadus of 23009 Thornhill Court questioned the distance between the single-family homes, saying that inadequate distance means increased shade, which could lead to eventual mold and decay. She said she doesn't understand the justification for allowing such a minimal distance. Chairman Heidtke stated the reason was to allow more open space within the development. He stated that the houses are narrower than typical single-family homes, and the design of the rooflines does not give the appearance of full, two-story box houses sitting one after another.

Donna Anderson of 20615 Westpark Place questioned the development's access road, saying that she envisions a traffic nightmare with all the turning traffic. Engineer Gordon responded that a left-turn lane has been proposed into Westpark Place and further improvements are expected on Long Grove Road. Mrs. Anderson also asked if Deer Park Place will share the street name Westpark Place with the new development and where the permanent sign identifying Deer Park Place will be located. Chairman Heidtke replied that Deer Park Estates will share the entrance road, Westpark Place, but all interior streets of Deer Park Estates will have different names. He said also said that United Land Development and Red Seal are working on placement of the permanent sign for Deer Park Place.

Deborah Barry of 412 Bramble Lane stated she is acting president of Deer Park Neighbors. She asked for a list of all variances granted to Red Seal, such as setbacks, distance between homes and the waiver of an economic needs study. She also questioned why the development will not include any units that are specified as affordable housing and why the Village is not getting a park land donation.

Chairman Heidtke responded that the Village Board delineated certain areas of the Village where affordable housing would be considered, and this is not one of those areas. As to the park land donation, he said the Village will receive impact fees but cannot negotiate extra donations because it is not an annexation situation.

Mrs. Barry also stated that many Village residents are unaware of the proposed development and requested that a large sign be erected on any property that is coming before the Plan Commission for development approval. Chairman Heidtke replied that signs are a possibility, but he did state that news of the development has been in the Village newsletter for more than a year.

Mrs. Barry also questioned why no police impact fees were being levied, saying 72 additional households will need to be policed. Chairman Heidtke responded that the Plan Commission is concerned with zoning, and levying of fees is a function of the Village Board.

Mrs. Barry also stated that there should be additional discussion on the density of the development. She said there are a number of residents who think unbuildable land should not be included in the density calculation.

Mary Lahr of 201 Rue Touraine also addressed the development's density, saying the Commission cannot assume Red Seal will be the buyer of the 2.33 acres of land the Village plans to sell. She said the land is out for bid until May 25. Chairman Heidtke stated that if Red Seal does not purchase the additional land, the development cannot be approved as it stands.

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

6 of 7

John Lahr of 201 Rue Touraine questioned a list of specifics relating to the plan, such as width of the cul de sacs and maximum height of the homes, which the commission answered.

Mrs. Broadus asked whether a traffic light will be installed at the subdivision entrance. Chairman Heidtke said he could almost guarantee that a stoplight would never be approved there.

Pat Ekstrom of 511 Rue Royale asked whether mosquito abatement on the wetlands was addressed and who would be responsible for the cost. Mr. Fishbein responded that the homeowners association will hire a specialist in ponds and wetlands to deal with mosquitoes and other issues pertaining to the wetlands.

MOTION: by Commissioner Schroeder to grant final approval to the Red Seal Development plan, conditional upon:

- ◆ submission of final materials samples and colors
- ◆ the Village to petition Lake County to lower the speed limit on Long Grove Road to 35 mph
- ◆ acceptance or completion of the naming of interior streets
- ◆ final resolution of streetlamp fixtures, detailed in the engineering plans
- ◆ final, agreed-upon amendments to the declarations and covenants
- ◆ no overnight parking on subdivision streets
- ◆ signage or piers to be shown on the site plan
- ◆ entry signs to be worked out between Red Seal and United Land Development
- ◆ construction entrance moved farther west on Long Grove Road
- ◆ completion of conveyance of 2.33 acres from the Village

Commissioner Koe asked Commissioner Schroeder to amend the motion to prohibit parking of commercial vehicles, boats, trailers or the like in the subdivision and to prohibit outbuildings and enclosed porches.

Commissioner Comber asked Commissioner Schroeder to amend his motion to include the condition of completion and acceptance of final plans by engineering and other judicial entities.

Attorney Hargadon stated that findings of fact are usually included in a motion for final approval. He asked if Chairman Heidtke could add these findings to the motion.

Chairman Heidtke stated that the Plan Commission finds:

- ◆ The proposed use of subject property for townhomes and single-family homes is permitted under the Village's zoning ordinance and the proposed plan doesn't exceed the maximum allowed density of 5.15 units per acre.
- ◆ The proposed use is beneficial to the public at the proposed location because the single-family homes along Quentin Road fulfill the Village's goal of transitional residential uses from Deer Park Town Center shopping center on the east to single-family homes on the west.
- ◆ Public health, safety and welfare are protected because the traffic entryway is aggregated with that of Deer Park Place and emergency access is located on Quentin Road.
- ◆ The proposed use will not negatively affect properties values in the area. The Plan Commission finds the proposed architectural and landscape plans are of high quality.
- ◆ The proposed use conforms to the Village's zoning ordinance and Planned Development ordinance, except: the required 100-foot building setback along Long Grove Road is proposed to be between 50 and 79 feet for the five buildings; the 100-foot building setback on Quentin Road is proposed to be 85 feet for the southernmost single-family residence and 87 feet for the fourth and fifth most northerly single-family residences; and the approximately 1.9 acres of wetlands that Red Seal intends to buy from the village shall be included in the density calculation.
- ◆ The Plan Commission recommends these variations because they create additional room between buildings and additional room for end-loading garages; they create a desirable streetscape along Quentin Road; and they provide for a more intensive landscape buffer along Long Grove Road.

**Village of Deer Park
Plan Commission Meeting Minutes
May 1, 2006**

7 of 7

Commissioner Schroeder agreed to amend his motion to include other commissioners' suggestions as well as the findings of fact.

Mr. Fishbein requested that the condition to move the construction entrance further west on Long Grove Road be subject to Lake County Department of Transportation approval. He stated Red Seal had already received a verbal approval. Commissioner Schroeder agreed to this amendment as well.

Attorney Reifman stated that Red Seal cannot control whether the Village petitions for a reduction in the speed limit and asked that this condition be eliminated. Attorney Hargadon agreed that it was a good idea to remove the item from the motion but recommended that Chairman Heidtke include that recommendation in a memo to the Village Board. Commissioner Schroeder agreed to amend his motion to eliminate the condition regarding the petition to Lake County and to list it as a separate recommendation to the Village Board.

Upon roll call:

YES: (5) Comber, Lorenz, Koe, Koutsis, Schroeder

NO: (0)

ABSTAIN: (0)

Motion carried 5/0

MOTION: by Commissioner Koe to recommend to the Village Board that it file a petition with Lake County seeking to lower the speed limit on Long Grove Road to 35 mph between Quentin Road and Rand Road. Upon a voice vote:

YES: (5)

NO: (0)

ABSTAIN: (0)

Motion carried 5/0

ADJOURNMENT

MOTION: by Commissioner Comber to adjourn the Meeting of the Plan Commission at 9:38 p.m. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (0)

Motion carried 5/0

The Regular Meeting of the Plan Commission was adjourned at 9:38 p.m.

David Heidtke, Chairman

Maureen Pratscher, Village Clerk