

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Remote Public Hearing via Zoom at 7:30 P.M. on May 13, 2021.

Present were: Larry Berg, Chairman  
Al Bromberg  
Jennifer Goldstone  
Elaine Jacoby  
Blake Schulman  
Bill Keefe  
Kenneth Stolman

Also present: Andrew Lichterman, Assistant Village Manager/Director of Community Development  
Jeff Ryckaert, Principal Planner  
Daniel Nakahara, Planner  
Stewart Weiss, Associate Village Attorney

Chairman Berg reported that pursuant to amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may hold virtual public meetings without a quorum physically present.

Chairman Berg stated that anyone wishing to share public comment any matter concerning the Village may do so by submitting an email to [plancommissioncomment@deerfield.il.us](mailto:plancommissioncomment@deerfield.il.us) prior to the meeting. Emails received will be read aloud during Public Comment. Any emails received during the meeting will be read during the second public comment before the end of the meeting. Chairman Berg asked that emailed response is limited to under 200 words to allow time for others to be heard and for the Plan Commission to progress through the public meeting agenda. In addition to written Public Comment, oral comments will also be permitted. Members of the public desiring to make an oral comment should click the "raise hand" button on Zoom or dial "\*9" if participating by phone to indicate you wish to speak." Chairman Berg stated that the Plan Commission typically does not immediately respond to public comments or engage in open dialogue, but they will actively listen to comments.

In accordance with the Open Meetings Act, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to the Executive Order issued by the Governor, no more than 10 people may gather at Village Hall for the meeting. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a first come, first-served basis. The Plan Commission will comply with all other requirements including public comment and posting the meeting agenda, which can be found on the Village website at [www.deerfield.il.us/agendacenter](http://www.deerfield.il.us/agendacenter).

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

Mr. Ryckaert reported that there were no written comments from the public on a non-agenda

item received via email. Mr. Nakahara reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment.

## **PUBLIC HEARING**

- 1) Request for an Amendment to the Deerfield Square Planned Unit Development for a Preliminary Development Plan to allow the Redevelopment of Multi-Tenant Building 7 (occupied by Rhapsody Café Restaurant and former Warehouse Restaurant space) with the Necessary Exceptions to Permit the Establishment of a Residential Apartment Development at 833 Deerfield Road in the Shops at Deerfield Square; a Text Amendment to the Deerfield Zoning Ordinance to Permit Amenity and Utility Areas for Residential Uses on the First Floor of a Commercial Planned Unit Development as a Special Use in the C-1 Village Center District; and a Text Amendment to the Deerfield Zoning Ordinance to Allow Identification Signage for Residential Uses when Part of a Planned Unit Development in the C-1 Village Center District – (Kirby Limited Partnership)**

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

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on April 22, 2021 and proof of certified mailing has been received from the petitioner.

The petitioners for this matter included Chris Siavelis with CRM Properties Group on behalf of Kirby Limited Partnership, Jeff Malk with CRM Properties Group, and Devon Patterson with SCB Architects.

Mr. Siavelis reported that on behalf of the entire development team they are asking for a favorable recommendation for the revised development plan for the residential development at Deerfield Square at 833 Deerfield Road. He commented that the Commission gave a unanimous favorable recommendation to their previous plan presented on January 14, 2021. The previous plan included five percent affordable units and the Village Board then requested ten percent affordable units. After the additional cost of this as well as the sound and vibration mitigation, the development was not financially viable at 40 units. They are now proposing adding 10 units and one floor to make the project economically viable. Going from 40 to 50 units means increased taxes and impact fees for the Village. Also in the current plan the building height has been increased to 72.5 feet from the previous 61 feet.

Mr. Siavelis showed an image with a comparative analysis of the previous 61 foot tall building and the currently proposed 72.5 foot building as well as the comparative perspectives. He also showed an image comparing the proposed building to the office building at Deerfield Square stating that it appears at the same height because 833 Deerfield Road is set at a lower grade. He also showed revised renderings of the new six story building. He commented that to the amateur eye it is not apparent that a floor has been added.

Mr. Siavelis stated that they are also requesting a favorable recommendation for a plat of resubdivision. He explained that in order to qualify for the most advantageous financing, the property would need to be resubdivided and by separating each building to its own lot they will be able to qualify for financing. This will not impact the property from an operational standpoint.

Chairman Berg asked for questions from the Commissioners.

Commissioner Bromberg confirmed that financing is the only impact of resubdividing. He asked if it would also facilitate selling part of it separately from the rest of the development. Mr. Siavelis replied that there is no intention to sell, but it would make it easier to do so. He added that all of the development is subject to a declaration which provide all cross easements.

Commissioner Bromberg asked about the units with outdoor terrace decks. Mr. Siavelis replied that the terraces are the same as in the prior 40 unit building. Mr. Patterson added that the terraces are along Deerfield Road on the roof of the parking podium as this area is slightly wider than the residential portion of the building, so there is a terrace for those units facing the northside on top of the parking. It is a private space for those units.

Commissioner Bromberg asked if the lighting in the parking lot is on 24 hours a day and if they spill over the lot line. Mr. Siavelis replied that they are on all night and will be converted to LEDs with this project. He added that there is a photometric study included in the application materials. They are increasing the average foot candle as currently the lot is very dark, and it is important for safety for a residential building.

Commissioner Bromberg asked if the parking under the building will be allocated. Mr. Siavelis replied that the parking will be on a first-come first-serve basis with a waiting list if needed. Only the garage spaces will be designated, the outdoor surface parking is free and not designated.

Commissioner Jacoby commented on the increase in units and decrease in parking. There are now 10 more units and one less parking space proposed. Mr. Siavelis replied that this is correct, but the parking ratios still meet the code requirement and there was previously a surplus in parking. He added that they lost one parking space because they identified one as handicapped parking allocated for the carwash. Commissioner Keefe also commented on losing one parking space. Mr. Siavelis stated the parking meets the code.

Commissioner Stolman asked if the new building height of 72.5 feet requires additional approval. Mr. Siavelis replied that they are requesting a height variance for this.

Commissioner Schulman asked if there were any additional perspectives or renderings to show the height from overhead or from the side as compared to the rest of the shopping center. Mr. Siavelis replied that there are not, all renderings were provided in the packet. Commissioner Schulman also commented that there were two affordable units previously, and now that the Village Board requested five affordable units, that the additional units are one bedroom units and no additional two bedroom units. He commented that in prior workshop meetings, the Commission agreed that they would like an even distribution of affordable unit sizes. Mr. Nakahara replied that yes, that was the discussion, and an equal count would be ideal, however the ordinance has not yet been adopted. If the ordinance were in effect, then the petitioners would have to equally allocate one bedroom and two bedroom units to be affordable. Commissioner Schulman asked the petitioners if economics would still work if they changed one affordable unit from a one bedroom to a two bedroom. Mr. Malk replied that this would result in a significant project cost difference and they are already at a minimum threshold for a lender to look at the project.

Commissioner Bromberg commented that the affordable housing ordinance being considered does not require 10 percent affordable units for a 50 unit building, but the Village Board is

requesting this. Commissioner Jacoby added that she is not in favor of the additional height and the burden being put on the petitioners when the draft ordinance recommends five percent affordable, but they are being asked to include 10 percent affordable. She stated that she thinks the new proposed building is too high for Deerfield and could appear too massive. She liked it at the previously proposed five stories with five percent affordable, but not at six stories with 10 percent affordable. Commissioner Goldstone agreed with Commissioner Jacoby and confirmed that the affordable units will be spread throughout the building and not all on one floor.

Chairman Berg asked to see the height of the office building relative to the height of the residential building again. He confirmed that the roof lines appear comparable due to topography.

Commissioner Goldstone asked if there is any opportunity to revert to the five story building plan. Mr. Siavelis stated that the plans were changed to the six story building because of the Village Board's request, and this is the only proposal before the Village at this time.

Chairman Berg opened public comment on this matter. Mr. Nakahara read aloud public comment letters received via email that have also been distributed to the Commission and the petitioners.

#### Public Comment Email #1

"In response to letters sent out earlier in the week, I want to voice my opposition to this Planned Unit Development.

I was drawn to Deerfield because of its charm, character and beauty. I live in the area of this proposed building, and I feel that it goes against all things Deerfield. The size, the location, and added car traffic is too much for this site. The demolition and construction will create too much congestion for a small village street to bear. Traffic from Walgreens and Whole Foods already put a strain on foot traffic in the area.

Fire and Police concerns need to be addressed with this additional influx of people. Sanitation and sewers are also an issue; I am also voicing my opinion on low income units. I believe that rentals for the same size units should be the same, regardless of income. This project will not benefit anyone but the developers. It is also understood that these Developers are helping Rhapsody Cafe transition into the space vacated by Josh's.

The Plan may have received unanimous favorable recommendation by the Village Commission, but certainly did not receive that from area residents. We live here. We do not want the area turned into a housing development that detracts from the beauty and character of our Village. The Commission thought favorable to tear down a restaurant and replace it with three, still with two vacant spaces. Residents were not in favor of that either. The Commission really needs to be aware of what area owners want, not just what they think we want. We do not see a project of this size promoting anything but success for its developer and the various temporary construction jobs.

I know I am only one voice and thank you for letting me express my opinion.

Thank you,

Myra Antman

640 Robert York, Deerfield"

Public Comment Email #2

“As a resident of South Commons, I am greatly disappointed that the Deerfield Planning Board is trying to sneak through a larger footprint at 833 Deerfield Road. With only two days’ notice, the Board is considering re-configuring the proposed 50 unit luxury apartment building at 833 Deerfield Road. Now new plans call for a 5 story building, instead of the original 4 story. And allocating 3 affordable units. If you add the parking garage parking, it is now a 6-story building.

This is a slap in the face of nearby residents because it will add more traffic and impact our property value. In addition, many children use Robert York to travel to school. This will put them in danger.

I urge you to honor the original plan and don’t allow CRM Properties to undermine our community.

David Brimm  
640 Robert York, Deerfield”

Public Comment Email #3

“Five stories is too tall in that location. There are buildings that tall on Lake Cook, but for downtown Deerfield, it's too much.

If there are going to be approximately 10 apartments per floor, the apartments will be quite small, which will attract more transients rather than families which will change the character of a family-oriented town.

Terry Dallas”

Public Comment Email #4

“As a nearby Deerfield resident I oppose this proposed construction project.

Dayon Denic  
947 Deerfield Road, Deerfield”

Public Comment Email #5

“I believe this is a huge mistake I am voting against it. Deerfield is losing to many restaurants. Deerfield needs income without restaurants and businesses. The Village will go downhill.

I have a better plan, open up Zanie’s Comedy Club and leave Rhapsody city cafe only if the village opens up a comedy center. The Village will be laughing in the way of cash.

Joel Kogen”

Public Comment Email #6

“Hello Deerfield -

While I hate to see the Warehouse close, this is an ideal location for condos by our Metra train station. If we are able to attract high income earning citizens - who must travel for work in Chicago - I am assuming this will produce increased tax dollars for Deerfield. I view this (increased tax dollars) as good / positive for our Deerfield schools, our Deerfield Park District, our Deerfield Police and Fire Departments, roads maintenance, etc.

As a father of 1st and 3rd grade students at Walden Elementary, I'm balancing "what sounds / seems fun", with what are our community needs. Let's ask the questions and face the facts. I personally went to the Warehouse pre-covid on a weekly basis during football season. This place - unfortunately - was rarely at even half occupancy. Deerfield residents were not supporting local business, just real talk with real observation. Vacant buildings at this location are not of value to Deerfield.

We can figure out traffic patterns concerns if an influx of new residents - that's the least of my concerns. To be clear, I want to keep Deerfield a Village and not explode our population. This proposal is more to the question of what offers the best value to Deerfield's future.

Kindly,  
Terry Park, Knollwood Rd"

Public Comment Email #7

"I am writing to express my approval of the plan to build a 50 unit condo building on the site that was formerly Rhapsody Cafe. I believe the this could bring many new residents to Deerfield, and with them, new revenue to support our town and small businesses.

Thank you,  
Shana Ryback"

Public Comment Email #8

I have been a Deerfield resident for 35 years, moving here in March 1986. We moved here because this is a bedroom community with good restaurants nearby. Deerfield has been a wonderful place to raise our family.

I believe that allowing a 6 story condo building is the opposite of everything that Deerfield stand for- which is a village for families.. If you want tall condo buildings, go to Highland Park. We are not Highland Park, and hopefully, never will be.

The only development that should be allowed is development that brings in more restaurants. We have recently lost El Traditional and Bar Taco, and of course lost Josh's and the Warehouse. Why would we want to allow a condo building, let alone a 6 story eyesore?

Condo buildings, regardless of size, add nothing to the character of our Village. This particular location is space that could be used to bring in restaurants.

We should stick to being a bedroom community- a community that attracts families who want to raise families here. A condo building will not attract families. Deerfield's brand should be families, families, families. That is why 99% of our population is here. Let's not take change our character!

Respectfully,

Rob Klein  
1152 Norman Lane”

Public Comment Email #9

“Regarding the hearing on the space current occupied by Rhapsody Cafe and the former Warehouse, this is unfavorable use for downtown Deerfield. The current standard on building height is in place for reason and this change can and will dramatically fracture the allure, mystique and overall sentiment and desirability of living in Deerfield.

My family and I looked to Deerfield when we were looking to raise a family due to its small town feel and overall friendliness, walk ability and charm. Large apartment complexes like this will change the reputation of Deerfield and I worry there is no way back if we'd like to go back after approving this large scale project. Please keep Deerfield small and let the developers look to space in Highland Park, Arlington Heights etc for this type of expansion.

Signed,  
Alison Simon, 1406 Charing”

Public Comment Email #10

“I am writing to voice my opposition to the proposed building of luxury housing in Deerfield Square. I think it's an absolute shame that we can't keep any restaurants or small businesses in the square. Replacing the current building with 50 units will add a ton of congestion to the area. Plus, who would want to live right next to the train tracks?? I don't like the precedent of changing the Village's height limitations to make this happen. We need to make it easier for restaurants like Rhapsody to continue to exist as they are a huge part of our community. Not forcing them to move into a smaller space.

I think this is a terrible idea in the wrong direction for Deerfield.

Respectfully,  
Allyson Greenbaum”

Public Comment Email #11

“Dear Deerfield board members,  
I am asking that you not allow a height exception for this proposed project. My concern is that allowing for a taller structure will set precedence for future projects, impacting the landscape of our community.

Respectfully submitted,  
Sheri Gostomelsky, 1152 Deerfield Road”

Public Comment Email #12

“I'm writing and concern for the hearing on Thursday, May 13th about the property where Rhapsody is (and Warehouse used to be).  
Our town draws the least amount of people/traffic for restaurants and activities. The surrounding towns have worked hard to establish a more vibrant downtown. It is extremely disappointing to hear Deerfield is willing to remove more space for condos instead of focusing on creating a

vibrant downtown. The space where Rhapsody exists currently has many opportunities for stores and even a great restaurant opportunity for rooftop music and nightlife/a brewery etc.

Our town is very disappointed in the restaurants that have been leaving and most people report going to other towns to enjoy entertainment and food. There are very few restaurants that offer fun family meals at a good price, Especially with replacing Bartaco with Rosebud (not an affordable family friendly restaurant). In addition a med spa is going where a sushi place was, in a community where medical treatment is already in abundance. The choices are not in alignment with what the community would like.

Please consider the needs of the community, not just the interest of an outsider invested in his profits. The community knows the person who owns this land and is aware that he is making it extremely difficult & even worse making it impossible for small business owners. We hope our leadership can work around this to support what the community wants in that space, and in general.

In health,  
Nicole Gehbauer”

Public Comment Email #13

“I am a newer resident to Deerfield. We moved here only 4 years ago. One of the main draws to the area was the Deerfield square with the restaurants. I am so disappointed to hear that you will tear down the area slotted for two restaurants to build condos. It is so disappointing to hear that there will be fewer opportunities for restaurants in the area. That is one of the main reasons that people love Deerfield. There is a nice downtown area that draws people. If we just have more housing, there will be nowhere for people to go and unless people will move here. Please reconsider and focus on developing the area with more businesses.

Rachel Losoff  
1063 Forest Ave, Deerfield”

Public Comment Email #14

“The 50-unti footprint appears to be squeezed into a very small lot, adding, most likely 75-80 cars, this being a luxury apartment building, adding traffic congestion to Robert York Avenue along with the existing GrandPrix Car Wash, strip mall North of it, and the Deerfield Square access roads. Currently, there is a Stop Sign, with the rules of yield violated constantly. This, along with limited visibility at the sign, creates hazardous traffic situations. This presents a serious concern for the South Commons residents.

Also, the building is described as a luxury apartments. The general description of such is shown below.

Could you please provide a more detailed description of the luxury features of the projected 833 Deerfield Road development?

Best regards,  
Alex Pinsker, Board President, South Commons Condominiums

610/640 Robert York Avenue, Deerfield

'A luxury apartment is a type of apartment that is intended to provide its occupant with higher-than-average levels of comfort, quality and convenience. While the term is often used to describe high-end regular apartments, or even typical apartments as a form of aspirational marketing, a true luxury apartment is one that is variously defined as being in the top 10% of transactions on the market or having a total value of more than \$4-5 million US dollars, with "ultra-luxury" apartments being valued above US \$10 million. However, it can also mean any apartment with extra amenities, such as a doorman, yoga studios or bowling alleys, among others.'

#### Public Comment Email #15

My name is Alex Antonov, and I am a resident of 654 Elm Street in Deerfield. I wanted to submit/provide my feedback on the proposed development of 833 Deerfield Road property, specifically converting it into a rental apartment high-rise.

While I do welcome continued redevelopment and improvement to the downtown area and the shopping center specifically, I think that the proposed plans from this particular builder, especially the amended ones, raise some concerns in my mind.

One of the biggest issues is the proposed change in height, now asking for a 6-story building, as it would create a giant eye-sore in the otherwise very elegant/natural ensemble of the Deerfield Shopping Center. If anything, I'd like to strongly encourage the committee to not allow anything higher than the current Barnes & Noble building or the height of the residential structure on the other side of Osterman, by the railroad tracks (640 Robert York Ave).

The increased height/unit count of the building (going from 40 units to the proposed 50+) will also create a more dense crowding in the area, pedestrian crossings of an already narrow/congested Deerfield Road in that section, thus presenting more concerns to safety of both pedestrians and drivers alike. (The builder in their plans alluded to their anticipation of residents in the complex being more walk/bike oriented, rather than driving). Also the proximity to the railroad track, with 24-7 heavy traffic will most likely impact tenant retention, thus leading to a potentially higher-than desired turnover, which impacts the value of properties in the vicinity. (The newly build PUD on Elm, right next to me, is already beginning to see signs of such turnover, as my new neighbors, who I spoke with, have all expressed concerns with "living on the railroad tracks" and are not optimistic about their renewal once their initial lease expires).

Last, but not least, it is sad to see a plaza where 2 great restaurants once were, to be converted into residential building instead of focusing more on the options to encourage more variety of various dining/entertaining kinds of tenants to occupy the space. I agree that the current Shopping Center might need "rejuvenation" to bring more life and encouraging more dining/entertainment options would make it a true community hangout center that would match the spirit of our village. Obviously the pandemic didn't help in that regard, but even before it, the merchandise stores that occupied the plaza seemed to be rarely visited by patrons (could be my subjective perception though) and trying to "stimulate" more dining options of various kinds would help making the center be more vibrant, without the need to resort to building big high-rises.

Please let me know if there is any more input I can provide to help in this matter. Thank you so much for your consideration in reading my feedback!

Sincerely,  
Alex Antonov  
654 Elm Street, Deerfield IL”

Public Comment Email #15

Hi,  
I personally don't think it is a good idea to build a 50 unit rental building at 833 Deerfield Rd as it will bring too much congestion into the area and add car traffic on residential streets and main roads of our beautiful village.  
Sincerely,  
Mariia Grinberg”

Public Comment Email #16

“Five stories is too tall for Deerfield. We want to be mostly single family homes. As a 40 year Deerfield resident, I oppose big buildings as it will change the look and feel of the village.  
Cynthia Bonczkiewicz”

Mr. Ryckaert read public comment not in the Commissioner's packet:

Public Comment Email #17

“I am a resident of Deerfield IL at 834 Chestnut St and would like to register my opposition to the building of condos that exceed the height limit. Although we want to support affordable housing in the Deerfield area we think the area should be used to support local businesses. Please do not hesitate to contact us with any questions.  
Best regards,  
Ambreen Gul”

Public Comment Email #18

“I would like to voice my opposition to the proposed redevelopment of 833 Deerfield Rd into a residential building. The height of the proposed building is out of character with the village and will be an eye-sore. It should not be allowed an exception to be 72 feet tall. Although Building 4 has a decorative gable at this height, no other buildings in Deerfield have a roof deck nearly this tall. It would be the highest roof deck by nearly 17 feet, which is much too tall. The developer should be held to the maximum allowed building height of 55 feet.

I also oppose the removal of two commercial restaurant spaces for this redevelopment. One of the reasons that we chose to live in Deerfield was the downtown area with local restaurants. Naturally the town lost restaurants during the pandemic, but this development takes away spaces where new restaurants could now be established.

It is particularly concerning that a local family restaurant will be damaged by this redevelopment. Rhapsody Café has been a thriving restaurant in the village for years and managed to get through the pandemic. The town should support them, not force them into a smaller location.

Public Hearing  
May 13, 2021  
Page 11

Instead of building a high-rise, the developer could look to the model of the Deerfield Village Center, which includes commercial space on the first floor and adheres to the village's 55 foot building height. I would fully support a development in this location that maintains restaurant space on the first floor and remains within the village's height codes.

Thank you for your consideration.

Sincerely,  
Suzanne Blanton"

Public Comment Email #19

I'd like to express my concern over the proposed plans to build an apartment complex where two restaurant spaces are currently located. While the proposed height of 72 feet seems out of step with the rest of the area (i.e. seems very high), my biggest objection is with the removal of the two restaurant spaces. Rhapsody cafe in particular has essentially been the one consistent thriving restaurant in the town center area over the years (and through the pandemic), and to have this proposed construction impact them would be very disappointing to us as residents of Deerfield. I would hope that Deerfield would support this establishment such that they are forced into a smaller space.

To the extent an apartment complex can be built while maintaining current restaurants on the first floor, I would be much more supportive.

Given one of the main reasons we chose to live in Deerfield was for the local restaurants and bars, I strongly oppose any plans that further reduces space for these types of businesses.

Thank you.  
Victor Blanton"

Public Comment Email #20

"Further comment/questions on parking of the planned unit development being discussed today. I understand the parking spaces meet code but I'm not sure there will be enough just for the tenants. What about quests? If the tenants fill the spaces, on normal days but even more on holidays or special event days that will bring quests, where will they park? I do not know of any areas around that proposed area for the overflow to park.

Will they take up spaces in the shopping center lot? Train station parking lot? Private areas around the area? I see this becoming a real problem.

Steven Lubin  
816 Chestnut St, Deerfield"

Public Comment Email #21

"I'm writing and concern for the hearing on Thursday, May 13th about the property where Rhapsody is (and Warehouse used to be).

Public Comments taken from the Deerfield mom group:

I don't like this plan in my opinion and luxury most likely doesn't equal affordable. I thought Deerfield was looking to bring more diversity to it? Economic diversity and so forth...

They are asking for a 30% variance in height? That is significant, and if they do it once, doesn't it set a precedent? Ugh.

This is awful. We do not need more apartments in Deerfield. We need space for small local businesses to thrive, not increased luxury housing.

Thank for you posting this info I had no idea. Also - sounds like a parking nightmare trying to fit 50 units there.

Need more restaurants and bars before adding more people! Plenty of space not enough good places to dine.

Sad moment. I remember how happy my friends and I were about the rooftop dining when we read about it coming to Deerfield in the Deerfield Review. I think I was up there 5 times; it was either too busy, bad weather or not enough help. I wish some magic wand could make the restaurants have fun rooftop dining, love to have drinks and food with friends in a local outside setting.

We are in desperate need of restaurants with good food, good atmosphere, and good drinks. We can't even feed the people we already have in town.

The restaurant/bar scene in Deerfield is very anemic! We should not have to go to neighboring suburbs to have a decent dinner or, a nice cocktail."

Chairman Berg concluded public comment on this matter.

Commissioner Bromberg asked the petitioners to confirm if Rhapsody is moving to another space in Deerfield Square. Mr. Siavelis replied that they are working with Rhapsody ownership to move to another space in the center and the rent will not be higher.

Commissioner Schulman asked the petitioner if it would be more economical for them to move forward with the previously proposed 40 unit building with two affordable units or the currently proposed 50 units with five affordable. Mr. Siavelis replied that at this point they are only seeking to move forward with the 50 unit building.

Commissioner Keefe asked if it was discussed with the Village Board that adding more affordable units would be accomplished by adding a floor and more units. Mr. Siavelis replied that he explained that more affordable units would mean the project would not be financially viable, and they agreed it was a good compromise to add more density and an additional floor.

Commissioner Schulman asked how many affordable units with a 40 unit building would make the project viable. Mr. Siavelis replied that any more than two affordable units is not available on a 40 unit basis.

Chairman Berg asked the petitioners for closing comments. Mr. Siavelis commented that he would like to respond to some of the public comments. He stated that the residential building will

not generate more traffic as retail and restaurants generates more traffic than residential. He stated that a vibrant downtown includes mixed-use development which is currently lacking, and this would add that. Another comment was regarding profit for the developer. Mr. Siavelis stated that they would love for Warehouse to still be open as there is more profit in retail than residential. And lastly, regarding residential near the railroad tracks; they are spending hundreds of thousands extra to mitigate the sound and vibration of the trains. He added that there is too much retail per capita and Covid has changed buying behaviors permanently and they need to diversify Deerfield Square and bring in more people to support the retail and restaurants there already. He concluded that they ask for a favorable recommendation of the plan proposed.

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

Commissioner Bromberg stated that Mr. Siavelis did a nice job of summarizing the history of this project. He stated that he voted to approve the original plan and prefers the original plan, but the Village Board pushed back and now this is the proposal and he will vote to approve this project, as well. He stated that the height is high but not outrageously high and he feels it is still a good project.

Commissioner Stolman stated that he is curious why the Plan Commission is in this position. As a recommending body they recommended 5 percent affordable, and the Village Board requested 10 percent affordable. He stated that he understands the economics and that the petitioners must increase the density to make the project work. He added that many of the public comments referred to Rhapsody and he wanted to confirm that they are they being relocated to another space within Deerfield Square. Mr. Siavelis replied that yes, they are working towards this with the Rhapsody owner. Commissioner Stolman added that he is concerned about the building height in the new plan.

Commissioner Bromberg agreed that why the Commission is in this position is a good question, and from his perspective the Village Board threw them a curve ball. The Plan Commission gave guidance to work towards an affordable housing ordinance, and this project was in sync with that guideline and then the Board threw a curveball. Chairman Berg added that the Plan Commission is a recommending body, and the Village Board can accept, reject, or send the proposal back to the Plan Commission to do something else, which is what is happening here. He stated that the Commission has a plan before them to discuss and ultimately vote upon to make a recommendation.

Commissioner Keefe commented that he is also more in favor of the first plan than the revised plan and understands repurposing the downtown area understands the height needed in the revised plan. He commented that he does feel a little conflicted about it being a larger project, but he will still support it.

Commissioner Schulman stated that he did like the first plan, and the Village Board put them in a tough spot. He commented that he is concerned about the public comments opposing the plan and the additional height, as well.

Commissioner Goldstone stated that she is also conflicted and liked the first plan. She stated that she does not like the extra height in the revised plan. She asked what the next step would be procedurally if the Plan Commission voted not to recommend this project. Chairman Berg replied that if the Commission would then provide an unfavorable recommendation to the Village Board which would decide what to do with the recommendation. The Board could still approve it or go with the Plan Commission recommendation.

Commissioner Jacoby commented that she voted in favor of the 40 unit building and she stands by that. She thinks the 50 unit building is too tall for the space, and having 50 units and 88 parking spaces, although it meets code, would not be that desirable for the residents and guests. Additionally, the Commission has been working on a workforce housing ordinance and their recommendation is that 5 percent affordability would be required, so she believes it is wrong to hold this petitioner to a new level at 10 percent. She stated that she will vote no to the project the way it currently stands.

Chairman Berg stated that all Commissioners have made valid points. He too was in favor of the initial plan, and that being said, that is not the plan before them tonight. Only this new 50 unit development is before them. He stated that this building is a transit-oriented development. And by definition, it is supposed to have moderate to high density and mixed-use, which it is in a center with other uses. A transit-oriented development is also intended to reduce traffic congestion as it is very close to the train and buses as well as grocery, pharmacies, and restaurants. He stated that being a transit-oriented development, it could work in this location in town, but it may not work in another location.

Commissioner Bromberg commented that all the Commissioners agree that they prefer the first plan, but that is not before them. And they are now putting the developer in a catch 22 with the Plan Commission's preference and the Village Board's request. He stated that he wants to treat the developer fairly and he agrees with Chairman Berg about parking and the benefits of a transit-oriented development.

Commissioner Bromberg moved, seconded by Commissioner Keefe to approve the request for an amendment to the Deerfield Square Planned Unit Development for a Preliminary Development Plan to allow the redevelopment of multi-tenant Building 7 (occupied by Rhapsody Café Restaurant and former Warehouse Restaurant space) with the necessary exceptions to permit the establishment of a residential apartment development at 833 Deerfield Road in the Shops at Deerfield Square; a text amendment to the Deerfield Zoning Ordinance to permit amenity and utility areas for residential uses on the first floor of a commercial planned unit development as a Special Use in the C-1 Village Center District; and a text amendment to the Deerfield Zoning Ordinance to allow identification signage for residential uses when part of a Planned Unit Development in the C-1 Village Center District – (Kirby Limited Partnership). The motion failed with the following vote.

Ayes: Bromberg, Keefe, Berg (3)

Nays: Stolman, Jacoby, Goldstone, Schulman (4)

Mr. Ryckaert reported that when a motion fails it is not a denial and the Commission must keep making a motion until it passes. Mr. Lichterman verified that the motion failed and it is not a rejection of the plan. A commissioner should make a motion to deny the proposal and that could be voted on next. Or a commissioner can make another motion in favor with caveats.

Commissioner Bromberg asked if they make a motion to approve but express preference to the Village Board to the original plan if any Commissioner would change their no vote to a yes. Commissioner Schulman replied that he would not change his vote. Chairman Berg reiterated that they can only vote upon the agenda item, which is the current plan and provide a recommendation to the Village Board on the current 50 unit plan. Mr. Ryckaert added that if the Plan Commission wanted to go back to the 40 unit plan, the petitioners would have to return to the Plan Commission. Chairman Berg stated that the 40 unit plan is not on the table and the Commission cannot take any action on it. Mr. Lichterman commented that he is not sure if the Board denied the 40 unit plan or did not vote on it and asked the petitioner to come back with 10 percent affordable. Mr. Siavelis stated that he believes there was no vote by the Board on the 40 unit plan. Mr. Lichterman replied that this would make it easier to move forward with the 40 unit plan. Mr. Weiss added that one of the issues in bringing back a previous plan is the validity of the notice for the Public Hearing, and this would need to be reviewed. So the Board will be well aware of the quandary and what they would like to see. Commissioner Schulman suggested making more than one motion to break apart the design with the resubdivision request.

Commissioner Schulman moved, seconded by Commissioner Goldstone to approve the proposed resubdivision of the property. The motion passed with the following vote.

Ayes: Jacoby, Stolman, Bromberg, Keefe, Schulman, Goldstone, Berg (7)

Nays: None (0)

Commissioner Schulman moved, seconded by Commissioner Jacoby, to deny the request for an amendment to the Deerfield Square Planned Unit Development for a Preliminary Development Plan to allow the redevelopment of multi-tenant Building 7 (occupied by Rhapsody Café Restaurant and former Warehouse Restaurant space) with the necessary exceptions to permit the establishment of a residential apartment development at 833 Deerfield Road in the Shops at Deerfield Square; a text amendment to the Deerfield Zoning Ordinance to permit amenity and utility areas for residential uses on the first floor of a commercial planned unit development as a Special Use in the C-1 Village Center District; and a text amendment to the Deerfield Zoning Ordinance to allow identification signage for residential uses when part of a Planned Unit Development in the C-1 Village Center District – (Kirby Limited Partnership). The motion passed with the following vote.

Ayes: Goldstone, Schulman, Stolman, Jacoby (4)

Nays: Bromberg, Keefe, Berg (3)

Mr. Ryckaert reported that this matter will go before the Village Board on June 7, 2021.

## **2) Public Hearing for an Affordable Housing Inclusionary Ordinance**

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

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on April 22, 2021.

Mr. Lichterman provided a review of the history of this matter. He stated that the Commission has discussed an affordable housing inclusionary ordinance at four prior Workshop Meetings. The Commission has been seeking to find a balance between affordable housing and not letting

it stifle development. The worksheet in the packet was prepared to help facilitate tonight's discussion. It summarizes key policy discussion areas and where consensus was reached. Mr. Lichterman stated that he will provide a high level summary of the worksheet to ensure it is understood and accurate as it will be used for drafting an ordinance.

Mr. Lichterman walked through the worksheet and he explained the Commission agreed that there is an affordable housing need, and the goal is to help promote integration for socioeconomic diversity. It will be a mandatory ordinance and apply to owners and renters, except for excluded developments. Excluded developments include assisted living facilities and nursing homes, however independent living facilities are not exempt.

Mr. Lichterman reviewed the trigger, or project threshold, for attached and detached housing. For an attached housing development, or a multi-family building, between 11 and 30 units will require one affordable unit. A sliding scale will then be used up until 51 units. At 51 or more units 10 percent affordable units will be required for an attached structure. For a detached structure, or a single-family home development, if 0 to 30 units are being developed there is no affordability required. Then a sliding scale for 31 to 51 and 51 or more units would also require 10 percent affordable.

Mr. Lichterman reviewed the affordability requirement using average median income (AMI). For rental unit developments of 50 or less units, the affordable units must be at 120 percent of AMI. At 51 and above, half of the affordable units must be 100 percent of AMI and half at 120 percent of AMI. Owner occupied units requiring affordability need to achieve 120 percent of AMI regardless of how many. Regarding eligibility, if a waitlist is used priority for eligibility may be given to those who live or work in Deerfield. Owners must qualify for eligibility at the time of purchase and renters must qualify at some regular interval, annually or otherwise. The properties that require affordability in the inclusionary zoning ordinance will remain so in perpetuity. The ordinance also defines that affordable units will be provided in equal proportions so that all housing types are covered. For example, if a development has half one bedroom units and half two bedroom units, then the affordable units required must also be half one bedroom units and half two bedroom units.

Mr. Lichterman stated that regarding exterior design standards, the affordable units need to be indistinguishable from the market rate units. The interior design standards will provide some flexibility for developers with what concessions can be made. But the differences cannot be related to improvements in energy efficiency, mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. And the affordable units need to be of a generally representative size of market rate units.

Mr. Lichterman reviewed incentives. He commented that tonight's first agenda item is an example of a density bonus offered at a one to one ratio. In the inclusionary housing zoning ordinance any development providing affordable units is entitled to a density bonus and a developer must provide a narrative describing how the development will be compatible with the surrounding area and address building size, layout and design. Developers will also be offered the incentive of fee reductions for permit review fee and other fees at a maximum of a 15 percent reduction. The fee reduction will be a direct percentage of the affordable units. For example, if the development will have 10 percent affordable units, the developer is entitled to a 10 percent reduction in fees.

Lastly, Mr. Lichterman reviewed compliance alternatives. He stated that affordability must be incorporated, and they will not allow fees in lieu of affordable units. Additionally, developers cannot offer affordable units at an off site property, or land donations or dedications in lieu of affordable units. The affordable units must be incorporated into the development project.

Mr. Lichterman stated that if the ordinance is approved, the next step is forwarding the recommendation to the Village Board. It is anticipated that once it is heard by the Village Board they will likely further consider and discuss it at a Committee of the Whole Meeting. He added that perhaps members of the Plan Commission could also attend this meeting to respond to questions and explain the policy decisions made.

Mr. Weiss stated that the ordinance addresses the big decision points. He added that one possible thing not addressed is large multiphase developments and if affordable units should be required to be built in the early phases. Mr. Lichterman replied that the Village's development agreements typically have language that state that a development must be constructed in a single phase and completed once it has been started.

Chairman Berg commended Mr. Weiss for his expertise and work in guiding the Commission through the prior workshop meetings. Mr. Weiss commended the Village staff for their work, as well.

Commissioner Jacoby commended staff and stated that she supports it as drafted and is ready to move forward. All other commissioners agreed.

Chairman Berg opened public comment on this matter. Mr. Ryckaert read aloud a public comment email received.

#### Public Comment Email

"I am writing to express my support of the inclusionary affordable housing ordinance. Per your memorandum, if the Village recognizes the need for affordable housing; then the best way to stay true to these intentions is to comply with the Affordable Housing and Appeal Act. Many Deerfield residents took time to reflect during 2020's global pandemic and racial justice movement. This led to residents learning the history of Deerfield and the racist housing incident of 1959. Deerfield residents rallied to do what is right - rename Mitchell Park to Floral Park. As residents continue to reflect on the lessons of 2020, I urge the Board and residents of Deerfield to think about this exact example, the similarities, the very small changes in who and why. I urge you, when you think about what you would have done in 1959, instead think about what you are doing in 2021. Let us not be a community stuck in "Not in My Backyard" syndrome. Let us be a community that recognizes the repeating of history. Let us be a community where all tides rise together.

Thank you,  
Kristy Beeco, 1527 Northwoods Road"

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

Commissioner Bromberg moved, seconded by Commissioner Stolman to approve the Affordable Housing Inclusionary Ordinance. The motion passed with the following vote.

Ayes: Jacoby, Stolman, Bromberg, Keefe, Goldstone, Schulman, Berg (7)  
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Village Board on June 7, 2021.

### **Document Approval**

1. 525 Lake Cook Road ComEd Substation Recommendation
2. 550 Lake Cook Road North Shore Sports and Wellness Recommendation
3. 807-811 Waukegan Road Coworking Recommendation
4. April 22, 2021 Plan Commission Meeting Minutes

Commissioner Bromberg provided a clarification to the minutes. Commissioner Bromberg moved, seconded by Commissioner Keefe to approve the minutes with the clarification. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Keefe, Bromberg, Stolman, Jacoby, Berg (7)  
Nays: None (0)

### **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be May 27, 2021.

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

Mr. Ryckaert asked for commissioners to attend the June 7, 2021 Village Board Meeting.

### **Public Comment**

Mr. Ryckaert reported that there was no public comment received via email during the meeting. Mr. Nakahara reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment.

### **Adjournment**

There being no further discussion, Commissioner Bromberg moved, seconded by Commissioner Schulman to adjourn the meeting at 9:21 P.M. The motion passed the following vote.

Ayes: Schulman, Goldstone, Keefe, Bromberg, Stolman, Jacoby, Berg (7)  
Nays: None (0)

Respectfully Submitted,  
Laura Boll