

June 22, 2021

The special meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Dan Shapiro on June 22, 2021, at 7:30 p.m. The clerk called the roll and announced that the following were:

Present: Dan Shapiro, Mayor  
Robert Benton  
Elaine Jacoby  
Tom Jester  
Rebekah Metts-Childers  
Mary Oppenheim  
William Seiden

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

PLEDGE OF ALLEGIANCE

Nick Krishnan led those in attendance in reciting the Pledge of Allegiance. Mayor Shapiro reported Temple BJBE has a program that packs and delivers boxed lunches for the PADS shelter in Waukegan. Mr. Krishnan baked more than 2,500 cookies for these lunches since 2019. He is a sophomore at DHS who is on the Track team. Mr. Krishnan loves to bake and help those in need.

APPOINTMENT

The appointment of Linda Porter to the Board of Police Commissioners.

Trustee Oppenheim moved to appoint Linda Porter to the Board of Police Commissioners. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)  
NAYS: None (0)

DOCUMENT APPROVAL

Trustee Oppenheim moved to accept the minutes from the Board of Trustees meetings from June 7, 2021. Trustee Metts-Childers seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)  
NAYS: None (0)

BILLS AND PAYROLL

Trustee Seiden moved to approve the bills and payroll dated June 21, 2021. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)  
NAYS: None (0)

PUBLIC COMMENT

Mayor Shapiro explained the emails received before the meeting would be read during the first

Public Comment. If any emails are received during the meeting, they would be read during the second Public Comment. If someone wants to make a comment via Zoom, they need to raise their hand on Zoom or press \*9 by phone.

There were no in-person, Zoom or email public comments on non-agenda items received prior to the meeting.

REPORTS

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR AN AMENDMENT TO DEERFIELD SQUARE PLANNED UNIT DEVELOPMENT FOR THE REDEVELOPMENT OF MULTI-TENANT BUILDING 7 WITH 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; A TEXT AMENDMENT TO THE DEERFIELD ZONING ORDINANCE TO ALLOW IDENTIFICATION SIGNAGE FOR RESIDENTIAL USES WHEN PART OF A PLANNED UNIT, AND A RESUBDIVISION OF THE LOTS IN THE DEERFIELD SQUARE PLANNED UNIT DEVELOPMENT IN THE C-1 VILLAGE CENTER DISTRICT –

The Plan Commission held a Public Hearing on May 13, 2021 to consider the request for an amendment to the Deerfield Square PUD to permit the redevelopment of building 7 for a 5-story, 40-unit residential apartment building with the necessary exceptions, a Text Amendment to permit amenity and utility areas for residential uses on the first floor of a Commercial PUD as a Special Use in the C-1 Village Center District; a Special Use for amenity and utility areas for residential uses on the first floor of a Commercial PUD in the C-1 Village Center District; a Text Amendment to allow identification signage for residential uses when part of a PUD in the C-1 Village Center District and a resubdivision of the Deerfield Square property. The Plan Commission voted to approve of the amendment to the PUD and the preliminary development plan of establishing a residential apartment building with aforementioned exceptions, Text Amendments and Special Uses. The Plan Commission recommended approval of the resubdivision of the Deerfield Square property.

The Trustees requested 10 percent affordable units. The petitioner stated they need an additional floor to accommodate the request, making the building six stories with 50 units with 5 affordable units.

The Appearance Review Commission held a workshop meeting on May 24, 2021 and voted 5-0 to deny the request.

(KIRBY LIMITED PARTNERSHIP)

Mayor Shapiro noted this was tabled at the June 7, 2021, Board of Trustees meeting.

Trustee Seiden moved to remove the petition from the table. Trustee Metts-Childers seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

Mr. Street reported the Board felt the petitioner would reconsider their input regarding the capacity and size of the project.

Chris Siavelis, Jeff Malk and Dave Malk with CRM Properties were present. Mr. Siavelis recapped the project. Over the last 10 months, he made presentations at four Appearance Review Commission meetings, four Plan Commission meetings and three Board of Trustees meetings and spent more than \$150,000 in costs. The petitioner followed almost all of the recommendations from the Village. The Board initially requested 5% affordable units, then requested 10% affordable units. The petitioner was willing to move forward with a 10% affordable, 50-unit building without any financial support from the Village. Unfortunately, this high-end development looks like it will not come to fruition because of 11.5 feet. CRM Properties has estimated this project will cost \$15 million and would withdraw the petition if the Board does not approve the density.

Trustee Oppenheim thinks the 11-foot difference from the original proposal will not be noticeable because of the grade of the property. It is a worthwhile compromise for the Village to make to revitalize this center and get what the Village wants. Trustee Oppenheim fears that the Village will miss an opportunity and regret it if the proposal is not approved. She believes this type of compromise is frequently made by municipalities. Trustee Oppenheim urged the Trustees to reconsider and think hard about accepting this proposal. She would hate for this development to not go forward. CRM Properties has spent time and effort, has dealt with the Village in good faith and has given the Village what they requested.

Trustee Metts-Childers worked very hard to change her decision and looked through the Village Comprehensive Plan. Her decision did not change, because of the number of compromises the Village would be making, aside from height, such as retail. She understands the need for revitalization in Deerfield Square but has not seen any data showing an increased retail gain with additional residential density.

Trustee Jacoby was one of the authors of the Comprehensive Plan almost two decades ago. The Comprehensive Plan needs to be updated because of the changes in the retail environment. Trustee Metts-Childers noted the Comprehensive Plan was amended in 2019. Trustee Jacoby believes the petitioners have met the Village's requirements each time and has changed her stance on this project. She is willing to compromise on the building height to get the affordable housing units requested by the Village.

Trustee Benton thinks the transit-oriented housing is needed, but expressed concern about the building mass. He would like to find a compromise to the building mass and the number of affordable units. Trustee Benton would like to see the building without the extra story.

Mayor Shapiro does not believe the petitioner has enough votes for the building to pass. The relationship with CRM Properties has been good throughout the years. The petitioner has three options including withdrawing the petition, getting a vote or finding a compromise after tabling the motion. Mr. Siavelis asked for a 40-unit, five-story building with two affordable one-bedroom units and some Village support, including waiver of demo and building permit fees. Mayor Shapiro believes this is where the project started. Trustee Jester noted he and Mayor Shapiro initially pushed for four affordable units. Trustee Benton would support that. Trustee Seiden would support, and waive some of the fees if the building was built. Trustee Oppenheim reminded the Trustees that the proposal would still fit within the parameters of the proposed affordable housing Ordinance. She had expressed concern that the Ordinance would not be enabled uniformly. Trustee Oppenheim would like to get more information about the requested Village support. She thinks this could be a win-win. Mayor Shapiro believes the Trustees need to get more information about the public assistance being requested.

Trustee Benton moved to table this request and the request to appeal the Appearance Review Commission's decision to the July 6, 2021 Board of Trustees meeting. Trustee Seiden noted the initial proposal was for one one-bedroom unit and one two-bedroom unit. They are not requesting two 1-bedroom units plus assistance from the Village. Trustee Jacoby seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

Al Bromberg commented that the Plan Commission's recommendation voted down the six-story building, they were unanimously in favor of the five-story building. The affordable housing recommendation was that a fee reduction would be the same percentage as the affordable units.

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| APPEAL OF THE APPEARANCE<br>REVIEW COMMISSION'S DECISION TO<br>DENY BUILDING RENOVATIONS FOR<br>833 DEERFIELD ROAD (DEERFIELD<br>SQUARE RESIDENTIAL) | The Appearance Review Commission held a<br>workshop meeting to consider the request for a<br>6-story, 50-unit apartment building. The ARC<br>voted 5-0 to deny the request. (Tabled in previous<br>motion.) |
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#### CONSENT AGENDA

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| ORDINANCE APPROVING A MAP<br>AMENDMENT REZONING THE<br>PROPERTY LOCATED AT 525 LAKE<br>COOK ROAD TO THE C-2 OUTLYING | An Ordinance approving a map amendment<br>rezoning the property located at 525 Lake Cook<br>Road to the C-2 Outlying Commercial District.<br>First Reading. |
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COMMERCIAL DISTRICT – 1R

ORDINANCE AMENDING SECTIONS 5.02-C.4, 5.02-F, AND 14.02 OF THE DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED, TO DEFINE AND PERMIT AS A SPECIAL USE ESSENTIAL SERVICES ANTENNA SUPPORT STRUCTURES IN THE C-2 OUTLYING COMMERCIAL DISTRICT, AND TO EXEMPT SUCH STRUCTURES FROM THE HEIGHT REQUIREMENTS OF THE C-2 OUTLYING COMMERCIAL DISTRICT – 1R

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An Ordinance amending sections 5.02-C.4, 5.02-F and 14.02 of the Deerfield Zoning Ordinance of 1978, as amended, to define and permit as a Special Use, essential services antenna support structures in the C-2 Outlying Commercial District and to exempt such structures from the height requirements of the C-2 Outlying Commercial District. First Reading.

ORDINANCE APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT FOR AN ELECTRIC SUBSTATION, A SPECIAL USE PERMIT FOR AN ESSENTIAL SERVICES ANTENNA SUPPORT STRUCTURE, AND A VARIATION FROM SECTION 5.02- F.3.A OF THE DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED – 1R

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An Ordinance approving an amendment to a Special Use permit for an electric substation, a Special Use permit for an essential services antenna support structure, and a variation from Section 5.02-F.3,A of the Deerfield Zoning Ordinance of 1978, as amended. First Reading.

ORDINANCE AMENDING SECTIONS 6.01-C AND 14.02 OF DEERFIELD ZONING ORDINANCE OF 1978, AS AMENDED, REGARDING CARRYOUT FOOD SERVICE USES – 1R

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An Ordinance amending sections 6.01-C and 14.02 of the Deerfield Zoning Ordinance of 1978, as amended, regarding carryout food service uses. First Reading.

ORDINANCE APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PERSONAL FITNESS TRAINING CENTER, SPECIAL NEEDS SCHOOL, AND PRIVATE SPORTS TEAM INSTRUCTION AND A SPECIAL USE PERMIT TO OPERATE A CARRYOUT FOOD SERVICE – 1R

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An Ordinance approving an amendment to a Special Use permit for a personal fitness training center, special needs school and private sports team instruction and a Special Use to operate a carryout food service. First Reading.

ORDINANCE AUTHORIZING A SPECIAL USE TO ALLOW A COWORKING OFFICE AT 807, 809, AND 811 WAUKEGAN ROAD (BRICK

An Ordinance authorizing a Special Use to allow a co-working office to be located at 807, 809 and 811 Waukegan Road. First Reading.

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RESOLUTION R-21-16 AUTHORIZING A RESIDENTIAL LEASE AGREEMENT BETWEEN THE VILLAGE OF DEERFIELD AND LAURA SIMO FOR PREMISES AT 1219 CARLISLE PLACE A Resolution authorizing a residential lease agreement between the Village of Deerfield and Laura Simo for premises at 1219 Carlisle Place.

RESOLUTION R-21-17 AUTHORIZING A GRANT TO THE CHAMBER OF COMMERCE OF DEERFIELD, BANNOCKBURN, AND RIVERWOODS A Resolution authorizing a grant in the amount of \$38,597 to the Chamber of Commerce of Deerfield, Bannockburn and Riverwoods.

RESOLUTION R-21-18 AUTHORIZING A GRANT TO THE LAKE COUNTY CONVENTION AND VISITOR BUREAU A Resolution authorizing a grant in the amount of \$31,500 to the Lake County Convention and Visitor Bureau.

Trustee Benton moved to accept the Consent Agenda and adopt the Resolutions. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

OLD BUSINESS

RESOLUTION R-21-19 AUTHORIZING A FINAL PLAT OF RESUBDIVISION OF THE LOTS IN THE DEERFIELD SQUARE PLANNED UNIT DEVELOPMENT IN THE C-1 VILLAGE CENTER DISTRICT A Resolution authorizing a final plat of resubdivision of the lots in the Deerfield Square Planned Unit Development in the C-1 Village Center District.  
Mr. Street reported this is part of Deerfield Square's request to subdivide the property.

Trustee Oppenheim moved to adopt the Resolution approving a final plat of resubdivision of the lots in the Deerfield Square PUD in the C-1 Village Center District. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

NEW BUSINESS

RESOLUTION R-21-20 AUTHORIZING Assistant Village Engineer Tyler Dickinson

ADDITIONAL EXPENDITURES FOR  
THE 2020 CAPITAL IMPROVEMENT  
PROGRAM

reported as part of the \$7 million capital improvement, a number of unknown issues were discovered. These issues were time sensitive. He requested approval of additional expenditures. Mr.

Dickinson noted the overall project has come in less than expected, so the additional expenditures would be absorbed in the budgeted amount.

Trustee Jester moved to adopt the Resolution approving additional expenditures for the 2020 Capital Improvement Program. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

CONSIDERATION AND ACTION OF  
EXTENSION OF MAYOR SHAPIRO'S  
DECLARATION OF EMERGENCY  
DATED MAY 3, 2021

Mayor Shapiro issued a Declaration of Emergency for the Village of Deerfield related to the Covid-19 emergency. The Declaration and the Mayor's Supplementary Orders will expire at the end of tonight's Board of Trustees meeting unless the

Village Board extends the duration of the Declaration.

Mr. Schuster noted the current declaration removed the requirement of wearing masks, but left in the emergency purchasing ability and cooperation with other government agencies in dealing with the pandemic. Governor Pritzker still has his own emergency declaration in effect. It needs to be in effect to maintain Federal funding. Mr. Schuster recommends extending the Declaration of Emergency to the adjournment of the July 6, 2021, Board of Trustees meeting. Trustee Jester suggested extending the declaration of emergency until the governor's declaration is lifted.

Trustee Oppenheim moved to extend the Mayor's May 3, 2021, Declaration of Emergency until the end of the July 7, 2021, meeting of the Village Board. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Metts-Childers, Oppenheim, Seiden (5)

NAYS: Jester (1)

DISCUSSION

COMMITTEE OF THE WHOLE

Mayor Shapiro noted there was a very productive Committee of the Whole meeting last week and a

lot was accomplished. The next Committee of the Whole meeting is scheduled for July 28, 2021, at 3:30 pm at Village Hall. The Board will discuss the proposed affordable housing Ordinance, the capital improvement program, swine and other matters. Mayor Shapiro invited the public to attend the meeting.

JULY 4<sup>TH</sup>

On behalf of the Village, Mayor Shapiro wished everyone a healthy and safe 4<sup>th</sup> of July. He reminded residents that Family Days has been moved to September 18 and September 19.

PUBLIC COMMENTS

Mr. Street indicated there were no additional public comments received during the meeting.

ADJOURNMENT

There being no further business or discussion in open session, Trustee Oppenheim moved to adjourn the meeting into Executive Session. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Jacoby, Jester, Metts-Childers, Oppenheim, Seiden (6)

NAYS: None (0)

The meeting was adjourned into Executive Session at 8:15 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Tuesday, July 6, 2021 at 7:30 p.m.

APPROVED:

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Mayor

ATTEST:

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Village Clerk