

September 4, 2018

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal in the Council Chambers of the Village Hall on September 4, 2018, at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Tom Jester
Mary Oppenheim
William Seiden
Dan Shapiro
Barbara Struthers

and that a quorum was present and in attendance. Also present were Village Manager Kent Street and Ben Schuster, Village Attorney.

MOMENT OF SILENCE

Those in attendance observed a moment of silence in memory of former Deerfield Mayor Bernie

Forrest. Mr. Forrest served the Village for more than 36 years, 32 as Mayor.

PLEDGE OF ALLEGIANCE

Members of the Plan Commission led those in

attendance in reciting the Pledge of Allegiance.

VOLUNTEER ENGAGEMENT
COMMISSION APPOINTMENTS

Mayor Rosenthal reported the Volunteer Engagement Commission recommended the following appointments:

Jay Meyers – Volunteer Engagement Commission
Amy Schneider – Appearance Review Commission
Jennifer Holtz – Village Center Commission

Trustee Seiden moved to accept the recommendation. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

MINUTES OF PREVIOUS MEETING

Trustee Struthers moved to approve the minutes from the August 20, 2018, Board of Trustee

meeting. Trustee Oppenheim seconded the motion. The motion passed unanimously on a voice vote.

TREASURER'S REPORT

Finance Director Eric Burk presented highlights From the Treasurer's Report for July 2018,

representing 58 percent of the fiscal year. Non home-rule sales tax decreased due to economic

incentive activity. Water and sewer building represent lower usage months. Electric utility tax was in line. Building permits exceed expectations. The expenditures were not unusual. Large expenditures to come are police pension and a general fund transfer.

BILLS AND PAYROLL

Trustee Oppenheim moved to approve the Bills and Payroll dated September 4, 2018. Trustee Shapiro

seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

NAYS: None (0)

STORM REPORT

Acting Director of Public Works and Engineering
Bob Phillips noted there have been 6.5 inches of

rain since Friday. Friday afternoon, in anticipation of the storm, Public Works crews cleared inlets. This approach worked out well, as the department did not receive any calls until Monday when the heavy rain started. At 6 a.m. on Monday, the Police Department called Public Works to inform of street flooding. He noted this was a 50-year storm event, so there was more street flooding than usual. The Wastewater Treatment Plant handled 21 million gallons over the maximum of 9 million gallons. The reservoirs were monitored, and were an effective tool in relieving the west side of the Village and existing infrastructure is holding up well. Mayor Rosenthal reminded residents about the importance of keeping their inlets clear. She thanked the Public Works Department for being proactive. Mr. Phillips thanked the Police Department for their assistance in dispatching and closing streets as necessary.

PUBLIC COMMENT

David Mangurten, 602 Warwick Road, has lived near one of the flood hotspots since 1974. Mr.

Mangurten spoke with Mr. Phillips, who told him of the Village plan to add a new 36-inch sewer. He was very happy with the plan, but does not believe Deerfield residents need to worry about not being able to get out of their driveways. He wants to inform the Board of the serious flooding problem on Warwick.

Ted Giesien, 610 Warwick, expressed concern because flooding has been a problem for more than 30 years. There was a sanitary sewer at the end of his driveway, which was also an issue. He believes there is a plan to put a new parking lot at Walden School. Mr. Gessler is concerned because this would create additional flooding in his neighborhood.

REPORTS

REPORT AND RECOMMENDATION
OF STAFF RE: CLASS J LIQUOR
LICENSE FOR RENU DAY SPA

The new owner of Renu Day Spa, Jacek Wojnarski, purchased the business in June. He is requesting a Class J liquor license to make his business more attractive to customers. He is aware of the

restrictions of a Class J liquor license and will abide by them. Mayor Rosenthal noted the police department has gone through a background investigation and did not find anything.

Trustee Shapiro moved to accept the report and recommendation regarding a Class J liquor license for Renu Day Spa. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

REPORT AND RECOMMENDATION OF STAFF RE: ROOF PERMIT FEES Village Fiscal Clerk Mary Glowacz presented a request for an amendment to the Municipal Code to establish roofing permit fees that are more in-line with neighboring municipalities. Staff is recommending the Village adopt a base fee of \$75 for roof permits plus half of 1 percent of the project as an impact fee. Trustee Struthers inquired about the expected loss of revenue. Ms. Glowacz estimated it at \$25,000.

Trustee Struthers moved to accept the report and recommendation regarding roof permit fees. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION RE: REQUEST FOR APPROVAL OF A FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 658, 662 AND 702 ELM STREET TOWNHOUSE DEVELOPMENT (1219 PARTNERS LLC) The Plan Commission held a Public Hearing on July 26, 2018, to consider the request for approval of a final PUD plan for the 658, 662 and 702 Elm Street townhouse development. The Plan Commission voted 6-0 in favor of the request. Attorney Bernie Citron noted the Plan Commission thoroughly reviewed the plans and made a few, insignificant changes. Trustee Oppenheim noted they added additional landscaping to screen the HVAC units.

Trustee Oppenheim moved to accept the report and recommendation regarding the final PUD plan for the 658, 662 and 702 Elm Street townhomes. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Shapiro (4)
NAYS: Seiden, Struthers (2)

REPORT AND RECOMMENDATION OF THE PLAN COMMISSION RE: REQUEST FOR APPROVAL OF A FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN WITH The Plan Commission held a Public Hearing on July 26, 2018, to consider the request for approval of a final PUD plan with necessary exceptions for 464 and 502 Elm Street. The Plan Commission voted 3-3, thereby recommending denial of the request.

NECESSARY EXECPTIONS; A
REZONING OF 464 AND 502 ELM
STREET FROM R-3 SINGLE FAMILY
RESIDENTIAL DISTRICT TO R-5
GENERAL RESIDENCE DISTRICT;
AND AN AMENDMENT TO THE
COMPREHENSIVE PLAN TO ALLOW
THE REDEVELOPMENT OF 464 AND
502 ELM STREET PROPERTIES WITH
SIX SINGLE FAMILY HOMES
(AVANTI CONSTRUCTION GROUP)

Mike Viner, attorney, stated their client originally approached the Village proposing a 14-unit development. After working with the Plan Commission, the development went from the townhomes to six single family homes on 1.08 acres. The homes will be 2-stories between 2,500 and 2,800 square feet. The target market for the homes includes empty nesters, young families and recently divorced parents.

Mr. Wolf noted the neighboring homeowners are concerned that the proposed homes will decrease their home values. He noted that new projects often come with requests for changes and variations. Mr. Wolf indicated the Village Board has granted a number of variations and changes to the Comprehensive Plan for other developments and requested the same consideration for this property.

Kevin Lewis, Civil Engineer with IT Consulting, stated they are trying to create an environment that looks like single family homes for the project. The building height is below 30 feet, which is a requirement. They would provide in-ground storm water detention, which would improve the drainage for the entire area.

Mr. Viner discussed the proposed exceptions. He believes the exceptions are appropriate for the project. Most of the neighboring areas have setbacks that do not comply with Code, and they do not believe their request is unusual based on the setbacks that currently exist. The density and proportionately is similar to the neighboring properties. Trustee Shapiro noted the requested variances are from the R-5 regulations.

Paul Williams with Williams Design Landscape Architects stated the primary design criteria create a buffer between the existing single family homes and the proposed homes. The plan softens the views for the proposed homes from Elm Street. The plant selections create interest and help reach the goals. Trustee Shapiro asked about adding berms. Mr. Williams noted they do not have berms due to swales.

Mr. Viner stated there are a handful of recurring items, including compatibility, R-5 designation, negative home values, drainage, the rezoning and they require the variances.

Trustee Struthers discussed the reasons for Deerfield rules. She said she wants Deerfield to be, and remain, a lovely suburban and very livable community with tree-lined streets and neighborhoods of single family homes. About 15 years ago, a number of developers came into Deerfield and began building oversized homes on small lots in Deerfield, removing many trees in the process. She recalled the teardown task force chaired by Bill Seiden that she and Trustee Bob Benton and I served on with other stakeholders. Over the course of a year, we came to the consensus on a set of regulations defining appropriate side yard and back yard setbacks, taking into consideration the old setback regulations and new setbacks; the FAR; allowing light to get to

the neighboring property; limiting the amount of impervious surface that could occupy front yards; tree removal and replacement and drainage requirements.

She stated these rules were voted on and accepted by the Village Board, and are in the Village Code. And they serve to protect our residents who own homes in Deerfield. They are not suggestions that can be ignored or messed with to serve the interest of developers. Trustee Struthers objects to developers thinking they can ignore our rules and a PUD to suit what they want over the residents.

Marcy Reed, 864 Central, noted residents are deeply invested in the community. She does not believe residents should need to fight the Village and come up with facts to keep their neighborhood the same.

Bill Vaananen, 845 Brookside Lane, has lived in Deerfield for 25 years. He noted the length of construction can go on for years, which will affect the neighborhood with ongoing construction traffic. The financial impact of having an endless construction zone will negatively affect the neighboring homes. A developer can build two single-family homes, as currently zoned. They bought their home and trusted the neighborhood would remain with R-3 zoning.

Gail Modo, 502 Cambridge Circle, opposes the proposed plan. She questioned who would maintain and repair the underground retention ponds. Ms. Modo wants to keep the integrity of the neighborhood.

Linda Vaananen, 845 Brookside Lane, noted this is a proposal for an R-5 with different setback requirements than the R-3 homes. This is a proposed PUD. The Comprehensive Plan and Zoning Ordinance have certain requirements that are black and white. There is no precedent for taking two single family R-3 properties and amending them to be an R-5 PUD. It is not in the public interest. It is important to maintain the variety of homes in Deerfield. The neighborhood with R-3 homes is not compatible with the proposed R-5 PUD. When you move into a home, you should be able to trust the neighboring properties will keep the same zoning. Ms. Vaananen asked the Trustees to consider what this would mean in your own backyards. This would be detrimental to the surrounding properties. She questioned what hardships the developer has, noting financial hardship does not qualify. She asked the Trustees to say no to the rezoning.

Joe and Allison Scopelliti, 514 Elm Street, live just north of the development. Ms. Scopelliti stated they are opposed to rezoning of the parcel, against isolation of 454 Elm Street, against putting higher density units in the middle of their block, against the build-as-you-sell scenario, unending construction and against destruction of the large, mature trees. They invested heavily in their home. They put on an addition and overlook those mature trees. There are some beautiful sugar maples that will not be replaced. There isn't enough screening and they will look at the building, not foliage.

Carole Bland, 506 Cambridge Circle, questioned the plan. Elm Street is for single family homes. Streets are defined by the homes on the street. There is no reason to put an R-5 development in the middle of it. It seems wrong.

Laurie Gunther, 638 Caroline Court, questioned the conclusions of the Plan Commission, which highlighted the plan is too dense and does not meet their requirements. There are too many exceptions and no justification for the exceptions. She is troubled by the proponent's statements comparing the setbacks of R-3 properties with the proposed R-5 PUD as that is not the standard for R-5 PUDs. She has doubts the storm water management proposal will work. It will require maintenance. Ms. Gunther stated the neighbors are concerned about the density of the development and the proximity to their yards. The developers misrepresented the standards as diminishing value is injurious to the residents.

Jim Couto, 849 Brookside Lane, asked their realtor 23 years ago about what could happen to the neighboring property. The realtor, at that time, said that it is zoned R-3 and it would not become a large development. The Plan Commission turned down the proposal. The north and south setbacks are 30 percent closer than they should be and the homes are 7,000 square feet larger. He is concerned about the property values of the neighboring properties.

Amy Sanders, 512 Cambridge Circle, noted the developer says the proposed homes are single-family homes, but people would not be here if that were the case. This is a proposal to change R-3 single family homes to an R-5 PUD. The developer is asking for rezoning to higher density houses with variances.

Casey Sanders, 512 Cambridge Circle, agrees with what everyone has said. The most important thing to understand is that when one comes to a neighborhood, they get to love the neighborhood. He questioned whether the proposed homes would be part of the community like his neighborhood has. It does not fit in his community.

Trustee Seiden noted the teardown task force was developed to create the best zoning possible for the Village. If this was rezoned to R-5, each home would be 10 percent larger. The front setbacks would be 23 percent different. He takes these things seriously. The developer talks about the proposal being reasonable and appropriate, but the current residents did not believe they had to worry about the zoning changing. This would be a for-profit development. Trustee Seiden does not see a reason to grant the variations.

Trustee Shapiro noted the project has gone back and forth between the Board and Plan Commission. He questions whether the standards have been met. The Plan Commission does not feel the standards have been met.

Trustee Benton has listened to people. The zoning needs to meet the needs of the residents and developers. The zoning and Comprehensive Plan has to shift when it makes sense. He does not believe this development benefits the community. He believes it is too dense.

Trustee Oppenheim agrees with Trustee Benton. There is a potential for a change in Zoning for a good development. Trustee Oppenheim is disturbed by the fact the development does not meet the requirement for the unit size. At this point, she cannot see how this development fits on the site appropriately.

Trustee Jester believes the surrounding area is multi-family and the traffic is substantial. He felt the Plan Commission made a lot of sense; however, he believes the neighborhood appears to be in decline. The Plan Commission did not approve the development. He will vote against this development and will see what comes next. Trustee Oppenheim added the Village should wait for the right development. Mayor Rosenthal believes the Village needs to preserve Zoning where necessary. She does not believe the applicant has met the criteria for Zoning and the PUD proposal is too dense.

Trustee Benton moved to approve the proposal. Trustee Struthers seconded the motion. The motion did not pass by the following vote:

AYES: None (0)

NAYS: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)

REPORT AND RECOMMENDATION
OF THE PLAN COMMISSION RE:
REQUEST FOR APPROVAL OF A
PRELIMINARY DEVELOPMENT PLAN
FOR A RESIDENTIAL PLANNED
UNIT DEVELOPMENT; AMENDMENT
TO THE DEERBROOK SHOPPING
CENTER COMMERCIAL PLANNED
UNIT DEVELOPMENT TO
REDEVELOP THE REAR 10.79 ACRES
OF DEERBROOK SHOPPING CENTER
TO ALLOW A TRANSIT ORIENTED
COMMERCIAL DISTRICT TO ALLOW
A MULTI-FAMILY RENTAL
DEVELOPMENT AS A SPECIAL USE
IN THE C-2 DISTRICT; AND AN
AMENDMENT TO THE
COMPREHENSIVE PLAN (GATEWAY
FAIRVIEW, INC AND REVA
DEVELOPMENT PARTNERS

Mr. Street reported the Plan Commission held a Public Hearing on May 24, 2018, to consider the request for approval of a preliminary development plan for a residential Planned Unit Development, an amendment to the Deerbrook Shopping Center Commercial Planned Unit Development to redevelop the rear 10.79 acres of the Deerbrook Shopping Center to allow a transit oriented commercial district to allow a multi-family rental development as a Special Use in the C-2 District and an Amendment to the Comprehensive Plan. The Appearance Review Commission voted 5-1 in favor of the request. The Plan Commission held a preliminary review on July 23, 2018 and the petition was well received.

Warren James, Principal with REVA Development Partners, reported they propose 246 units on the 10.9 acre site. There will be a five-story structure with 186 units as well as 60 townhomes.

Mike Fitzgerald, Principal with OKW Architects, stated the site is located behind Deerbrook Shopping Center. There are two vehicular access drives, including the main access on Waukegan Road that aligns with Chestnut Court. They are proposing a development that is linked both for pedestrians and vehicular circulation throughout the development. There will be two types of residential buildings including nine groupings of townhomes and the five-story apartment building. The apartment building has three wings and a four-level parking deck to create a buffer from the Edens spur. The apartments look into greenspaces. The perimeter of the site has three-story townhomes that are inward focused. The apartment building has studio, one- and two-bedroom units. The parking deck acts as a buffer both visually and for sound. The

townhomes have a level of privacy; most have six units. There are pitched roofs to screen views of the rear of the retail buildings from the apartments.

Scott Ferris with Lakota Group discussed the proposed landscaping. They are working under constraints due to the location. The concept is to have the units look into green space. They propose a mix of shade trees, evergreens, ornamental trees and perennial beds.

Matt Nix, Principal with REVA Development Partners, discussed the market and unit mix. The project shows the increase in rental properties that are more flexible. They developed a mix including 25 convertible units, 89 one-bedroom units, 26 one-bedroom + den, 46 two-bedroom units, 18 two-bedroom + den townhomes, and 43 three-bedroom + den townhomes. The rents range from \$1450 to \$3400.

The amenities include fire pits, a game room, a work-out room, a theater environment, an outdoor pool and collaborative working space. The combination of the landscaping and units create an attractive offering. Mr. Nix discussed the benefits of the development.

Trustee Benton noted much of the financial benefit would go to Northbrook because the development is in Cook County. He questioned the split. Trustee Jester noted the main issue is affordable housing. The Comprehensive Plan states there is not a lot of developable land. The Village should look for areas to develop affordable housing. He believes this is an opportunity for 15 percent, or 28 units, to be affordable housing. Trustee Benton believes this is an issue that must be directly addressed. He likes the location, amenities and the use of the property but it is not going to be pedestrian friendly. He sees a lot of people driving.

Trustee Struthers would like the affordable housing to be affordable for people that work in Deerbrook. She questioned whether this will be pedestrian friendly. Mr. James noted there are three points of entry. They allowed a provision for a gate at the back of the parking garage. Trustee Oppenheim questioned whether there are security concerns. Mr. James noted they will have electronic access as well as security cameras.

Mayor Rosenthal would like a follow-up on affordable housing. She would like a specific number of units designated as workforce housing.

Trustee Shapiro is concerned about the pedestrian connectivity. He believes there is a good opportunity for walkability, but getting there is important. Mr. James noted this is a chance for the shopping centers to embrace the opportunity for change as well. Trustee Shapiro noted some of the roadways are currently operating at poor service levels. He questioned if the proposal would make it worse. Mr. Javier noted they are working on some improvements including dual left turn lanes, guiding traffic and organizing the traffic pattern.

Mayor Rosenthal asked the petitioner to come back with some ideas for workforce housing, a new street name and additional information on the pedestrian connection.

Trustee Oppenheim moved to accept the report and recommendation regarding approval of the preliminary residential redevelopment PUD at Deerbrook Shopping Center with the three concerns addressed by Mayor Rosenthal. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

CONSENT AGENDA

There were no items on the Consent Agenda.

OLD BUSINESS

ORDINANCE O-18- AUTHORIZING ROOF SIGNAGE FOR ALIGNED MODERN HEALTH, 710 DEERFIELD ROAD – 2R An Ordinance authorizing roof signage for Aligned Modern Health located at 710 Deerfield Road. Second Reading.

Trustee Oppenheim moved to adopt the Ordinance. Trustee Struthers seconded the motion. Trustee Jester noted this is the second roof sign that is contrary to an Ordinance. There has been substantial negative energy expended and he does not want another roof sign in the Village. Trustee Jester thinks the sign detracts from the building's appearance. The motion passed by the following vote:

AYES: Benton, Oppenheim, Seiden, Shapiro, Struthers (5)
NAYS: Jester (1)

ORDINANCE O-18- AUTHORIZING A SPECIAL USE TO THE DEERFIELD PARK PLAZA SHOPPING CENTER PLANNED UNIT DEVELOPMENT AT 475 LAKE COOK ROAD (GODDARD SYSTEM, DEEFIELD PARK PLAZA) An Ordinance authorizing a Special Use to the Deerfield Park Plaza Shopping Center Planned Unit Development located at 475 Lake Cook Road to allow a Goddard System School. Second Reading.

Trustee Struthers moved to adopt the Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

NEW BUSINESS

AWARD OF CONTRACT FOR Mr. Phillips reported this is for rehabilitation just

REHABILITATION OF THE
DEERFIELD ROAD PEDESTRIAN
OVERPASS BRIDGE

west of the pedestrian underpass on Deerfield Road. He noted the overpass was built in 2004 and some rehabilitation has been completed.

Proposals were received from three companies for sandblasting the under portion of the bridge, priming and painting and replacing rotted wood. The structure will be repainted to match the originally approved color. The lowest proposal came from Schiaretta Enterprises in the amount of \$66,898.

Trustee Jester moved to award the contract for rehabilitation of the Deerfield Road pedestrian overpass bridge to Schiaretta Enterprises in the amount of \$66,898. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jester, Oppenheim, Seiden, Shapiro, Struthers (6)
NAYS: None (0)

DISCUSSION

ORACLE INNOVATION LAB

Mr. Street and Mayor Rosenthal went to Oracle and saw their innovation lab at their Lake Cook Road office site. It was an incredible experience. Their only other innovation lab is in San Francisco.

RIBBON CUTTING

Mayor Rosenthal, Mr. Street and Trustee Benton attended the ribbon cutting for My Health Dentistry in Deerfield Square.

NORTHWEST QUADRANT

Mayor Rosenthal and Mr. Street met with the Northwest Quadrant Stakeholders Group. They are starting to make progress.

DEDICATION

Last Thursday, the LEED-certified Public Works building was named for former Director of Public Works and Engineering Barbara Little. Ms. Little was thrilled to be honored by the Village.

ADJOURNMENT

There being no further business or discussion, Trustee Oppenheim moved to adjourn the meeting. Trustee Jester seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:22 p.m.

The next regular Board of Trustees meeting will take place on Monday September 17, 2018 at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk