

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing Meeting at 7:30 P.M. on January 12, 2023 at Deerfield Village Hall.

Present were: Al Bromberg, Chair
Blake Schulman
Jennifer Goldstone
Lisa Crist
Sara Lubezny
Bill Keefe
Kenneth Stolman

Also present: Jeff Ryckaert, Principal Planner
Daniel Nakahara, Planner
Caitlyn Culbertson, Village Attorney

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

Commissioner Schulman moved, seconded by Commissioner Goldstone to switch the order of the agenda items and hear item number two first. The motion passed with the following vote.

Ayes: Lubezny, Stolman, Keefe, Crist, Goldstone, Schulman, Bromberg (7)
Nays: None (0)

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 an Amendment to the Rosebud Restaurant Special Use to Permit the Expansion of the Rosebud Restaurant into the Adjacent Unit B Tenant Space in the 711 Deerfield Road Building in the Deerfield Square Shopping Center

Chair Bromberg asked for proof of publication and certified mailing. Mr. Ryckaert reported that the notice was published in the Deerfield Review on December 22, 2022 and certified mailing receipts were provided by the petitioner.

The petitioner Chris Siavelis with CRM Properties and Deerfield Square Shopping Center addressed the Commission. He stated that the petitioner is seeking a favorable recommendation from the Plan Commission with respect to an amendment to existing Class B Special Use for Rosebud Restaurant in the Deerfield Square Shopping Center. The proposed amendment will allow for a 1,446 square foot expansion into the existing restaurant space located next door space. The expansion will provide for private dining space as well as additional seating capacity during peak times. Mr. Siavelis noted that the floor plan as well as exterior renderings were included in the packets.

Mr. Siavelis stated that Rosebud has been operating successfully in this location since May 2021. The company information and other locations are also included in the packets. He added that there will be no additional signage. Exterior improvements include the addition of red awnings on the north and south elevations of Unit B. The Appearance Review Commission approved these improvements on November 28, 2022. The hours of operation will remain the same, which are 3 P.M. to 9 P.M. seven days a week. Mr. Siavelis stated that using the most recent Deerfield Square parking study and the Village code requirements for sit down restaurants, the excess parking supply at Deerfield Square is more than adequate to meet the additional demand created by this space. He also commented that employee parking remains unchanged. Mr. Siavelis added that they are confident that the requested amendment meets all of the Village's Special Use criteria and will meet the market demand for private dining areas and additional seating space for Rosebud Restaurant.

There was no public comment on this matter.

Chair Bromberg 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 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.

The Commissioners did not have any concerns and agreed that this was a good use of the space.

Commissioner Goldstone moved, seconded by Commissioner Lubezny, to approve the request for an amendment to the Rosebud Restaurant Special Use to permit the expansion of the Rosebud Restaurant into the adjacent Unit B tenant space in the 711 Deerfield Road building in the Deerfield Square Shopping Center. The motion passed with the following vote.

Ayes: Crist, Keefe, Stolman, Lubezny, Goldstone, Schulman, Bromberg (7)

Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Board of Trustees on February 6, 2023.

2) Continued Public Hearing 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) - Continued from the December 8, 2022 Plan Commission Meeting

Chair Bromberg stated that this is a continued Public Hearing and proof of publication has already been received. Chair Bromberg reported that a traffic consultant Bill Greive is in attendance via phone due to illness.

Commissioners Goldstone and Stolman reported that they were absent at the October 27, 2022 Public Hearing on this matter, but listened to the audio of the meeting in its entirety and read the minutes in their entirety in preparation for this meeting.

The petitioner, Developer Mitch Goltz of GW Properties stated that he represents the applicant and petitioner for the proposed Shake Shack restaurant at the former Rosebud restaurant location (560 Waukegan Road). He shared that he grew up in Deerfield and much of their development team is also from Deerfield. He added that since the Prefiling Conference, they have been working to address comments and concerns and incorporate changes to the proposal.

Mr. Goltz stated that the subject property is the former Rosebud Restaurant and Baker's Square location. The site is currently vacant and has been for about a year. The survey shows it is one acre with an existing building that would be torn down if this petition is approved. He showed images of the site as it exists currently pointing out the building, parking lot, and Renu Day Spa building next door.

Mr. Goltz shared background information on Shake Shack as a company. Shake Shack is a publicly traded company based in New York with approximately 275 locations around the country and several in the Chicagoland area. This would be the first on the North Shore. He added that there are Shake Shack corporate representatives in attendance and that as a company they are great corporate citizens and do a lot in the community to give back. They also seek to bring in best practices and initiatives in their industry.

Mr. Goltz reviewed the changes and new information since the last Public Hearing. The Deerfield Fire Department, which is located next door, has given approval of the plans from a safety perspective. He also noted that they have also coordinated a traffic study with KLOA with some supplemental traffic information requested by the Village's traffic consultant who reviewed the study for validity. The consultant confirmed the findings. They also met with Renu Day Spa to coordinate landscaping and other items on the plans and met with several residents of the Coromandel community to discuss concerns about the fence, lights and other items, as well as solicited feedback from others in the community.

As a result, changes to the plans include reducing the drive-thru length and queuing, relocating the trash enclosure further, closer to the building and further away from neighbors and adding screening. There was also a supplemental traffic study conducted by a Village consultant to determine the validity and evaluate their traffic study. In addition, they implemented taller plantings, a 6 foot fence on the southwest corner to eliminate light spillage, and increased plantings and fencing on the site to reduce perceived sound from traveling off the site. Mr. Goltz showed images of the previous plan and pointed out the changes made including reducing the drive-thru length from 24 to 18 cars. Also, the new trash enclosure location will be directly behind the building. They have also shifted the Waukegan Road access to avoid a Village landscape easement and ComEd utility pole and relocated the monument sign for better visibility when entering and exiting the site. He also added that they are complying with all Village parking requirements.

Mr. Goltz stated that the site plan has been through a thorough review with their traffic consultant at KLOA as well as the Village's traffic consultant. A parking island was added to further enhance ingress and egress safety off Central Avenue. They also implemented a larger access point along Waukegan Road to create a three-lane access for a left and right turn lane out.

Mr. Goltz showed the landscaping plan pointing out the relocated trash enclosure to provide for better screening with landscaping on all three sides. They increased the planting height on the

southwest corner to further enhance buffer from neighboring properties, as well. Mr. Goltz stated that the site had landscaping previously and they have added more trees on top of existing vegetation, as well as a 6 to 8 foot berm between the site and Coromandel. They also added a fence that will block all visibility. They have coordinated with the Fire Department and Renu Day Spa on the location of the fence and how long it will extend along the property borders. And lastly, they have reduced the number of trees along Waukegan Road to increase visibility and increase traffic safety. They are adding more landscaping than exists today and they will meet all code requirements for landscaping. They prioritized protecting four existing trees along Central Avenue and one tree along Waukegan Road.

Mr. Goltz reviewed the photometrics which meet all code requirement and include zero bleed LED lights, which means all lighting will stay contained on the site and there will be no light emanating off the property onto Waukegan, Central or any nearby properties.

Mr. Goltz reviewed the elevations which include some changes as a result of working with the Appearance Review Commission. The original design has been modified and the Shake Shack logo and drive-thru sign will now be affixed on the building instead of on top of the roof line. Some colors have also changed on the elevations and all signage has been moved to the brick itself. They also added a lot of brick to coordinate better with existing buildings in the area. Mr. Goltz showed images of the original planned elevations and after modifying the plans. He also showed the proposed monument sign along Waukegan Road which also complies with code.

Mr. Goltz reviewed the proposed renderings of the interior. He shared that this is the newest Shake Shack corporate prototype and will have some similarities to other restaurants. He also showed renderings of the outside and pointed out the outdoor patio available to customers most of the year. He showed renderings of the front facing Waukegan Road, the outdoor seating on the side, and the back of the building from where you enter the drive-thru, as well as the sides of the building.

Mr. Goltz summarized that they made a lot of changes to the plans and addressed comments and questions while collaborating with the Village, consultants, and the community. He shared that trash pickup will be daily and possibly twice a day if needed. He added that they are looking to be a good partner in the community and want to serve customers and the community.

Chair Bromberg explained that the Commissioners will first ask questions of the petitioner, and the Village's outside traffic consultant will report out. After this, the petitioner will have the opportunity to respond and then public comment will then be opened. Public comment speakers will be limited to three minutes each. And public comment is not a question and answer format. At the end of the presentation the petitioners will have the opportunity to respond to any comments made. Chair Bromberg asked for questions and comments from the Commissioners.

Commissioner Lubezny asked if the Waukegan Road access still needs to be approved by IDOT (Illinois Department of Transportation). Mr. Goltz replied that yes, because Waukegan is under the State's jurisdiction, this is an IDOT road and the plans will have to be approved by them. He added that they have a good case to keep the access the way it currently is as it is full access, even though they are moving the curb cut along Waukegan Road. Chair Bromberg added that if this proposal goes forward, it will be contingent on IDOT approval.

Commissioner Schulman asked if IDOT needs to approve moving the access road further north or changing it from two lanes to three lanes. Mr. Goltz replied that any change to access or use

will trigger IDOT review. And in this case, moving the access drive further away from the Waukegan Road and Central Avenue intersection is best practice.

Commissioner Schulman asked about the hours of operation. Mr. Goltz replied that it is not a late night business, but they like the possibility of being open until 11 P.M., however they will shorten the hours if there is not enough business late at night. Commissioner Schulman commented that for the benefit of the neighbors he may like to see shorter hours at night. He also asked about the timing of deliveries. Andrew Bloom stated that he has been with Shake Shack for almost 10 years. He replied that the requested hours of operation would be until 11 P.M., but this typically only happens in an urban location. The Vernon Hills and Old Orchard locations shut down at 9 or 9:30 P.M. based on demand. He stated that if the market does not call for later then they will not be. Mr. Bloom stated that this is all negotiable, and they will work with what the Village requests. He also replied that deliveries are always in the morning, and they will work with the Village's preference. They dictate to vendors when they want deliveries to occur. Mr. Ryckaert stated that there is a Village noise ordinance that states no loud noise when delivering, but there are no specific hours required. However, in the past this ordinance has been interpreted as no overnight delivery from 11 P.M. to 7 A.M. Commissioner Goldstone asked what was imposed for delivery hours at Cadwell's Corner. Chair Bromberg replied that they were more restrictive with delivery hours there as it had been with Fresh Thyme due to disruption to the nearby neighbors. Mr. Goltz stated that deliveries will not be late at night or early in the morning and will be during daytime hours.

Commissioner Schulman confirmed that they will limit employee and customer parking to be on premises and not on neighboring streets.

Commissioner Crist stated that she appreciates the changes made including to the trash enclosure and adding more screening. She stated she is not in favor of the possible 11 P.M. closing time. She also stated that she would be in favor of limited deliveries to be between 7 A.M. and 10 A.M. Mr. Goltz replied that they would be agreeable to these requirements if imposed.

Commissioner Crist suggested that the drive-thru close earlier and the restaurant be walk in only during later hours. Mr. Goltz replied that it is common practice for the drive-thru to remain open later and for the dine in to close earlier. He added that more employees are needed for dine in and late at night most customers are going through the drive-thru. Mr. Goltz does not see this option (closing drive-thru operation earlier and keeping indoor dining open during the later restaurant hours) as being feasible.

Commissioner Stolman stated that his biggest concern is the queuing and traffic build up off of Central for the drive-thru. He asked the petitioner to explain why they shortened the drive-thru length and queuing. Mr. Goltz replied that it was meant to show the capacity that can be established before it bleeds out onto the street or neighboring properties. However there is no expectation that there would be 20 cars stacking, so it was shortened, and 18 cars is still a considerable amount of space in the drive-thru lanes. He added that the double drive-thru is meant to help with restaurant efficiencies, as well. It was shortened to meet the need more accurately. And in doing so, they picked up some landscaping and improved traffic circulation.

Commissioner Keefe stated that he is also concerned about the 11 P.M. closing and would like to require this to be earlier. He previously had a concern about the source of the information used to size the drive-thru stacking, and now he thinks the updated traffic study concurrent with

the Village consultant answers his questions. Mr. Goltz replied that peak times are during dinner and lunch, and there is no scenario where it will be a late night hang out. They would not be busy until 10 P.M., it would only stay open as an option for food later at night.

Chair Bromberg asked what kind of barrier will be around the outdoor seating area to protect customers sitting there from traffic. Mr. Goltz replied that typically there is either a fence or some sort of permanent barrier. There will be a raised curb and either planters, a fence or some sort of permanent structure to enclose the outdoor seating area.

Chair Bromberg asked for the gap analysis to be explained and what their data showed on the gap analysis. Traffic Engineer Luay Aboona of KLOA replied that as part of the traffic study they looked at a variety of things to determine how the intersection operates. And when there is an unsignalized intersection close to signals to the north and south, they try to establish the availability of gaps or interruptions in the traffic flow. Because when traffic is stopped at either signal, it creates gaps between the platoons of traffic. And when they do the capacity analysis in the traffic study, it typically does not take that into account and assumes random arrival of traffic. So, they do field measurements where they actually measure those interruptions. The frequency of the gaps between the platoons of traffic and how long they are and then depending on the length of each gap. The standard calculation is a gap of 7 seconds allows 1 car to make a left turn out. They reviewed a one hour period and measured how many 10 second gaps, 10 to 15 second gaps, and 15 to 20 second gaps, and so on. With that information, they then established how many cars can make those left turns out and compared this to the projection based on the trip generation analysis. The conclusion was that there are more than sufficient gaps to accommodate the projected left turns at Central Avenue as well as the access drive on Waukegan Road.

Commissioner Crist confirmed that alcohol sales is not allowed in the drive-thru. And also confirmed that they have received Fire Department approval of the plans after their review. Mr. Goltz replied that they worked with them to coordinate the fence, and as far as safety concerns with fire trucks, the light at the fire station is 100 percent controlled by the fire station. So, if they ever need to leave, that light turns red. And there is no concern that operations could interfere with safety.

Chair Bromberg asked Village traffic consultant Bill Grieve from Kimley Horn to provide the findings of his review of the petitioner's traffic study. Mr. Grieve stated that he reviewed the information provided in three traffic reports from November 2022, December 2022, and January 2023. He found that the KLOA study was well prepared, follows ITE and IDOT standards and concurred with their findings regarding existing conditions. He was pleased to see that they updated the study to incorporate findings regarding trip generation and trip distribution. And he also asked them to update the study to use the ITE generation rates rather than the localized Shake Shack generation rates. He also suggested looking at trip distribution again. In doing this, he concurred with their traffic assignments and as Mr. Aboona mentioned, the capacity analysis, which is the key factor in conducting a traffic impact study. Mr. Grieve also concurs that there are enough gaps in traffic to accommodate Shake Shack traffic turning left onto Waukegan Road. It is a busy road, but there are traffic signals north and south of the 560 Waukegan Road property. Mr. Grieve added that there may still be situations where there are large openings to make left and right turns out. He stated there is a similar situation on Milwaukee Road where ABT store is located. There is also a lot of traffic, but the lights create situations with openings in both directions.

Mr. Grieve recommend that the Waukegan Road access drive should be full access throughout the day. He would like KLOA to check the IDOT BDE manual to see if there is a possibility of a northbound left turn lane on Waukegan Road that would be warranted. He stated that Waukegan is an IDOT road, so they typically ask for this test to be included in a traffic impact study. He stated that they agree that the Waukegan Road access drive should have two outbound lanes. He stated that the site plan is well designed with good internal circulation to guide site traffic to the access drives on Central and Waukegan. The parking provided exceeds Village standards. Drive-thru stacking is also plentiful which will help accommodate what will be a bit longer transaction time than typical fast food. He added that the site plan has updated to include removing the two parking spaces nearest the Central Avenue access to avoid conflicts as people might be maneuvering in and out of those parking spaces as people are coming in and out of the Central Avenue access.

Mr. Grieve stated that they conclude that overall this is a good project and KLOA has done a very good job at making sure that they have addressed their initial issues and questions. Chair Bromberg asked if he anticipates any issues with IDOT based on his experience. Mr. Grieve replied that he would initiate IDOT review by submitting the site plan and asking for preliminary approval. IDOT will be interested in the test from their BDE manual to see if a left turn lane might be required. He thinks moving the driveway on Waukegan Road from where it is now further south is helpful. Also as the site was used for a restaurant and is just changing to a different type of restaurant and that there currently have a full access driveway on Waukegan Road for a long time, hopefully the IDOT review will go smoothly. Commissioner Schulman commented that he thought he read in the materials that there is not enough width on Waukegan Road for a dedicated left turn lane into the site. Mr. Grieve replied that they may have to show this to IDOT if that's the case.

Chair Bromberg opened public comment on this matter. He reiterated that speakers are asked to keep their comments to three minutes each and refrain from clapping, cheering or booing. Commissioner Schulman added that the Plan Commission has received all written comments and read them all, and these comments do not need to be reiterated.

David Loughnang of 538 Milford stated that he is a resident of Coromandel. He commented that he is speaking in objection to allowing a drive-thru, but he has no issue with a restaurant or Shake Shack. He shared that he reviewed a Shake Shack summary of information about the 10 Shake Shack's in Illinois which talks about their operations. Only two of the 10 in Illinois have drive-thrus. Those two are in Vernon Hills and Oak Lawn. Both are adjacent to and part of large commercial areas with large shopping centers. They are very different than this location in Deerfield, which is primarily residential. If it is allowed, they are shoehorning it into a small area, like 10 pounds of potatoes into a 5 pound bag. He commented that the Vernon Hills location is part of the Melody Farms Shopping Center, and the drive-thru was recently added. He stated that there are many more lanes of traffic on Route 60 as you head west, which is very unlike Waukegan Road. And there are many areas for parking throughout the entire shopping center, which has no residential close by. This is very different. Here it is imposing on residents who are used to a certain amount of traffic on Waukegan, and it is still nowhere as busy as Route 60 and Milwaukee Avenue. He added that there is disingenuous information on hours, and only one in Illinois is open until 11 P.M, and Vernon Hills and Old Orchard close at 9 P.M. And the drive-thru only in Oak Lawn is open until 10 P.M. on weekends only. He asked what happens if they are wrong about the traffic and reiterated that this does not fit in this location.

Steve Stern of 502 Milford in Coromandel stated that he now understands the gap analysis better. He asked if it takes into account the high volume in the peak times of lunch and dinner. He also commented that in the materials it states they will have more than 70 customers an hour at peak times. And even if half have to make that left turn out, if there is enough time in those peak periods. Also, the materials indicated that the Plan Commission can impose turn restrictions even if not imposed by IDOT. He asked what happens if this is needed after the operation is running and it was not required in advance.

Jay Laff of 523 South Commons commented that he had expectations of a safe and quiet retirement with protection provided by the Fire and EMS Department. He is 80 years old and concerned that he may need first responder support. And he hates to think that the ambulance or fire truck could be sitting on Waukegan Road waiting for a few cars who are backed up waiting to get into the drive-thru. Also, Central Avenue as a major access denies him a quite easy turn and forces him to go another route and takes away the joy that he had hoped for in living in this location. He commented that Shake Shack may be a fine restaurant, but the drive-thru creates a myriad of issues that he did not anticipate, and he does not support this.

Neil Krupp of 341 Milford commented that he moved to Deerfield 50 years ago and invested in the community when Lake Cook Road was not a paved road. He eventually moved to Coromandel, which was a quiet community. He commented that what has not been addressed yet is property values. He is concerned about the effect of a restaurant on property values. He stated that the clientele of Shake Shack are not the type of people that he would invite to be a part of the community. He stated that this makes it a transit community. And he feels there are many concerned about their home market values and what a restaurant like Shake Shack with a drive-thru would have on this. And the Village should also be concerned about this. He added that he does not think Deerfield's neighbor to the east would consider this type of environment for a restaurant.

Morry Dwyer of 398 Milford stated that he was one of the first Coromandel residents. He wants to congratulate Shake Shack for recognizing the economic value of locating its restaurant in Deerfield and he thinks it will be welcomed. As a patron of the original Rosebud and its new location, he thinks it is important that we attract these kinds of businesses to the community. He stated that Deerfield is more in need of that type of restaurant in the downtown area. But he has questions about the hours of operation. He thinks the Plan Commission should mandate that they close at 9 P.M. as Rosebud did in this location. He also has an objection to the drive-thru. He commented that Portillo's has two lanes available, and they cannot even accommodate the demand. He suggests that the Commission consider rejecting the proposal for a drive-thru as he doesn't think it is necessary for the success of this restaurant. And he believes the hours should be until 9 P.M.

Lacy Edelstein of 528 South Commons stated that she has questions about the access onto Central. She asked what happens when people are coming out of Shake Shack and there are cars lined up from Waukegan Road west going to their homes. She commented that this could be a bottleneck.

Naomi Jaffe of 36 Kelburn in Coromandel stated that she is most bothered by the hours. No restaurants are open past 9 P.M. and there is no reason for this one to be. And she is worried about traffic in and out and the fact that there is a drive-thru. She thinks it would be more of a draw as a regular restaurant and is worried about the traffic. She is concerned the drive-thru will

cause more accidents as there will be more frequent cars in and out. She thinks this should be considered.

Jeff Hertz stated that he is a resident of Riverwoods, formerly of Deerfield. He is speaking in support of the plan and all parts of it including the limited hours discussed by the developer. He understands that there is a geographically focused objection. But he feels it benefits the community at large. And it would be nice to visit this location rather than driving to Vernon Hills. There is a benefit of attracting a business like this with their business plan versus not wanting to be in Deerfield. He commented that the Portillo's location was a vacant restaurant for 15 years and we would not want this to happen again. And the benefit for the entire village seems to outweigh the potential negatives. And as a resident of the surrounding area, he is in support of this proposal as many others are, as well.

Felix Moran of 731 Central Avenue commented that it is a great plan but in the wrong location and it should be in the C-2 not C-1 District. He commented that he learned today that there will be garbage pickup daily and maybe more than once daily adding to the traffic. And deliveries will likely also be daily, which he is concerned about. KLOA and the Village consultant stated that traffic within the site appears to flow. However he has concerns about the left turn onto Waukegan Road, as the left turn lane will back up because during high traffic times there will be minimal gaps. And the 18 cars that may be stacked will likely back up and block vehicles trying turn to go southbound. He is also concerned that all the traffic studies are field studies that have not addressed the line of sight turning left from Central Avenue. It is a 60 degree, not a 90 degree left turn and the walls in the cemetery block the view and limit visibility.

Tom Kalebic of 711 Central Avenue stated that his concern is the drive-thru. And from Central, the left onto Waukegan is very difficult due to visibility. He commented that 50 percent of their customers could be drive-thru which will increase traffic making a left from Waukegan into restaurant or onto Central. He already goes the back way to Deerfield Road to turn south on Waukegan Road. He commented that people may be waiting there for several minutes. There is a drive-thru at McDonald's down the street, but there is a stoplight, and it is surrounded by all commercial not residential. He also commented that there is no summary rating in the traffic study for Central Avenue as there is for Osterman. And with increased traffic with the drive-thru being 50 percent of business, it is not like Rosebud where people got there and stayed there. This will be a constant flow of people coming and going quickly and the left turn from Central onto Waukegan is already very difficult.

Harris Klein of 480 South Commons stated she lived there through Baker's Square and Rosebud and with this proposal has a problem with the drive-thru. She stated that she implores the Commissioners to try to turn left from Central onto Waukegan. It is a dangerous turn and not a 90 degree angle and there is a column in the cemetery blocking the view. Even turning right is not ideal. Now there will be more cars with the drive-thru. Another situation is that Waukegan Road has a 40 mile per hour speed limit then drops to 30 near this site, and cars pile up behind and barrel in causing accidents. This is a dangerous location for a drive-thru. He added that Portillo's and McDonald's are in commercial areas, and this is residential. He stated that his kids are not allowed to make that turn as it is dangerous and they are now adding more cars with the drive-thru.

Phil Fine of 392 Milford in Coromandel commented that this is totally inappropriate for this area with the drive-thru. He asked if installing a light at Central has been considered as it seems that left turn will be a problem both in and out of the site. Although he realizes this would be three

lights in a row. He commented that it is good that the Fire Department is so close as they will need them for accidents making that left turn. He commented that a 6 foot fence was mentioned and asked if they might consider a 7 foot fence. He is in favor of the 7 foot fence with residents in the area, as well as adding a traffic light at Central and Waukegan. And he asked if there is not enough room on Waukegan to make a left turn into the site and IDOT requires this, does that mean the project is dead or do they consider alternatives, and asked what happens in that situation.

Julie Boyer of 515 South Commons stated that she agrees that the left turn going onto Waukegan from Central is dangerous and she also goes to Osterman to do so. She commented that the drive-thru will have a negative impact and she requests that the Commission listen to the valid concerns of residents and taxpayers who will be impacted. She requests that they make the decision based on how it will impact the immediate community.

Ruth Parciak commented that she has lived in the row homes for 16 years. She is skeptical about the traffic experts as she drives every day on Central and Waukegan and she agrees with the concerns about the left turn from Central. She added that she is also scared to make a right turn onto Central when it's snowing and this should also be considered. She also sees people walking in the area, and she walks down Central and Waukegan often and doesn't know that they can do that anymore, as they will have to cross a drive-thru and exit lane. She commented that she was proud to move to Deerfield and to live in a nice community. But if it were today and she was looking to move here and there was a Shake Shack there, she would not even consider it.

David Levine of South Commons commented that the site is 1.04 acres, which he thinks is too small. Shake Shack said they have 18 to 25 workers per shift and parking is not sufficient for this. He commented that the Fire Department stoplight is always green and if they want to have a gap in traffic maybe it could be a normal stop light. He loves the idea of a northbound left turn lane but there may not be enough room. He stated that he does not want Deerfield to be the a guinea pig for Shake Shack to learn the demand. He added that a drive-thru does not foster community which is not a benefit and not what Deerfield is about.

Ava Mendelson of Coromandel stated that she agrees with the concerns shared about the left turn off Central onto Waukegan. She added that there will be more people coming in and going out and it will be a mess. One morning it took five minutes to make the left turn, and many will have to wait to get out which will cause a major mess with the drive-thru. She agrees to have a restaurant only, but not a drive-thru. And she is concerned about having kids there late at night after drinking and hanging out.

Andie Colusna of Coromandel stated that she lives right by the site, and it has been quiet since Rosebud closed. She commented that she would hear all of the trash pickups and delivery trucks. And she has some questions about the hours for garbage pickup. She wants it to be during the daylight hours to be less disruptive. She also wants to clarify if the fence will run the entire western exposure of the property as she is concerned about the lights spilling over. She also expects to be seeing lots of headlights if there is a drive-thru. She stated that she has no objection to having a new restaurant but just to the drive-thru for all reasons already stated in comments. She would also like to a closing time of 9 P.M be required.

Abby, resident of South Commons shared that she just moved to Deerfield. She stated that it is a very quiet neighborhood, and this will bring immense traffic. The turning issue is serious with

no restaurant there at all right now. She also implores Commissioners to do the turn themselves and see, as it is not easy with nothing there. She believes this does not belong in this location. It's like fitting a circle into a square. And comparing to Portillo's and Chick-fil-A, this does not belong in a residential area with houses right there. She added that she enjoys the safety when walking her dog late at night in the residential neighborhood. And does not want a Shake Shack open until 11 P.M. She feels it will bring excess noise and she doesn't support this operation in this location and also opposes the drive-thru.

Charlie, a youth living at 915 Birch Court stated that he understands that some don't want this to come. But it will be a great addition to our community and a place for families to gather and make memories and have fun. He hopes his school uses them for hot lunch and their shakes are delicious.

Peter Beagle of South Commons asked that the Commission consider property values and the value in tax revenue to the Village in their decision.

Don, a resident who lives on Somerset in Deerfield commented that the first thing he thought of when he heard of this drive-thru restaurant is that he doesn't want to live in Wheeling. He commented that it is close to a senior home and people walk in the area and the area doesn't need all this traffic in and out of this site. He agreed that the turn from Central to Waukegan is bad. He stated that Deerfield has always been a community to be very proud of and he would like to keep the value of the town, aesthetically and monetarily.

This concluded public comments and Chair Bromberg asked the petitioners to respond to any comments. Mr. Goltz stated that they discussed lowering the hours to not be 11 P.M. and they will agree to this. He commented that this site is indicative of the past and was a very successful Baker's Square for a long time. That concept slowed down as did many are other restaurants. They now have a restaurant site that has been vacant for a while. He commented that his company develops across the country, and this is their backyard. He stated that consumer behavior has changed and a reason there is not a lot of Shake Shack drive-thrus is because it is something that Covid accelerated the need for. He added that this does not just apply to Shake Shack, Carson's down the street, which was a full service sit down restaurant, now has a drive-thru element. It is how businesses are evolving to adapt to consumer behavior. This Shake Shack location will be a large restaurant with lots of indoor and outdoor seating. It will be a great place to gather with family and will serve the community. It is a community-oriented business trying to locate in Deerfield because it is a successful brand in the marketplace. The Vernon Hills location is very successful, and it was modified to include a drive-thru because they saw the need in the market. Many restaurant chains are doing this, and it is where the industry is headed. It is how customers are choosing to get their food and how many businesses are taking their customers.

Mr. Goltz stated that traffic is a pain everywhere and this is part of life. They designed this site safely to be sure it improves the conditions on the site. This development will not solve traffic problems that have already existed for many years, but they can make sure that they incorporate best practices for traffic flow and that's what they've done. He commented that they will agree to any hours and deliveries restrictions, and trash will also be during daylight hours. He stated that the desire to have daily pickups is to alleviate concerns of odors and overflowing trash. He stated that Shake Shack is a publicly traded company and it is in their best interest to be sure to always operates smoothly. They will be a great community partner to schools and other local organizations. He concluded that he hopes that the Village welcomes them here.

Chair Bromberg asked to Mr. Goltz to clarify the height of the fence. Mr. Goltz stated that the maximum fence height per code is 7 feet tall and it will run all along the fire station and Renu. Renu has one on the property that goes all the way to the edge. This will be improved and there will be a contiguous fence along both properties. He stated that it is not possible for light to bleed through with the grade difference, landscaping and the fence. And the grading and photometrics shows this.

Chair Bromberg asked Mr. Aboona to confirm that the gap analysis took into account peak times. Mr. Aboona confirmed this stating that they looked at weekday lunch, weekday evening and Saturday lunch times for this analysis.

Commissioner Goldstone asked when commercial garbage pickup occurs in that area. Mr. Goltz replied that it is at 7 A.M., consistent with other businesses in the area.

Gail Adler, Vice President of Real Estate for Shake Shack shared that she also raised her kids in Deerfield. She has been in commercial real estate for 30 years and has opened a drive-thru Starbucks and the original Starbucks in Deerfield. She commented that Shake Shack is a community gathering place and a company that wants to stand for something good. This restaurant will have over 70 seats, a beautiful patio, and will feel like it's part of the community. She stated that Shake Shack wants to integrate into communities they are in. She stated that they will be a great community partner, and it is important to them and is consistent with the core corporate values of the company. She gave her assurance that they would run a fantastic store.

Commissioner Crist asked about IDOT approval process. Mr. Ryckaert replied that this project will eventually need IDOT approval for a new driveway on Waukegan Road because the road is under their jurisdiction. There is no Village requirement that IDOT approval is needed at this time. Mr. Ryckaert explained the Village does not have a lot of new driveways on Waukegan Road as most Special Uses that are approved already have driveways in place. Mr. Ryckaert stated that since IDOT has not approved the plans, the Plan Commission can place a condition that Village approval is contingent upon IDOT's approval. He explained that IDOT may not allow a full access and could approve only a right-in and right-out at the Waukegan Road access driveway. If IDOT's approval of the access drive is more restrictive than the Village's approval shown on the plans, then that is what has to be built.

Mr. Ryckaert explained that the Plan Commission could recommend making the Waukegan Road access drive right-in/right-out only, if the commission desired to place this condition on the Special Use. He thought that the Plan Commission should make their own judgement. If the commission is okay with left turns out because the study shows gaps in the Waukegan Road traffic, then the commission can leave the access the way it is shown (full access driveway) or the Plan Commission can be more restrictive and recommend limiting this driveway to right-in/right-out.

Chair Bromberg questioned that if the Village approves contingent upon IDOT approval and IDOT does not approve, then it would have to come back before the Plan Commission with modified plans per IDOT or do they still move forward with whatever IDOT approves. Mr. Ryckaert indicated that it is what IDOT approves for this access point as it is an IDOT road and they are seeking a permit from them. Chair Bromberg questioned the purpose of the IDOT contingency. Mr. Ryckaert replied the access could be made more restrictive. Mr. Goltz

reiterated that they are showing full access because that is how it is today. But if IDOT says no left turn out, they will modify it. He added that the traffic study supports keeping it as full access and this also alleviates traffic on Central and this is what they believe will operate best.

Chair Bromberg 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 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 stated that he read the materials in detail, in particular the traffic studies, and considering this information and what has been at this site for a long time, he does not have an objection to the plan as it is stated other than hours of operation. He thinks 9 P.M. is a reasonable closing time.

Commissioner Stolman stated that given the information presented on traffic, noise, light, garbage, landscaping, design, fence, relationship with the Fire Department, queuing, parking standards, he is also in support of this project. However, he would also like to address the hours of operation as well as delivery hours as well as make approval contingent on IDOT approval. Commissioner Stolman stated that he supports 9 or 9:30 P.M. for closing and delivery after 7 A.M. and nothing overnight.

Commissioner Crist stated that she agrees with restricting the hours of operation as well as garbage pickup and deliveries and can support the project with these addressed.

Commissioner Goldstone stated that she is also in support of this project. She commented that the Plan Commission has to rely on professional traffic experts and they had two very reputable traffic consultants give opinions on this project. She has confidence that IDOT will not allow for a horrendous situation to happen. The approval will be contingent on IDOT approval, so she is comfortable with it. She agreed that she would like to see the hours be reduced, as well. She thinks 10 P.M. is fine, as many other restaurants are already allowed to operate until 10 P.M. She suggested that deliveries and garbage pick up to be in the 7 to 10 A.M. timeframe. She also commented that these public hearings are often about compromising and how to live with the neighbors. And Shake Shack has done a great job of listening as shown by adding the fence, landscaping and adapting hours, and she is in support of this project. She suggests a 10 P.M. closing time but would support 9.

Commissioner Schulman commented that he also wants only the best for Deerfield and will protect the neighbors. He stated that there is a lot of fear about the traffic, but they need to trust the experts. The developer has done a good job of trying to mitigate concerns with a fence and landscaping. He added that if issues come up along the way that Shake Shack will work with the Village. In terms of trash pickup, he supports 7 to 10 A.M. And closing times of 9:30 P.M. on weekdays and 10 P.M. on weekends.

Commissioner Lubezny stated that the most common concern seemed to be the hours of operation and she also supports the 9:30 on weekdays and 10 P.M. on weekends. And also agrees with having deliveries and garbage between 7 and 10 A.M.

Chair Bromberg stated that he would also support a 10 P.M. closing time. He also commented that in response to those that implored them to make the turn from Central onto Waukegan, he

assured he has done this many times. And as the petitioner eloquently stated, they cannot solve a problem that has existed for a long time. It is not an easy turn with the concrete post, but this proposal is not making it any worse. He stated it is a good project and the developers have been responsive to comments heard, and they will see what IDOT's response is.

There were no other comments from the Commissioners and Chair Bromberg asked for a motion.

Commissioner Goldstone moved, seconded by Commissioner Keefe to approve the text amendment to allow a drive-thru restaurant in the C-1 Village Center District as a Class B Special Use. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Crist, Keefe, Stolman, Lubezny, Bromberg (7)
Nays: None (0)

Commissioner Goldstone moved, seconded by Commissioner Schulman to approve a Special Use to permit the establishment of a drive-thru restaurant with outdoor seating at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant) with the following conditions: the hours to be no later than 9:30 P.M. Sunday through Thursday and 10 P.M. on Friday and Saturdays and that deliveries and garbage pickup occur between 7 A.M. and 10 P.M., and contingent on IDOT's approval of the plan. The motion passed with the following vote.

Ayes: Keefe, Stolman, Lubezny, Crist, Goldstone, Schulman, Bromberg (7)
Nays: None (0)

Commissioner Goldstone moved, seconded by Commissioner Schulman, to approve the proposed menu board at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant). The motion passed with the following vote.

Ayes: Goldstone, Schulman, Crist, Keefe, Stolman, Lubezny, Bromberg (7)
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Board of Trustees on February 6, 2023.

DOCUMENT APPROVAL

1. 649 Lake Cook Road – Kohn Animal Hospital Recommendation

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

2. 405 Lake Cook Road, Unit A3 – Foot Spa Recommendation

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

3. December 8, 2022 Plan Commission Minutes

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

Items from the Staff

Mr. Ryckaert reviewed upcoming agenda items and reported that the next meeting will be January 26, 2023 for document approval only. The Commission agreed to meet at 5:30 P.M. for this meeting.

Designation of Representative for the Next Board of Trustees Meeting

Chair Bromberg and Commissioner Goldstone will attend the February 6, 2023 Board Meeting

Adjournment

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Stolman to adjourn the meeting at 9:36 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll