

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing at 7:30 P.M. on January 9, 2020 at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.

Present were: Larry Berg, Chairman
 Al Bromberg
 Blake Schulman
 Jennifer Goldstone
 Elaine Jacoby
 Justin Silva

Absent were: Bill Keefe

Also present: Jeff Ryckaert, Principal Planner
 Daniel Nakahara, Planner

Chairman Berg swore in all who plan to testify before the Commission.

Public Comment on a Non-Agenda Item

There were no comments from the public on a non-agenda item.

PUBLIC HEARING

- (1) **Public Hearing: Request for a Special Use to Permit the Establishment of a Restaurant for Brunch Café at the South End of the Cadwell's Corners Shopping Center, and an Amendment to the Commercial Planned Unit Development (PUD) for Exterior Changes to the Cadwell's Corners Shopping Center (Property Owner Norcor Cadwell Associates and Business Brunch Café)**

Chairman Berg asked for proof of publication from the Petitioner. The Petitioner provided the certified mailing receipts to the Commission. Mr. Nakahara reported that the legal notice was published in the Deerfield Review on December 19, 2019.

The Petitioner, Sean Devine stated that he represents the property owner, Norcor Cadwell Associates, reported that their requests were reviewed at the Prefiling Conference. Mr. Devine explained the comments and questions from the Commission at the Prefiling Conference. Mr. Devine commented that there was concern around the impact on the neighbors of a restaurant use in the center. He added that the Plan Commission had questions on where employee parking would be located and the potential for neighborhood disturbances. Brunch Café will be open from 6:30 A.M. to 2:30 P.M. daily and will not be open in the evenings. They anticipate employee parking to be behind the center adjacent to the church. One end of this row of parking does come close to the back of residential. They propose that in order to address any potential impact from this use Brunch Café employee parking would start midway down the row of parking and not right against the residential properties. Brunch Café will have 10 to 12 employees per shift and around four employees who will arrive at 6 A.M. to open the restaurant. The biggest potential for impact on the neighbors would be early in the morning so they will request that these employees park towards the middle of the row of parking behind the center

which will provide an adequate buffer to neighboring residents. There will be no employees there late at night with no potential for loitering at late hours. Mr. Devine showed images of the parking behind the center stating that they are confident there will be adequate noise buffering. If noise becomes a problem they can move employee parking to behind Just Tires or the furthest parking in the front lot along Waukegan Road.

Mr. Devine commented that there were also questions at the Prefiling Conference about trash collection. The current occupants of the center have one to two pick-ups per week that can occur on different days of the week. Per the Village of Deerfield, commercial garbage pick-up cannot be before 6:30 A.M. and usually between 6:30 and 7:30 A.M. Mr. Devine reported that he spoke to the garbage provider, Lakeshore Recycling Systems, and they believe that three pick-ups a week would be adequate for Brunch Café. They service similar restaurants in the area who have three pick-ups a week, which is adequate with no overflow issues. Mr. Devine noted that other Brunch Café locations also have three pick-ups a week. Lakeshore would be willing to work with the petitioner on timing of the pick-ups to be later in the morning; however, the center would not want a garbage truck in the lot at 9 A.M., which would impact customers. Lakeshore proposes Monday, Wednesday and Friday pick-ups. Mr. Devine added that some of these issues can be addressed as they begin operations and see how it goes. Lakeshore also has a dumpster cleaning program, which will be incorporated into their operations to prevent any buildup of debris or odors.

Mr. Devine commented that this information addresses questions from the Prefiling Conference and that there were no other changes to their proposal. He added that renderings of signage were added to the application materials, as well.

Commissioner Schulman commented that deliveries in the rear of the center are not allowed prior to 8 A.M. and asked if this applies to garbage pick-up as well. Mr. Nakahara replied that the restaurant restrictions do not apply to garbage pick-up, only to deliveries.

Commissioner Goldstone asked if other garbage pick-ups occur in the center with this frequency and early in the morning. Mr. Devine responded that yes this currently occurs and has not been a problem.

Commissioner Jacoby asked Mr. Devine to review what the garbage area will look like as a letter from the neighbor church was received asking for more information on the trash enclosure. Mr. Devine replied that he also saw this letter, which brings up valid concerns and they are willing to add more landscaping to improve the buffering between the trash enclosure and the church property. He stated that the dumpsters would be in a brick enclosure with wood doors.

Chairman Berg asked if the grass area adjacent to trash enclosure is the property of the shopping center or the church. Mr. Devine replied that this is the shopping center's property. He added that trash enclosure is in this location because when the restaurant ordinance for the center was put in place it required that trash enclosure could not be placed within five feet of the property line. This location was approved for the trash enclosure with the center's restaurant ordinance in 2017. Chairman Berg confirmed with staff that the plans conform with all requirements.

Chairman Berg asked where additional landscaping could be added around the trash enclosure. Mr. Devine replied that landscaping can be added to go a couple feet higher than the enclosure

and plantings can also be added to the east to add an additional barrier. Chairman Berg asked if this is added if the plans will first be presented to Village staff. Mr. Nakahara replied that yes, staff would review landscaping plans that are added. Mr. Nakahara added that the neighboring church expressed concerns about the dumpster being on the property line (between shopping center and the church) to the Village. Mr. Nakahara explained that the trash enclosure is an approved location per the 2017 ordinance that removed the restaurant restriction in the south portion of the shopping center. Commissioner Bromberg asked if the church knows that the dumpster will be in a brick enclosure. Mr. Nakahara replied that he is not sure if they are aware of this. The church is at a higher elevation and will look down onto the trash enclosure. Chairman Berg confirmed that the letter from the church was received and reviewed by the Commissioners.

Commissioner Bromberg commented that if Brunch Café receives early deliveries from 6 to 7:30 A.M. as indicated in the materials, they must be aware that trucks must enter and exit from Lake Cook Road before 8 A.M. Mr. Devine replied that they are aware and that they also have this information directly in the lease so there is no ambiguity.

Commissioner Bromberg commented that per the materials, the size of the letters on the signage will require an exception to the sign criteria for the center. Mr. Devine replied that yes, but for more information on this he would need to refer to the business owner, Andy Zatos who is ill and was not able to attend the meeting. Commissioner Bromberg asked if the Appearance Review Commission (ARC) approved the signage plans. Mr. Nakahara replied that the ARC was fine the sign plans with the exception of the tagline Breakfast Lunch. Mr. Devine added that the property owner approves the proposed Brunch Café signage. He noted that Brunch Café is requesting adding the tagline of "breakfast lunch" underneath the business name. Mr. Nakahara stated that the Village typically does not allow taglines on business signage. He added that the ARC was not in favor of the tagline as the name Brunch Café is representative of their services and "breakfast and lunch" is not part of their legal business name. Commissioner Bromberg agreed that he is also not in favor of the tagline.

Commissioner Bromberg asked if there is a diagram showing where light poles are located on the site plan and what are the changes to the parking lot lighting. Mr. Devine replied that there will be no new poles and all poles shown in this image are existing. They plan to keep the existing light poles and upgrade the light fixtures to LED lights for improved lighting. They are working with a Deerfield business called Malco Energy Solutions who has been in contact with the Village to ensure that they comply with all lighting regulations. Commissioner Bromberg commented that one light pole is located in the far northwest corner of the property and is close to residential and could have the potential to spill light into neighboring properties. Mr. Devine confirmed that this pole is already there and that they will work with Malco on directing the light from away from the neighbors.

Chairman Berg asked about the timing of the lighting upgrade as it is awfully dark in the parking lot and there is now a 24 hour business in the center. Mr. Devine replied that they are awaiting Village approval on the lighting plan. Once approved they will order the lights and hope to have them installed by March 1. Mr. Nakahara added that the ARC would need to review the lighting plan and photometrics. Chairman Berg added that upgrading the lighting to be reviewed by the ARC could be included in the Plan Commission recommendation.

Commissioner Silva asked what the height is of the trash enclosure as he would like to determine the difference between the height of the dumpster and the height of the enclosure to

get an idea of how well the enclosure will shield the dumpster from view from the church property. Mr. Devine replied that he is unsure of the height and they can look into this, but they wouldn't want the enclosure to appear too stockade like. They will work to determine the appropriate height of the dumpster and the enclosure to ensure adequate coverage of the dumpster. Commissioner Silva commented that this could be a possible solution to the church's concerns if the height is not objectionable per Village code. Chairman Berg added that it can be made a condition of the Special Use that the enclosure must be built to the maximum allowable height.

Chairman Berg opened public comment on this matter.

Marv Kogan at 135 Doral Court stated that his home backs up to Cadwell's Corners and that he had questions that needed further explanation. He commented that since this space has not been a restaurant previously they may need to add ventilation and there were no plans submitted to show the rooftop systems, the noise levels they put out, or enclosures to shield these systems. He would also like to clarify what instructions the employees parking early in the morning will be given. He would like to avoid the use of the back driveway if possible. He commented that the trash enclosure only addresses part of the concerns relative to garbage and that previously the biggest problem was overflow especially after weekends. There were also problems with birds and squirrels getting into the garbage. He would like to know what will be done to mitigate these concerns. He added that currently there is no garbage pick-up before 8 A.M. and he would like this to continue. He stated that he is in favor of the restaurant and it appears well planned out, he would just like more information relative to these questions.

Jamie Haddad of 88 Evergreen Court thanked the Village and the Commission for what they accomplished with the center's restaurant ordinance and the location of the trash as well as the requirement to enclose it. She commented that she has questions regarding employee parking behind the center which is located directly behind her home. She commented that with employees parking there she worries that customers will start using that whole drive as a way in and out of the center and for customer parking, as well. She would like people to be discouraged to use the rear drive aisle if possible. She commented when the grocery store was in business she heard deliveries back there earlier than they were supposed to be as well as the dumpster slamming closed with garbage pick-ups early in the morning. She commented that garbage pick-ups starting at 7 A.M. instead of 6:30 A.M. would make a big difference. She asked for more information on the requirements of deliveries that may occur before 8 A.M. as she was under impression that they were not allowed before 8 A.M. Lastly, she commented that she does not know what it is like to live behind a restaurant and what aromas may be in the area because of the cooking. She added that she is happy the shopping complex is expanding and doing well.

Commissioner Goldstone asked if there are signs that say "No Thru Traffic" on the back drive. Mr. Devine replied that he does not believe there are, but they can post them and are open to this.

Commissioner Schulman asked staff how early commercial garbage pick-up can take place per Village requirements. Mr. Nakahara replied that while residential trash pick-up begins at 7 A.M., commercial pick-ups can begin at 6:30 A.M. Mr. Devine confirmed that they can begin trash pick-up at the center at 6:30 A.M, but they are working with the hauler on scheduling later times to be less impactful on the neighbors. However, they also do not want garbage trucks in the parking lot when customers will be there. He is hoping Lakeshore Recycling Systems can agree

to a pick-up time around 7 A.M. Commissioner Schulman agreed that 7 A.M. would be reasonable.

Commissioner Bromberg asked the Petitioner if there are plans yet for the ventilation systems. Mr. Devine replied that the build out plans are not yet finalized and are still being worked on. He ensured that they will fully comply with all Village code requirements. Mr. Nakahara added that any new rooftop systems will have to be screened. Commissioner Goldstone asked if a new ventilation system will be added for the restaurant use. Mr. Devine replied that he does not believe so as these systems are more common in the city when a restaurant is beneath residential. He believes the neighbors are at a distance where there will not be any odor issues. He added that in high quality restaurant operations as Brunch Café will be, higher quality grill systems that are kept clean also mitigate smells. He is confident there will not be an issue with this.

Commissioner Bromberg reiterated that deliveries that occur earlier than 8 A.M. must be received in the front with trucks entering and exiting from Lake Cook Road.

Ms. Haddad asked relative to the lighting upgrade project, if the lights behind the center are included in this. Mr. Devine replied that no, nothing behind the center will be changed relative to lighting and they are not adding any new poles.

Mr. Kogan commented that the pole in the northwest corner of the property has a screening mechanism on it to shield the light and he would like this to be continued.

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that a written recommendation will be made to the Village Board who will take final action on this matter.

Workshop Meeting

Commissioner Bromberg commented that he is in favor of this proposal and it is a good addition to the shopping center. He also wants to be sure the Commission clarifies their conditions to the Special Use including no tagline on the signage, garbage pick-up no earlier than 7 A.M. and completion of the parking lot lighting upgrades. Commissioner Goldstone agreed and added that she would also like a "No Thru Traffic" sign added on the back drive.

Commissioner Schulman agreed and asked staff if the other criteria of the Special Use Permit including delivery requirements, handicapped parking requirements, and restrictions on employee parking can be included in their recommendation to the Board. Mr. Ryckaert confirmed that this can be included in the written recommendation to the Board.

Chairman Berg and Commissioners Goldstone, Jacoby and Silva agreed with these comments.

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the request for a Special Use to Permit the establishment of a restaurant for Brunch Café at the south end of the Cadwell's Corners Shopping Center, and an amendment to the Commercial Planned Unit Development (PUD) for exterior changes to the Cadwell's Corners Shopping Center with the condition that there will be no tagline "Breakfast Lunch" on the signage, garbage pick-up will be

no earlier than 7 A.M., that the ARC reviews and approves the lighting upgrade plans, and that a "No Thru Traffic" sign is posted along the back of the center. The motion passed with the following roll call:

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)

Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board on February 3, 2020.

(2) **Public Hearing: Request for a Special Use to Allow a Massage Establishment in Unit A3 in the Deerfield Park Plaza Shopping Center at 405 Lake Cook Road (Property Owner Mosaic Properties and Development and Business Asian Foot Spa)**

Chairman Berg asked for proof of publication from the Petitioner. The Petitioner provided certified mailing receipts to the Commission and Mr. Ryckaert reported that the legal notice was published in the Deerfield Review on December 19, 2019.

The Petitioner Sherwin Blitzstein, owner of Deerfield Park Plaza introduced Grace Chang and Jim Chang, owner of Asian Foot Spa. Ms. Chang will assist in translating for Mr. Chang. Mr. Blitzstein reported that they are here to request a Special Use for Asian Foot Spa, a massage business in Deerfield Park Plaza. Massage businesses are a Special Use per the zoning ordinance and Mr. Blitzstein stated that he believes they meet all Special Use criteria. He commented that all information has been provided in the packet and they can answer any additional questions or review anything else requested. He added that with the nature of retail in today's economy, the center has become more service oriented and Asian Foot Spa is a great addition.

Chairman Berg asked the business owner to review their basic operations relative to hours and numbers of employees and customers. Ms. Chang reported that they will have five full-time employees and they will be open from 10 A.M. to 9 P.M. Monday through Saturday and 11 A.M. to 8 P.M. Sundays. Mr. Blitzstein added that Mr. Chang has two other locations in Highland Park and Vernon Hills. These operations both have stellar reputations and no problems at all. They service a diverse clientele and will serve the Deerfield community well.

Chairman Berg asked Village staff what additional requirements massage businesses have in Deerfield. Mr. Ryckaert replied that in addition to the Special Use, the Village of Deerfield requires a massage business license. Mr. Nakahara added that the one of the requirements for the massage business license is that each massage therapist at a massage business be licensed with the State of Illinois. The business owner will also undergo a background check with the Village.

Commissioner Bromberg asked about the signage plans. Mr. Blitzstein reported that the first signage plans included a raceway, but they have agreed not to use a raceway and will use individual lettering like the rest of the businesses in the center. Mr. Ryckaert clarified that a raceway is a mounted box behind the sign with the electronic component of the sign inside the box instead of behind the wall. The Village's Appearance Code does not allow raceways and Asian Foot Spa will use individual channel letters to comply. They will also comply with all window signage requirements.

There were no comments from the public on this matter.

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that a written recommendation will be made to the Village Board who will take final action on this matter.

Workshop Meeting

The Commissioners agreed that this use met all of the Special Use criteria and they did not have any issues with this use.

Commissioner Bromberg moved, seconded by Commissioner Goldstone, to approve the request for a Special Use to allow a massage establishment in Unit A3 in the Deerfield Park Plaza Shopping Center at 405 Lake Cook Road. The motion passed with the following roll call:

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)

Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board on February 3, 2020.

(3) Public Hearing: Request for a Special Use to Allow a Massage Establishment in Suites 119 and 100B in the 400 Lake Cook Road Building (Property Owner Imperial Realty and Business A Plus Massage)

Chairman Berg asked for proof of publication from the Petitioner. The Petitioner provided certified mailing receipts to the Commission and Mr. Ryckaert reported that the legal notice was published in the Deerfield Review on December 19, 2019.

The Petitioner Sharon Autman, owner of A Plus Massages and licensed massage therapist addressed the Commission. She reported that there have been some changes to their submission since the Prefiling Conference. Relative to signage, she has been working with the ARC who would like the sign to be made larger. They liked the design but thought it was too small for the space. There is one more meeting with the ARC relative to this on January 27, 2020.

Ms. Autman reported that another change since the Prefiling Conference is that her business will now also take over Suite 100, the former State Farm space. This space will be used as the management office and breakroom for employees, all massage rooms will be in the back. She reported that they will have 8 to 10 employees and may add more as they grow depending on how busy they are. Their hours will be 9 A.M. to 9 P.M. weekdays, and 10 A.M. to 7 P.M. Saturdays and Sundays. They anticipate having around seven customers at any given time to start with and could increase to 10 to 12 at a time as they get busier. They offer 60 and 90 minute massages and may eventually offer two hours massages.

Commissioner Schulman confirmed that their sign will be where the State Farm sign was located. Mr. Nakahara added that this sign will have a raceway because it is needed due to the

structure of the roof. Ms. Autman stated that their sign contractor will make sure it blends in well so that the raceway will not be seen.

Commissioner Silva commented that he is glad they took the former State Farm space.

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that a written recommendation will be made to the Village Board who will take final action on this matter.

Workshop Meeting

The Plan Commission agreed that this use met the Special Use standards and felt that this was a good use for the building.

Commissioner Bromberg moved, seconded by Commissioner Goldstone, to approve the request for a Special Use to allow a massage establishment in Suites 119 and 100B in the 400 Lake Cook Road Building (property owner Imperial Realty and business A Plus Massage). The motion passed with the following roll call:

Ayes: Silva, Goldstone, Jacoby, Schulman, Bromberg, Berg (6)
Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board on February 3, 2020.

Document Approval

- (1) Deerspring Park Pickleball Courts Recommendation
- (2) 1085 Lake Cook Road Guidepost Montessori Recommendation
- (3) December 12, 2019 Plan Commission Minutes

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the documents with a correction to the minutes provided by Commissioner Schulman. The motion passed with a unanimous voice vote.

Items from the Staff

Mr. Ryckaert reported on upcoming Plan Commission agenda items.

Adjournment

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Schulman to adjourn the meeting at 8:35 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll