

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
February 25, 2026**

**I. MEETING COMMENCEMENT:**

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:02 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

**II. ROLL CALL:**

Present: Chairman Kempa, Commissioners DeGraf, Patel, Saewert, Simmons, Mishevski and Kiefer

Absent:

Quorum is present.

Present at the meeting: Director of Building & Development Daniel A. Peterson and Recording Secretary: Jenn Myzia

Pledge of Allegiance

**III. APPROVAL OF January 28, 2026 MINUTES**

Motion made by Commissioner Kiefer seconded by Commissioner Simmons to approve the meeting minutes.

**ROLL CALL VOTE:**

AYES: Commissioners DeGraf, Simmons, Mishevski, Kiefer, Patel and Chairman Kempa

NAYS:

ABSENT:

ABSTAIN: Commissioner Saewert

Motion carried 6:0

**IV. Old Business:**

**V. New Business:**

**1. PZBA Case #26-03 SU PUD – Public Hearing Reestablish SU/PUD for a 69-Unit Townhome Development**

Applicant: Neder Capital Services LLC represented by Dennis Stratievsky  
Address: 1001 and 999 Oak Ave., Prospect Heights, IL 60070

Description of Request: Applicants are seeking to reestablish the previously approved, Ordinance #O-20-37, granting a Special Use and PUD for a 69-unit Townhome development. The previous approval expired per section 5-10-9 J.

Chairman Kempa requests a motion to open the public hearing for 26-03 SU PUD at 7:04 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

**VOICE VOTE:**

AYES: Commissioners Simmons, Mishevski, Kiefer, DeGraf, Saewert, Patel and Chairman Kempa

NAYS:

ABSENT:

ABSTAIN:

Approved: 7:0

Director Peterson states Neder Capital has submitted Exhibit 10 is being replaced with Exhibit 12 which has minor updates and corrections. Director Peterson continues to give a brief description of the case that had been previously approved and the consideration of Ordinance #O-20-37 to be reestablished as previously approved with the new developer, Neder Capital. Director Peterson states that all the testimony from the previous case 20-08 MAP, TA, PUD, SU and all the exhibits are valid exhibits for this case.

Chairman Kempa swears in the applicant and their representatives.

Attorney Tom Burney representing the applicant and prior applicant Lexington Homes asks if all previous exhibits may be entered into evidence as group exhibit 1 when the time is appropriate.

Nate Wynsma representing Lexington Homes states as the previous applicant, Lexington is working with Neder Capital on the transition of assignment from Lexington Homes to Neder Capital.

Dennis Stratievsky representing the applicant Neder Capital Services describes current projects Neder Capital is working on with a slide presentation.

Carolyn Schofield – Entitlement Manager with the Law Office of Tom Burney reviews the design of the project and the tentative plat and proposed land swap with the Park District and proposed improvements to Muir Park.

Director Peterson interjects due to an after the fact negotiation there is a small difference between the original plan as the Park District asked for the parking lot to be moved to accommodate more space for the field and additional parking to meet the requirements for parking at the park and potential additional guest parking for the townhomes.

Attorney Burney describes the benefit of the detention pond for the community.

Ms. Schofield reviews the merits of the case and requests a positive response from City Council for the request of reestablishment of the SU/PUD approval.

Chairman Kempa requests for questions from the commissioners to the applicant.

The commissioners ask questions pertaining to but not limited to a potential fence separating the apartments in Wheeling from this development, the difference between plans that were originally presented, status of negotiations that happened after the previous ZBA approval, is the pond going to be retention or detention and status of the TIFF District.

Attorney Burney requests that all of the exhibits from the previous case 20-08 be admitted into evidence as group exhibit 1.

Chairman Kempa reassures Attorney Burney that all exhibits from the original case and new exhibits will be entered into evidence.

Attorney Burney requests that all questions from the public be taken and answered together.

Chairman Kempa states he wants to be sure all questions are answered and therefore each member of the public may come up and have their question answered as they appear. Chairman Kempa does ask of the public if the question they would like to ask is already addressed to please state they agree with a previous speaker.

Chairman Kempa swears in all members of the public that wish to testify.

Joe Kmiecik – 600 Equestrian Dr Wheeling – has concerns of the development of the park land that adjoins his property and he would be interested in purchasing land from the park district as with a background in ornamental horticultural he feels he could develop the land better than a landscaper hired by the developer.

Director Peterson states that property is owned by the Park District and not the City of Prospect Heights therefore that would be the avenue to pursue for that next step.

Victoria Douzamy – 1101 N Maple Lane Prospect Heights – has concerns for safety of pedestrian traffic especially children with no sidewalks and no lights on the side streets. She asks if improvements to the lack of sidewalks and lighting can be made to the Drake Terrace neighborhood.

Attorney Burney states a traffic study was presented with the original case.

Nate Wynsma – describes protocols for safety at the construction site but he cannot speak for City infrastructure.

Director Peterson states this has been previously discussed and because the Drake Terrace neighborhood was an unplanned neighborhood in terms of neighborhood community planning and has a semi-rural drainage ditch system which causes no place to accommodate the install a storm sewer system or streetlights. Regarding construction traffic control and safety, he states prior to the time of construction a traffic plan would be presented to the City which would have to be approved and the City would notify the neighborhood of the plan. Deviations of that plan would receive enforcement from the Building Department, the Engineering Department and potentially the Police Department.

Hardik Soni – 1150 Honeysuckle Dr Wheeling has questions and concerns in regard to storm water management, a detention area and/or retention wall.

Commissioner Patel states that in this type of development MWRD gets involved.

Marijean Meier – 1101 Oak Ave Prospect Heights questions the validity of the traffic study. She is against the special use.

Director Peterson responds.

Attorney Jim Hess representing the City of Prospect Heights states from a legal stand point for a new developer to step in and take over from a previous developer that pursuant to the city codes, everything the rezoning of the property, previous entitlements, the TIFF District

have already been established and do not lapse over time. Pursuant to City Code an approved Special Use has an expiration date if not executed and once expired if a new developer would like to continue the Special Use must be reestablished.

Irwin Singh – 108 Eleanor Dr Prospect Heights – is against the special use.

Nate Wynsma – Lexington Homes – explains the land swap.

Steve Drake – 7 Prospect Dr Prospect Heights – is against the special use.

Paul Gebert – 1105 Drake Ave Prospect Heights – questions the rating of Neder Capital with the BBB. He is against the special use.

Marty Bendel – 1104 Oak Prospect Heights – is against the special use.

Michelle Knapik – 11 Drake Terrace Prospect Heights – has questions regarding the well and possible impact on the neighborhood. She is against the special use.

Carol Walker – 12 Drake Terrace Prospect Heights – is against the special use.

Janet Albrecht – 606 Equestrian Dr Wheeling – is against the special use.

Hardik Soni – 1150 Honeysuckle Dr Wheeling – is in support.

Victoria Douzamy – 1101 N Maple Lane Prospect Heights – school bus traffic concerns.

Steve Drake – 7 Prospect Dr Prospect Heights – concerns of lack of taxes that property has generated in the past and future concern of the wells.

Marijean Meier – 1101 Oak Ave Prospect Heights – questions in regard to the well and potential current resident impact. Concerned about impact on ComEd and potential impact of more service.

Director Peterson states the IEPA will never issue a permit if the new project has a negative impact on the surrounding wells.

Chairman Kempa requests a motion to close case 26-03 SU/PUD at 9:24 pm

Motion by Commissioner Patel

Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners Kiefer, DeGraf, Mishevski, Patel, Saewert, Simmons and Chairman Kempa

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

Chairman Kempa requests any additional questions from the board to the City or City Attorney.

The commissioners ask the following but not limited to have there been any substantial changes since the original approval, confirmation of the timeframe of the expiration of the

original special use, estimation of Neder Capital completion time on other projects and clarification on responsibilities after transfer of establishments.

The commissioners discuss the conditions they would like added to the request.

Chairman Kempa requests a motion to accept into the public record the evidence presented this evening and to replace Exhibit 10 with Exhibit 12 for case 26-03 SU/PUD at 9:47 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

ROLL CALL:

AYES: Commissioners Simmons, Mishevski, Kiefer, Saewert, DeGraf, Patel and Chairman Kempa

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

Chairman Kempa requests a motion to recommend that City Council approve Case 26-03 SU/PUD to reestablish the previously approved, Ordinance #O-20-37, granting a Special Use and PUD for a 69-unit Townhouse development. The previous approval expired per section 5-10-9 J with the following conditions:

#1 – The original exhibits for the 69-unit plan from case 20-08 be added to this application 26-03 SU/PUD as Group Exhibit 1.

#2 – An updated traffic study be included for final approval.

Motion by Commissioner Saewert

Second by Commissioner Patel

ROLL CALL:

AYES: Commissioners DeGraf, Saewert, Patel, Mishevski, Kiefer and Chairman Kempa

NAYS: Commissioner Simmons

ABSENT:

ABSTAIN:

Approved 6:1

This case will be presented to City Council date to be determined either March 9 or March 23.

## **VI. Public Comment – Non-Agenda Items**

## **VII. Previous Application Updates**

VIII. **Communications** – there will be a March ZBA meeting

## **IX. Adjournment**

Chairman Kempa requests a motion to adjourn at 9:54 pm

Motion by Commissioner Kiefer

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Mishevski, Kiefer, DeGraf, Simmons, Patel, Saewert and Chairman Kempa

NAYS:

ABSENT:  
ABSTAIN:  
Approved: 7:0

DRAFT