

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

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

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

Absent were: Al Bromberg, Chairman
Blake Schulman

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

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

Chair Pro-Tem Goldstone swore in all who plan to testify before the Commission.

Public Comment on a Non-Agenda Item

There were no comments from the public on a non-agenda item.

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

There were no comments from the public on this matter.

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

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

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

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

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

WORKSHOP MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DOCUMENT APPROVAL

1. August 25, 2022 Plan Commission Minutes

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

Items from the Staff

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

Designation of Representative for the next Board of Trustees Meeting

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

Adjournment

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

Respectfully Submitted,
Laura Boll