

**PLAN COMMISSION**  
**Village of Deerfield**  
**Agenda**  
**October 13, 2022 at 5:30 PM**  
**Deerfield Village Hall, 2<sup>nd</sup> Floor, Franz Council Chambers**  
**Workshop Meeting\***

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**Public Comment on a Non-Agenda Item**

**WORKSHOP MEETING**

**DOCUMENT APPROVAL**

1. 405 Lake Cook Road, Unit A-4 & A-5, Kids Empire Special Use Recommendation
2. September 22, 2022 Plan Commission Minutes

**Items from the Commission**

**Items from the Staff**

**Designation of Representative for the next Board of Trustees Meeting**

**Adjournment**

\*While it is the intent of the Plan Commission to hold the public hearing in-person at Village Hall, the Plan Commission reserves the right to hold the hearing virtually on the Zoom platform should the need arise due to changing circumstances related to COVID-19. The agenda and meeting materials for this meeting will be posted no later than 48 hours prior to the meeting at <https://www.deerfield.il.us/AgendaCenter>. If the Village decides it is necessary to hold the hearing virtually, the Village will provide directions on its agenda on how to access the hearing via the Zoom platform and providing public comment and testimony.

## RECOMMENDATION

TO: Mayor and Board of Trustees

FROM: Plan Commission

DATE: September 22, 2022



VILLAGE OF DEERFIELD

RE: Request for a Text Amendment to Allow an Indoor Children's Playground as a Special Use in the C-2 Outlying Commercial District; A Special Use to Permit the Proposed Indoor Children's Playground for Kids Empire at 405 Lake Cook Road Units A-4 and A-5; an Amendment to the Deerfield Park Plaza Planned Unit Development (PUD) for An Exterior Change to Raise the Roof of the Tenant Space and Exceptions to the Deerfield Zoning Ordinance to Allow the Wall Sign to be Located 33 Inches Above the Roof Deck of the Building and a Parking Exception to the Deerfield Park Plaza Planned Unit Development (Kids Empire and Deerfield Park Plaza)

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### **Application History**

Public Hearing Publication Date: September 1, 2022

Planning Commission Public Hearing Date: September 22, 2022

Village Board of Trustees Meeting: November 7, 2022

### **Zoning Actions**

The Deerfield Plan Commission conducted a Public Hearing to consider the request of Mosaic Properties (owners of Deerfield Park Plaza Shopping Center) and Kids Empire Deerfield Park Plaza, Deerfield, IL, LLC d/b/a Kids Empire for the following zoning actions:

1. A Text Amendment to the Deerfield Zoning Ordinance to allow an indoor children's playground in the C-2 Outlying Commercial District as a Special Use.
2. An amendment to the Deerfield Park Plaza Planned Unit Development to raise the roof in the rear portion of the tenant space from 14' to 27' to accommodate the indoor play structures.

3. Special Use approval to operate a Kids Empire children’s indoor playground of approximately 13,000 square feet in former Hadassah Resale Shop (Unit A-5) and NSSSED (Unit A-4) tenant spaces at 405 Lake Cook Road.
  4. Approval of an exception to the Deerfield Zoning Ordinance to allow the wall sign to be located 33 inches above the roof deck of the building.
  5. Approval of a parking exception for the Deerfield Park Plaza Planned Unit Development.
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We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of Deerfield on the request for approval of a Text Amendment to allow an indoor children’s playground as a Special Use in the C-2 Outlying Commercial District; a Special Use to permit the proposed indoor children’s playground for Kids Empire at 405 Lake Cook Road Units A-4 and A-5; an amendment to the Deerfield Park Plaza Planned Unit Development (PUD) for an exterior change to raise the roof of the tenant space and exceptions to the Deerfield Zoning Ordinance to allow the wall sign to be located 33 inches above the roof deck of the building and a parking exception to the Deerfield Park Plaza Planned Unit Development The Plan Commission held a public hearing on September 22, 2022. At that public hearing, testimony and documentary evidence in support of the request was presented. A copy of the public hearing and workshop minutes are attached. In support of its request, the Plan Commission makes the following findings of fact and conclusions:

### **FINDINGS OF FACT**

#### **Subject Property**

The subject property is known as Deerfield Park Plaza Shopping Center. It is zoned C-2 Outlying Commercial District and is a commercial planned unit development.

## **Surrounding Land Use and Zoning**

North: (across Lake Cook Road) C-2 Outlying Commercial District and I-2B Limited Industrial District, Kleinschmidt Building and 420 Building

South and East: C-2 Outlying Commercial District, Deerbrook Shopping Center

West: (across railroad tracks) P-1 Public Lands District and C-2 Outlying Commercial District - Metra commuter rail station, Home Depot, McAlister's Deli Restaurant, future Curaleaf recreational cannabis dispensary, and former El Traditional Mexican Restaurant

## **Proposed Plan**

The petitioner is proposing an indoor playground for children 12 years old and under called Kids Empire. The indoor facility will have a large two-story playground and a smaller "toddler" playground for toddlers and infants. All children must be accompanied by a parent or guardian as no drop offs are allowed, not even for reserved birthday parties or other group events such as girl scouts functions, etc. The facility will not prepare or cook any food on the premises. Kids Empire sells pre-packaged foods such as chips, candy, cookies, and bottled drinks such as water, juice, and soda. Pizza and cakes are an "on demand" option for reserved birthday parties only. The petitioner's material indicates that Kids Empire will contract with a local caterer or baker, and pizzeria. Pizza and cakes are not stored on premises and are only brought in at the time of the parties so there is not a need to heat or cool those items. All plates, cups, and utensils are single use. Leftovers are either given to party goers or thrown away after the party.

Hours of operations are Monday through Thursday from 10am to 8pm and Friday through Sunday from 10am to 10pm with a staff of 5 to 7 employees during peak shifts. Peak hours are Monday's through Friday from 4pm to 8pm and Saturday's and Sunday's from 2pm to 6pm. Kid's Empire average occupancy is approximately 142 guests per day with an approximately parent/child ratio of 90 parents and 52 children.

The existing roof height in this portion of the shopping center is 14'-0". The tenant space is sandwiched between the office building that is 27'-0" high and the Sachs Recreation Center which is 19'-0" high. The petitioners would like to raise

the rear portion of the roof to 27'-0" to accommodate the indoor play structures. The new roof would match the red tile roof found throughout the shopping center.

The petitioners are proposing to place a wall sign on the wall above their entrance doors. They are proposing to use their standard wall sign design, which consists of a colorful logo and colorful block letters with white outlines. The total number of colors would be four plus white.

The existing ground sign located in front of this tenant space is 8' wide x 5'-4" tall and divided into two (2) panels on each side. This ground sign dates back to the 1970s when the shopping center was originally annexed into the Village. The former Hadassah Resale Shop and NSSD occupied the tenant spaces and each had a panel on the sign. Since Kids Empire will be occupying both tenant spaces they are proposing to occupy the entire sign.

### **Traffic and Parking Study**

The petitioners have submitted a traffic and parking study conducted by KLOA, Inc. dated August 17, 2022, for a proposed Kids Empire at 401-495 Lake Cook Road within the Deerfield Park Plaza. The study examines the background traffic conditions, assesses the impact that the proposed development will have on traffic conditions in the area, determines if any roadway or access improvements are necessary to accommodate traffic generated by the proposed development, and evaluates the adequacy of the parking supply in meeting the existing and future parking needs.

Kids Empire is proposed to be open Monday through Thursday from 10:00 A.M. to 8:00 P.M. and Friday through Sunday from 10:00 A.M. to 10:00 P.M. with five to seven employees on site during the busiest peak shifts. Kids Empire's peak hours are on Monday through Friday are from 4:00 P.M. to 8:00 P.M. and on Saturday and Sunday are from 2:00 P.M. to 6:00 P.M. The average occupancy will be approximately 142 guests per day with an approximate parent/child ratio of 90 parents and 52 children.

Traffic counts were conducted on Tuesday, July 26, 2022 during the evening peak period (2:00 to 5:00 P.M.) and Saturday, July 23, 2022 during the evening peak

period (4:00 to 7:00 P.M.). The time periods were selected to coincide with the peak operations of the proposed facility. From the turning movement count data, it was determined that the weekday evening peak hour generally occurs between 4:45 P.M. and 5:45 P.M. and the Saturday evening peak hour occurs between 2:00 P.M. and 3:00 P.M. These two respective peak hours were used for the traffic capacity analyses in the report. Figure 4 on page 7 illustrates Year 2022 base peak hour traffic volumes. In order to provide a conservative analysis, the analysis assumed that two-thirds of the 52 kids will arrive and one-third of the kids will depart during the peak hours and that every child will arrive in a single vehicle (no carpooling). The estimated inbound and outbound trips for the two peak hours are shown in Table 3 on page 11. The total projected traffic volumes include the existing traffic volumes, increase in background traffic due to growth (Figure 7 on page 14), and the traffic estimated to be generated by the proposed subject facility (Figure 8 on page 15). The analysis includes conducting capacity analyses to determine how well the roadway system and access drives are projected to operate and whether any roadway improvements or modifications are required. Summaries of the traffic analysis results showing the level of service and overall intersection delay (measured in seconds) for the base, Year 2028 no-build, and Year 2028 total projected conditions are presented in Tables 4 through 7 found on pages 17-19 respectively.

The analysis concludes that the existing signalized access drive serving Deerfield Park Plaza will continue to be adequate in accommodating the traffic generated by the proposed Kids Empire and existing vacancies within the plaza and no roadway improvements or signal timing adjustments will be required. Also, the existing north and south accesses are adequate to accommodate the existing traffic and the traffic that will be generated by the proposed development and the vacant spaces.

Based on a review of the data provided by Kids Empire, the average occupancy is approximately 142 guests per day with an approximately parent/child ratio of 90 parents and 52 children. Using a conservative approach, the applicant estimates a total of 52 parking spaces are needed assuming each child comes to the Kids Empire separately with his/her parents. An additional seven parking spaces will be needed to accommodate the staff parking demand, which will result in a total

demand of 59 parking spaces during the peak hour of the Kids Empire operations.

In order to determine the existing parking demand at Deerfield Park Plaza, the traffic consultant conducted hourly parking occupancy surveys on Thursday, July 21, 2022 and Saturday, July 23, 2022 from 12:00 P.M. to 8:00 P.M. Parking fields (identified in the Traffic Study Appendix) were surveyed within Deerfield Park Plaza. The results indicate that on Thursday, July 21<sup>st</sup>, the shopping center had a peak parking demand of 274 vehicles during the hour of 1:00 P.M. which occupies 42 percent of the parking spaces within the center while on Saturday, July 23<sup>rd</sup>, the shopping center had a peak parking demand of 245 vehicles during the hour of 12:00 P.M. which is only 38 percent of the total parking spaces within the plaza. Results of the surveys are summarized in Tables 8 and 9 on pages 22 and 23 respectively. When considering Zone 1 only, the peak parking occupancy was 76 percent occurring at 1:00 P.M. on Thursday and 60 percent at 12:00 Noon on Saturday. The analysis concludes that the parking supply within Deerfield Park Plaza on weekdays and Saturdays will be adequate in accommodating the future parking demand of the shopping center which includes the existing parking demand, the parking generated by vacant retail space within the center, and the parking estimated to be generated by the proposed Kids Empire.

It should be noted that Kids Empire requires children to be accompanied by their parent or guardian when using the facilities and they do not accept or allow drop-offs in front of their tenant space.

### **Zoning Conformance**

When a use is not specifically listed as a Permitted Use or Special Use in a zoning district, the use is not allowed. Currently, an indoor children's playground is neither a Permitted nor a Special Use in the C-2 Outlying Commercial District so the use is not allowed. Therefore, a Text Amendment is needed to allow the proposed Special Uses in the C-2 District. The use would be added to the C-2 Outlying Commercial District (the current zoning of the subject property) as a Special Use. The Special Use standards would apply to this Special Use. Attached are the Special Use standards. The proposed Special Use will only be added to the C-2 Outlying Commercial District. The petitioner will be requesting the following zoning actions:

1. A Text Amendment to the Deerfield Zoning Ordinance to allow an indoor children's playground in the C-2 Outlying Commercial District as a Special Use.
2. An amendment to the Deerfield Park Plaza Planned Unit Development to raise the roof in the rear portion of the tenant space from 14' to 27' to accommodate the indoor play structures.
3. Special Use approval to operate a Kids Empire children's indoor playground of approximately 13,000 square feet in former Hadassah Resale Shop and NSSED tenant spaces at 405 Lake Cook Road, Unit A-4 and A-5.
4. Approval of an exception to the Deerfield Zoning Ordinance to allow the wall sign to be located 33 inches above the roof deck of the building.
5. Approval of a parking exception for the Deerfield Park Plaza Planned Unit Development.

As stated, the petitioners are seeking approval of a Text Amendment to allow an indoor children's playground as a Special Use in the C-2 Outlying Commercial District. A Text Amendment has to be in the public interest and not solely for the interest of the applicant. The specific text amendment to the C-2 Outlying Commercial District is as follows:

Add letter g to Article 5.02-C (3) Special Uses (Recreational and Social Facilities) in the C-2 Outlying Commercial Zoning District:

- g. Children's Indoor Playground Facility.

### **Required Parking**

Parking for Deerfield Park Plaza is shared among all the users of the shopping center. A total of 681 spaces are required for the various uses in the shopping center.

The parking requirement for this type of use is one (1) parking space for each three (3) patrons based on the design capacity of the facility in terms of the number of patrons on the premises at one time would result in 196 parking spaces. If the space were retail, it would require 65 parking spaces (13,000 s.f. /200 = 65 ).

Proposed Kids Empire (13,000 s.f.): 195.66 spaces  
Goddard School (With Recent Expansion) (11,625 s.f.): 38 parking spaces required when using the parking requirement of one parking space for each 10 students and one parking space for each teacher/employee.  
Retail Uses: 38,502 s.f./200 = 192.51 spaces.  
Deerfield Park District Sachs Rec Center: Requires 49.33 parking spaces (148/3 = 49.33).  
The Dog Stop (15,814 s.f.): 24 spaces required when using the parking requirement of one (1) parking space per employee on the premises plus one (1) parking space for each ten (10) animals boarded.  
PNC Bank: 3,475 s.f. 200 = 17.37 spaces.  
Office Uses: 14,337 s.f./250 = 57.34 spaces (includes 8,000 s.f. Secretary of State office use).  
Jimmy Thai Restaurant: 3,800 s.f. = 63.33  
Taco Vida Restaurant: 1,068 s.f. = 13.35 spaces.  
Dunkin Donuts & Baskin Robbins Restaurant: 3,396 s.f. = 29.71 spaces.

Total Required Spaces: 681 (680.60) spaces are required for Deerfield Park Plaza.

Parking provided at Deerfield Park Plaza: The Deerfield Park Plaza PUD property currently has a total of 668 parking spaces including 27 handicapped parking spaces. A parking exception from the parking requirement the Deerfield Park Plaza PUD is needed.

### **Access**

The existing vehicular access points to the Deerfield Park Plaza PUD will not change as a result of the proposed Kids Empire. The main signalized access point is on Lake Cook Road and there are two access points to Deerbrook Shopping Center, one at the north end by Jewel and PNC Bank for westbound traffic only and one at the south end that has full cross-access between both properties.

### **Signage and Other Exterior Changes**

The petitioners are proposing to raise the roof in the rear portion of the tenant

space to accommodate the indoor play structures. They are also proposing to add a wall sign, ground sign, directional sign and two (2) pylon sign panels.

### Roof Height

The existing roof height in this portion of the shopping center is 14'-0". The tenant space is sandwiched between the office building that is 27'-0" high and the Sachs Recreation Center which is 19'-0" high. The petitioners would like to raise the rear portion of the roof to 27'-0" to accommodate the indoor play structures. The new roof would match the red tile roof found throughout the shopping center.

### Wall Sign

The petitioners are looking to place a wall sign on the wall above their entrance doors. They are proposing to use their standard wall sign design, which consists of a colorful logo and colorful block letters with white outlines. The total number of colors would be four, plus white. The established sign criteria does not restrict colors, but most of the signs are either all red or just 1-2 colors, but The Tile Shop has four colors on their wall sign. The Deerfield Appearance Code (used by the Appearance Review Commission) states, "Sign colors shall be harmonious with the architecture and excessive brightness shall be avoided."

The storefront has a length of 110 feet and an area of 1,751 SF. The proposed 99 SF wall sign is within the allowances of the Deerfield Zoning Ordinance, but outside of the Deerfield Park Plaza sign criteria because the sign is taller than 24 inches. The sign criteria also states, "Signage differing from this sign criteria will require written approval of Landlord and approval of all governing authorities." The Landlord has provided written approval for the proposed signage. Logos in this shopping center have been permitted to be greater than the 24 inches in the past (The Goddard School, Nick's Fish Market and Thai Thai), but letters have always been restricted to 24". The Owners believe the sign looks too small on the storefront with 24" letters. The use of corporate fonts have also been permitted.

The logo for Kids Empire has the words "Indoor Playground" as part of their logo. The Deerfield Park Plaza Sign Criteria states, "Wording of signs shall not include the product nor goods not services (and the like) sold." The Landlord has provided

written approval to allow for these items.

#### Ground Sign (located in front of tenant space)

The existing ground sign in front of this tenant space is 8' wide x 5'-4" tall and divided into two (2) panels on each side. The sign dates back to the 1970s when the shopping center was originally annexed into the Village and therefore, it is permitted to be larger than the 32 SF/face requirement in the Zoning Ordinance. In the past, Hadassah Resale Shop and NSSD each had a panel on the ground sign. Since Kids Empire will be occupying both spaces they would like to occupy the entire ground sign. The shopping center owners have agreed to revise the sign to make it a single panel.

#### Pylon Panels (Lake Cook Road Shopping Center Pylon Sign)

Kids Empire is proposing two panels for the upper portion of the pylon sign on Lake Cook Road. The Deerfield Park Plaza Pylon Sign Criteria requires a minimum of 2" between the text and horizontal space bars. This requirement is met. The upper panels may use their corporate font and logo as long as the panels are designed with a white background and black lettering. Kids Empire is only asking for their business name in their corporate font.

#### Tenant Directional Sign Panel

The petitioner would like to add Kids Empire to the existing tenant directional sign located at the end of the entrance road into the shopping center. The proposed panel matches the style and font of the adjacent tenants.

#### Appearance Review Commission (ARC)

The petitioner met with the ARC on August 22, 2022 and a summary of the meeting is below:

1. Roof Height – The ARC was in favor of increasing the roof height at the back of the building from 14' to 27' feet high to accommodate the indoor playground in the tenant space. The new, raised portion will match the

office building roofline within the shopping center. All of the proposed materials and roof types will be identical to the adjacent roofs in the shopping center.

2. Wall Sign – The Commission had varying opinions on the proposed wall sign. The following was discussed:
  - Letter Height: The ARC was ok with the letter heights greater than 24” high (logo 44” high), because it will now be the only tenant displayed on the wall. They understood that this portion of the mall is hard to see from the street. The petitioners showed a comparison of the proposed 33” tall letters to 24” letters on this portion of the wall. The ARC agreed that the larger letters look more proportional on the wall. The Landlord provided a letter approving the items outside of the Deerfield Park Plaza Sign Criteria, including the letter heights greater than 24”, corporate font and the wording to include goods and services.
  - Sign Placement: The proposed wall sign is 33” above the roof deck in order to center the sign on the wall area above the arch. The placement was approved by the ARC.
  - Multi-Colored Design: A couple commissioners were not in favor of the multi-colored letters and the busy, hard to read logo. The business Owners felt strongly about keeping everything consistent with their brand. The ARC approved the multi-colored design of the wall sign.
3. Ground Sign and Pylon Panels – The ARC reviewed the ground sign and pylon panels together. They were in favor of the black and white lettering without the logo for each of these signs, but would like the signs to be designed similarly. The Commissioners suggested reducing the ground sign letter heights so “Kids” and “Empire” were each 18” high. The relationship between the 2-lines of text in the ground sign should also match that from the pylon panels. The petitioners redesigned this ground sign and submitted it for staff review.

4. Directional Sign – The ARC had no issues with the proposed Directional Sign.

The petition was broken into two (2) votes due to varying opinions on the proposed wall sign. The ARC voted 5-0 in favor of the entire package, excluding the wall sign. The ARC voted on the wall sign as presented, and it passed by a vote of 3-2.

## **CONCLUSIONS**

### **Request for Approval of a Text Amendment to Allow an Indoor Children’s Playground as a Special Use in the C-2 Outlying Commercial District:**

The Plan Commission is in favor of amending the C-2 Outlying Commercial District to allow the proposed use as a Special Use in this district. The Plan Commission finds the use is appropriate for the C-2 Outlying Commercial District as a Special Use, and believes it is in the public interest to allow this use in this zoning district. Deerfield does not have a business of this type and the Plan Commission finds there is a need for this type of business in the community and that it will be a benefit to residents. The proposed Text Amendment has been written so that an indoor children’s facility is a Special Use only in the C-2 District.

### **Request for Approval of the Proposed Special Use for an Indoor Children’s Playground:**

#### **Compatible with Existing Development**

The Plan Commission finds that the proposed Kids Empire at 405 Lake Cook Road, Units A-4 and A-5 is planned so that it will be compatible with existing development in the area and will not impede the normal and orderly development and improvement of surrounding properties. The petitioners plan to raise the rear portion of the roof from 14 feet to 27 feet to accommodate the indoor play structures. The tenant space is sandwiched between the office building that is 27 feet high and the Sachs Recreation Center which is 19 feet high. The new roof would match the red tile roof found throughout the shopping center. The Plan Commission finds the proposed indoor children’s playground

facility and the raised roof in the rear portion of the building will be compatible with the Deerfield Park Plaza commercial planned unit development and that it will have minimal impact on other surrounding properties. This part of Deerfield Park Plaza has low visibility and is challenging for a business to locate in the “elbow” of this shopping center. The Plan Commission finds the proposed indoor children’s playground is a good use of the space and that it will be an asset to the shopping center and to the Village as a whole and the use is well planned.

### **Lot of Sufficient Size**

The Plan Commission finds the lot is of sufficient size for the proposed indoor children’s playground facility. The Plan Commission finds the property is suitable for the proposed use and will not create a negative impact on surrounding properties. The proposed indoor children’s playground space is at the “elbow” of the shopping center in a location with challenged visibility for typical business operators.

### **Traffic**

The Plan Commission finds that the proposed indoor children’s playground will not have an adverse impact on the surrounding properties. They do not find the proposed use should significantly increase traffic volumes in the area. This shopping center will not be negatively impacted and can accommodate the traffic generated by the indoor playground facility. The Plan Commission heard testimony that the proposed Kids Empire facility does not allow for children to be dropped off at the door and parents must accompany their children when the children are using the facility so it is anticipated that the facility will not pose significant traffic or safety issues. The petitioner’s traffic and parking study shows that the proposed Kids Empire should not have a detrimental effect on traffic in the area. The Plan Commission finds the traffic flow as it pertains to child safety on the property will work well as drop off at the front door is not allowed and parents will need to walk their children into the facility. Also, the traffic generated for the business does not come all at one time, but instead is distributed throughout the day.

## **Parking and Access**

The Plan Commission finds that the number of parking spaces on the subject property is adequate and the indoor children's playground facility will not have an adverse impact on parking in the area. They find that the intensity of the proposed use on the subject property will not adversely impact parking of the subject property and will not create a parking problem on the property. The Plan Commission finds that the exception needed for the number of parking spaces is appropriate, as parking for this proposed use will work well with the other uses on the subject property.

The access points to this shopping center will not be changed as a result of the proposed use.

## **Effect on the Neighborhood**

The Plan Commission finds that the proposed indoor children's playground facility will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding areas.

The Plan Commission finds the 405 Lake Cook Road building space is a good location for the proposed indoor children's playground, as the facility will fill a 13,000 square feet space in a low visible area of Deerfield Park Plaza. The Plan Commission finds that the proposed use will not have an adverse impact on the neighborhood. The Plan Commission finds the proposed location will work well for this use and the use will have minimal impact on the neighborhood. The Plan Commission finds the proposal to raise the rear portion of the roof from 14 feet to 27 feet will be compatible with the Deerfield Park Plaza commercial planned unit development and that it will have minimal impact on the neighborhood. The Plan Commission has reviewed the proposed signage for Kids Empire and finds it is appropriate. They find the sign exception for the proposed wall sign placement is warranted as allows the sign to be centered on the wall area.

### **Adequate Facilities**

Adequate facilities (utilities, access roads, drainage) are already being provided for this site.

### **Adequate Buffering**

The Plan Commission finds the indoor children's playground facility should be unobtrusive to the surrounding businesses and finds the existing buffering is adequate.

### **RECOMMENDATION**

Accordingly, it is the recommendation of the Plan Commission that the petitioner's request for a Text Amendment to allow an indoor children's playground as a Special Use in the C-2 Outlying Commercial District; a Special Use to permit an indoor children's playground for Kids Empire at 405 Lake Cook Road, Units A-4 and A-5; an amendment to the Deerfield Park Plaza Planned Unit Development to raise the rear portion of the roof of the tenant space to 27 feet, an exception to the Deerfield Zoning Ordinance to allow the wall sign to be located 33 inches above the roof deck of the building and a parking exception to the Deerfield Park Plaza Planned Unit Development, be approved.

Ayes: (5) Crist, Keefe, Lubezny, Stolman, Goldstone

Nays: (0) None

Respectfully submitted,  
Jennifer Goldstone, Chair, Pro Tem  
Deerfield Plan Commission

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Workshop Meeting at 7:30 P.M. on September 22, 2022 at Deerfield Village Hall.

Present were: Sara Lubezny  
Bill Keefe  
Lisa Crist  
Kenneth Stolman  
Jennifer Goldstone

Absent were: Al Bromberg, Chairman  
Blake Schulman

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

Commissioner Keefe moved, seconded by Commissioner Lubezny, to nominate Commissioner Goldstone as Chair Pro-Tem. The motion passed with a unanimous voice vote.

Chair Pro-Tem Goldstone 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 on the Request for a Text Amendment to Allow an Indoor Children's Playground as a Special Use in the C-2 Outlying Commercial District; a Special Use to Permit the Proposed Indoor Children's Playground for Kids Empire at 495 Lake Cook Road; an Amendment to the Deerfield Park Plaza Planned Unit Development (PUD) for an Exterior Change to Raise the Roof of the Tenant Space, and an Exception to the Deerfield Zoning Ordinance to Allow the Wall Sign to be Located 33 Inches Above the Roof Deck of the Building and a Parking Exception to the Deerfield Park Plaza Planned Unit Development (Kids Empire and Deerfield Park Plaza)**

Chair Pro-Tem Goldstone asked for proof of publication and certified mailing. Mr. Ryckaert reported that the notice was published in the Deerfield Review on September 1, 2022 and certified mailing receipts were provided by the petitioner.

Lawrence Freedman, attorney representing the petitioner, addressed the Commission. Mr. Freedman shared that they are seeking relief for Deerfield Park Plaza to allow for a Kids Empire facility. This includes a text amendment to allow an indoor children's playground facility in the C-2 District. The plans for the exterior renovations were presented to the Appearance Review Commission (ARC) and received a favorable recommendation. They are also seeking an amendment to this commercial PUD to raise the roof in the rear portion to accommodate the facility, as well as an exception to the wall sign size and an exception to the parking

requirements. The required parking is determined by an analysis of uses. And when analyzed by all the uses in the center, 681 spaces are required, and 668 parking spaces are provided in the entire center.

Brandon Peterson, Director of Construction with Kids Empire, addressed the Commission and shared background on the company and the operation. Kids Empire started in 2016 with one store and over the past three years they have expanded to 38 facilities. Four are in the Chicago area. It is a non-drop off family environment where parents go with their kids to play and for birthday parties. It is a controlled, safe environment for families to play. The hours are 10am to 8pm, Monday through Thursday and 10am to 10pm, Friday and Saturday. It is a huge colorful playground with three different levels. The bottom level is an epoxy track with go carts. There is also a dance room, large slides, roller slides and a maze. Mr. Peterson stated that parents are not allowed to leave their children there. Mr. Freedman confirmed that parents will park and be inside the space with their children at all times.

Michael Werthmann of KLOA reviewed the parking and traffic study. He stated that the facility will occupy a 13,000 square foot space and they estimate that there will be a maximum of about 150 people per day, approximately 100 children and 50 parents. The facility will be open from 10am to 8pm and until 10pm on weekends, so the 150 people will be distributed throughout the day. Their peak periods are 4pm to 8pm on weekdays and 2pm to 6pm on Saturdays. The overall volume of traffic generated in any one hour is limited. Mr. Werthmann reported that traffic counts were completed at several locations including the access drive at Lake Cook Road. He stated that access points have more than sufficient capacity to accommodate this additional traffic. Mr. Werthmann stated that the center has 653 parking spaces total. Parking surveys were completed on a weekday and a Saturday. Current peak parking inventory on a weekday was 274 spaces out of 653, about 40% occupied. A total of 245 parking spaces were available on a weekend, about 38% occupied, with more than sufficient parking. Peak parking demand on a weekday and on a weekend is from 10am to 2pm. Mr. Werthmann summarized that this use would cause no issues from traffic and parking standpoints.

Chair Pro-Tem Goldstone commented that in the past there has been discussion about the traffic signal accessing the center from Lake Cook Road and asked if this use will significantly impact people waiting at the light as it can have long wait times. Mr. Werthmann replied that Lake Cook Road is a major arterial road and gets the majority of green time, and it is a long cycle. He stated that there is capacity for everyone to get out when it is green, but it is a long wait time. He stated that there is sufficient capacity, but there is a long wait as priority is given to Lake Cook Road traffic.

Commissioner Lubezny commented that some parking is behind the building asked if this will be accessible. Mr. Werthmann showed the lots and pointed out the parking area in the middle with 265 spaces and stated that it had 63 spaces available on a weekday and 105 on a weekend. And at peak times for Kids Empire, there were 130 spaces available on a weekday and over 200 on a weekend. Kids Empire peak parking times occur later in the day outside of the center peak times. The rear parking will not be needed as there is more than sufficient parking in the front lot. He added that, if necessary, employees could be asked to park in lots further away.

Commissioner Stolman asked if there would ever be events after the regular open hours. Mr. Peterson replied that there will not be any parties outside of normal operating hours or adult parties.

There were no comments from the public on this matter.

Chair Pro-Tem Goldstone stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. She stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. She stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees for final action on this matter.

Commissioner Keefe commented that it is positive to see this space filled and this use seems to have a low impact with no negative impacts on parking and traffic, and he is in favor of it. All other Commissioners agreed.

Commissioner Stolman moved, seconded by Commissioner Crist, to approve the request for a text amendment to allow an indoor children's playground as a Special Use in the C-2 Outlying Commercial District; a Special Use to permit the proposed indoor children's playground for kids Empire at 495 Lake Cook Road; an Amendment to the Deerfield Park Plaza Planned Unit Development (PUD) for an exterior change to raise the roof of the tenant space, and exceptions to the Deerfield Zoning Ordinance to allow the wall sign to be located 33 Inches above the roof deck of the building and to grant the parking exception . The motion passed with the following vote.

Ayes: Crist, Stolman, Lubezny, Keefe, Goldstone (5)  
Nays: None (0)

Mr. Nakahara reported that this matter will go before the Board of Trustees on November 7, 2022.

## **WORKSHOP MEETING**

### **1) Prefiling Conference on the Request for a Text Amendment to Allow a Drive-Thru Restaurant in the C-1 Village Center District as Special Use; a Special Use to Permit the Establishment of a Drive-thru Restaurant with an Outdoor Seating Area and Approval of Proposed Menu Board at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant)**

Mitch Goltz addressed the Commission and stated that he is the property developer on behalf of the ownership of 560 Waukegan Road, the former Rosebud restaurant location. Mr. Goltz stated that he owns GW Properties, a retail development company. He shared that they are proposing a Shake Shack Restaurant at this location. He has been working with Shake Shack across many markets and they have chosen to bring a location to this market.

Mr. Goltz reviewed the plans. He showed the subject property at the corner of Central and Waukegan Road which is currently vacant. The site has a 5,000 square foot building with parking and access on Waukegan Road and Central Avenue. Mr. Goltz reported that Shake Shack is a publicly traded company based in New York with locations across the country. He commented that they have a great following and great food. There are current locations in Old Orchard and Vernon Hills, and this will be the first location on the North Shore to serve several communities.

Mr. Goltz showed the proposed site plan. The building as proposed is in a similar location to what exists today. There will be more parking spaces created in the front along Waukegan Road and there sufficient stacking capabilities for the drive-thru on the south and west portions of the building. There will be parking on all sides and adjacent to the building. The parking behind the building will be for employees.

Mr. Goltz showed the landscaping plan. He stated that there is a great deal of existing landscaping, and a lot of new landscaping will be added including screening on all sides. Mr. Goltz displayed the proposed floor plan. He pointed out the 1,200 square foot seating area as well as the kitchen, drive-thru, back of house operations, and a large patio for outdoor dining. He showed the elevations that were submitted and commented that they include a lot of color and different building materials. He stated that signage will be to code. Mr. Goltz showed several rendering of the plans including the covered outdoor patio with lighting, the entrance facing Waukegan Road, and the drive-thru on the south side also facing Waukegan Road.

Commissioner Lubezny asked whether the exit on Waukegan Road should have a right turn out only. Mr. Goltz replied that this will be evaluated by IDOT who will make the final decision. They are proposing full access, but IDOT could come back requiring no left turn out, which would be called a three quarter access. There is also a more controlled exit from Central. He added that at present they are proposing a full access drive which is how it operates today.

Chair Pro-Tem Goldstone asked staff if there is a Village requirement to have a traffic signal where there is a drive-thru. Mr. Ryckaert replied that is the requirement in the C-2 District, not the C-1 District. In the C-1 district, a restaurant with a drive-thru is currently not allowed and the applicant must seek a Text Amendment for this use. Currently, in the C-1 district, a restaurant under 3,000 square feet is a Permitted Use but without a drive-thru, and a restaurant over 3,000 square feet is a Special Use but also without a drive-thru. So a Text Amendment is required for a drive-thru restaurant.

Mr. Ryckaert explained that only in the C-2 District is a drive-thru restaurant required to be connected to a traffic signal. However, there have been exceptions made to this requirement in the past including for Chick-fil-A with no direct signalized access for the drive-thru, and Portillo's and Starbucks which have access to a nearby traffic signal, but not direct signalized access for their drive-thru operation.

Commissioner Keefe asked if the volumes of customers and traffic used are from a standard traffic manual or specific to Shake Shack. Mr. Goltz replied that this is case specific to Shake Shack. He added that the drive-thru negates a lot of coming into the restaurant and ordering carry out. And the data is specific to Shake Shack estimating that 50 percent of customer traffic is drive-thru, and 50 percent is dine in. He added that Shake Shack restaurants with drive-thrus have done much better in the Covid and post Covid environment and they are trying to follow this trend to sustain strong sales.

Commissioner Crist asked how deliveries will be handled. Mr. Goltz replied that deliveries will occur on the west side behind the building. The store opens at 11am, so deliveries will typically be done in mornings before opening. Commissioner Crist asked what size the truck will be. Mr. Goltz replied that deliveries will be box trucks and not semi-trucks, as providers deliver to many in the area in tight spaces and this is not practical for a semi-truck.

Commissioner Stolman asked if there will there be a route to direct cars for the drive-thru, similar to how Portillo's is. Mr. Goltz replied that the site has more stacking capability than is needed. It will be clear that drive-thru stacking will wrap around the perimeter and will not interfere with parking or access. Commissioner Stolman asked if traffic could backup onto Waukegan Road and cause delays. Mr. Goltz replied that the way it is set up the cars will also stack from Central Avenue and it would not back up that far. Mr. Goltz added that having access on Waukegan Road and Central Avenue allows cars to get out where it is most convenient.

Chair Pro-Tem Goldstone suggested including images of the signage for the Public Hearing. Mr. Goltz replied that he will include this in the Public Hearing materials. He added that the intent is that all signage will comply with code.

Chair Pro-Tem Goldstone asked for clarification on the number of customers, as transactions were discussed but not the number of customers. Mr. Goltz replied that numbers are an approximate total customer count of 480 transactions split between 50 percent drive thru and 50 percent dine in. So it could be up to 140 transactions per hour on the high end at lunch and peak dinner times. He added that dine in times are typically 20 to 40 minutes and the drive-thru stacking allows for up to 30 cars and this will allow for sufficient parking and traffic flow.

Mr. Nakahara asked if Shake Shack plans to sell liquor. Mr. Goltz replied that alcohol sales is a small incidental with just beer and wine available for dine in only, and it is by no means a bar. Mr. Nakahara reported that there are municipal regulations that require the outdoor seating area must be fully enclosed if the restaurant serves alcohol. Mr. Goltz replied that they will adhere to this and reiterated that beer and wine sales is a very small percentage of total sales.

Mr. Nakahara commented that the total number of employees shows 18 to 25. Mr. Goltz clarified that this is the total number and the number on site at any time depends on the shift. He added that there is an area for employee parking area in the back.

Mr. Nakahara reported that the Public Hearing on this matter will be October 27, 2022.

## **2) Prefiling Conference on the Request for a Text Amendment to the Deerfield Zoning Ordinance to Increase the Depth (Distance Between Sign Faces) of a Ground Sign**

Liz Delevitt, Village Staff liaison to the Appearance Review Commission (ARC) addressed the Commissioner and reviewed a proposed text amendment to address an ongoing issue that the ARC has been experiencing.

She shared that the ARC will often have petitioners appear before them for ground signs. Currently, the Zoning Ordinance restricts the depth, or distance between the two sign faces, to 12 inches. She stated that this ordinance is in need of an update and at the time it was created there was different lighting technology for these types of signs. Lately, this issue has been coming up more often, where petitioners will and ask for a ground sign deeper than 12 inches and when it is explained to them that they need to appear before the Plan Commission and the Board of Trustees (and it will likely take three to four months for approval of a sign exception), they often decide to squeeze it into 12 inches. When this happens there is a risk of a ground sign with hot spots. Hot spots occur when the lighting elements are too close to the sign faces and the sign starts to read spotty with areas with more light and areas that may not get light.

Ms. Delevitt reported that the materials provided include photos of the interior components of a ground sign. In between the two faces of the sign are the structural poles and also the small sticks that hold the light source. There needs to be adequate space to distribute the light in the sign face and this is difficult with 12 inches of depth. So the ARC first began looking at this issue in February of this year and decided they wanted to keep a depth restriction, otherwise signs could become inconsistent. Ms. Delevitt reported that she spoke to several sign companies, and learned that it is possible to include lighting in a sign depth of 12 inches, but everything would be very "squished". She learned from her research that if you want to have an optimal sign. There is a need to have 18 to 24 inches in depth and most signs can be done in 18 inches. She brought this information back to the ARC in May and the ARC voted to increase the distance between the two sign faces from 12 to 18 inches. The ARC is now looking for feedback from the Plan Commission on this proposed Text Amendment.

Ms. Delevitt reported that in Deerfield most signs have been restricted and kept at 12 inches in depth. However, some examples of exceptions with 18 inch ground sign depths include Portillo's and Northwestern Medical on Waukegan Road. The recently approved reuse of the structural components of the Old National Bank ground sign that was before the Plan Commission a couple of months ago was 23 inches in depth.

Chair Pro-Tem Goldstone asked if most neighboring municipalities also have an 18 inch requirement for their sign depth. Ms. Delevitt replied that she learned that no other municipality around has a sign depth restriction and Deerfield is the only one. The ARC discussed this, and they do not want to eliminate the depth restriction and as they feel it was an important standard for Deerfield to keep signage uniform as well as to keep signs from being too deep and attention-getting. Ms. Delevitt added that there is enough room in 18 inches, and many could still be 12 inches in depth, but this amendment gives a little bit more wiggle room.

Commissioner Crist stated that she would like to make sure that the side panels are not used as sign faces. Ms. Delevitt replied that this is not permitted by code with the signage face calculation requirements. Ms. Delevitt referenced 9.01-B,9a in the Zoning Ordinance regarding the maximum number of sign faces. It states that in no event shall the total number of sign faces be more than two unless otherwise approved. There is also a section that says no "V"ing of sign faces and the sign faces must be parallel.

Commissioner Keefe commented that he has no issue with the request to increase the depth to 18 inches. Chair Pro-Tem Goldstone agreed.

Mr. Ryckaert reported that the Public Hearing on this matter will be on October 27, 2022.

## **DOCUMENT APPROVAL**

1. August 25, 2022 Plan Commission Minutes

Commissioner Keefe moved, seconded by Commissioner Stolman to approve the minutes. The motion passed with a unanimous voice vote.

## **Items from the Staff**

Mr. Ryckaert reported that the next meeting will be October 13, 2022 for document approval only.

**Designation of Representative for the next Board of Trustees Meeting**

Commissioner Keefe may attend, and Chair Bromberg will also be asked to attend the Board of Trustees meeting on October 3, 2022 if needed.

**Adjournment**

There being no further discussion, Commissioner Crist moved, seconded by Commissioner Lubezny to adjourn the meeting at 8:30 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,  
Laura Boll