

October 16, 2023

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order on October 16, 2023, at 7:30 p.m. at Deerfield Village Hall. The clerk called the roll and announced that the following were

Present: Robert Benton
Larry Berg

Rebekah Metts-Childers
Mary Oppenheim
William Seiden
Dan Shapiro, Mayor

Absent: Elaine Jacoby

and that a quorum was present and in attendance. Also present were Village Manager Kent Street and Steven Elrod, Village Attorney.

MOMENT OF SILENCE

Those in attendance observed a moment of silence for those that have perished in the Middle East.

PLEDGE OF ALLEGIANCE

Mayor Shapiro led those in attendance in reciting the Pledge of Allegiance.

MAYORS STATEMENT

Mayor Shapiro read the following statement:

Hamas terrorists invaded Israel and decided to disregard the basic principles of humanity in favor of evil and unspeakable acts of violence. More than a thousand innocent people have been killed and slaughtered since that time. Regretfully, this war is likely to continue for some time. Many of us are grieving, angered and sad. We are wondering whether our friends, relatives and family in the Middle East will come back home or whether they will answer our calls, emails or texts. We are also thinking of our recent graduate from Deerfield High School who, along with her mother, are reportedly being held as hostages by Hamas.

Our Police Department is in regular contact with our local synagogues and other sensitive locations in the Village. The Department is also working with its partner law enforcement agencies to closely monitor the current situation. At this time, there are no specific threats to the Village. Should the situation change, the Department is prepared to immediately contact all affected partners. In this time when we are anxious and stressed, we do not condemn an entire people or religion, such as Palestinians or Muslims. Rather, we condemn those who espouse hatred and terror. We stand against evil, terrorism and inhumanity.

Our community is founded on principles of goodness and kindness. Those principles may have been shaken, but they will not be destroyed. We will continue to display civility and composure to one another during this difficult time in our Village. We will face evil head-on and help those

in need. That is what Deerfield does, that is who Deerfield is. For those who need help or for those who you think may need coping services please visit our website.

DOCUMENT APPROVAL

Trustee Oppenheim moved to approve the minutes from the October 2, 2023, Board of Trustees and Committee of the Whole meetings. Trustee Berg seconded the motion. The motion passed unanimously on a voice vote.

Trustee Oppenheim moved to approve the minutes from the October 2, 2023, Board of Trustees and

BILLS AND PAYROLL

Trustee Seiden moved to approve the bills and payroll dated October 16, 2023. Trustee Benton seconded the motion. The motion passed by the following vote:

Trustee Seiden moved to approve the bills and payroll dated October 16, 2023. Trustee Benton

AYES: Benton, Berg, Metts-Childers, Oppenheim, Seiden (5)
NAYS: None (0)

PUBLIC COMMENT

There was no Public Comment.

REPORTS

CONSIDERATION AND ACTION ON THE REPORT AND RECOMMENDATION OF THE PLAN COMMISSION ON THE REQUEST FOR APPROVAL OF A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A FLOOR & DECOR STORE OVER 30,001 SQUARE FEET IN AREA IN THE DEERBROOK SHOPPING CENTER PLANNED UNIT DEVELOPMENT (FORMER BED BATH & BEYOND, MEN'S WAREHOUSE AND CARTERS TENANT SPACES) WITH AN ADDRESS OF 96, 114 AND 118 S. WAUKEGAN ROAD AND AN AMENDMENT TO THE DEERBROOK SHOPPING CENTER PLANNED UNIT DEVELOPMENT

The Plan Commission held a Public Hearing on September 14, 2023, to consider the request for a Special Use for a 57,732 square foot Floor & Decor store to be located in the former Bed Bath & Beyond, Men's Warehouse and Carters tenant spaces. The store features an option that allows customers to pick up their orders at a customer pickup unit (CPU), which is located at the front building elevation. The CPU is internal to the building and is for large orders. Small orders will be picked up inside the store and brought out by cart. The proposed CPU bay is located at the southeast corner of the store which is directly adjacent to the former Art Van furniture space and directly behind a 24-foot-wide front pedestrian sidewalk. The petitioner has enhanced the CPU with multiple safety features including cross-hatched pavement, light and noise signals since

accessing the CPU location will require customer vehicles to cross the pedestrian sidewalk in order to enter/exit the CPU-bay. The CPU-bay is for vans and pick-up trucks and vehicles will typically back into the CPU bay and then drive forward to leave.

The Plan Commission voted 7-0 to recommend approval of the Special Use with additional safety measures proposed for the CPU-bay. Safety measures were proposed at the front CPU-bay to reduce potential conflicts between vehicular traffic and pedestrian traffic and the petitioner believes this is the safest location for the CPU. The petitioner's plans also include directional signage for four parking spaces where vehicles will wait until they proceed to the CPU-bay. Subsequent to the Plan Commission's public hearing, the petitioner has reduced the size of the parking space directional/informational signs from 5.77 square feet to 2 square feet.

Kathryn Bradford, Construction and Design Project Manager with Floor & Décor, requested a Special Use for the proposed Floor & Décor project over 30,000 square feet. Some of the spaces have been vacant since 2017. Currently, the shopping center has some tenants with spaces over 60,000 square feet. The proposed development meets the requirements for a Special Use. Julie Starzynski, Director of Construction with Floor & Décor, stated they currently have 204 locations and plan on opening 50 additional stores within the next year. Their average ticket price ranges between \$500 and \$1500 per purchase and they offer free design services. Most of their customer base is professional. Their typical store is 80,000 square feet. Ms. Bradford noted the current exterior is somewhat outdated and Floor & Décor proposes updating the materials.

Trustee Berg questioned whether a landscape island could be added perpendicular from the building near the customer pick up area. Ms. Bradford reported they added one near the Art Van furniture but would add an additional landscape island if preferred. Trustee Seiden asked about the additional safety area requested by the Plan Commission. Ms. Bradford stated they did not want to lose the safety elements they added. Brad Hickey with Kimley Horn noted they added tactical warnings to that area, and the detectable warning strips will have a different texture than the actual concrete. Trustee Oppenheim noted this is still ADA compliant. She noted when the awning is removed, there will be a wide space between the parking lot and the building.

Trustee Oppenheim moved to accept the report and recommendation of the Plan Commission for a Special Use to permit the establishment of a Floor & Décor store to be located at 96, 114 and 118 S. Waukegan Road and an amendment to the Deerbrook Shopping Center PUD and directed the Village Attorney to prepare the Ordinance. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

CONSENT AGENDA

There were no items on the Consent Agenda.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

APPEAL OF THE APPEARANCE
REVIEW COMMISSION'S DECISION
TO DENY THE CUSTOMER PICKUP
UNIT (CPU) FOR FLOOR & DECOR AT
96 S. WAUKEGAN ROAD

The Appearance Review Commission held a final review of the building improvements and signage for Floor & Décor at Deerbrook Mall. The ARC voted 4-2 to deny the CPU in its proposed location at the front of the building. The ARC found the proposed loading area to be outside of the Deerfield

Appearance Code's requirements for pedestrian safety and appearance. The petitioner disagrees and wishes to appeal the ARC's decision. In recognition of the ARC's comments, and in an effort to further enhance safety, the petitioner has since modified their proposal to include an 18-inch-wide planter box on the south side of the CPU and detectable warning strips at the pedestrian walkway on either side of the CPU.

Ms. Bradford reported they added measures to help facilitate safety measures including signage stating yield to pedestrians, a raised planter box, pedestrian signage, a mirror and flashing light and the striping. Ms. Starzynski noted the customer pickup area is adjacent to the warehouse to promote safety in the store. There are two ways to check in; pulling into a parking space and enter in the sliding glass doors and checking in. Typically, it takes 5-10 minutes to load a customer. The forklift stays in the covered area behind vehicles. The contractors typically come between 7-10 a.m. or in the evening between 3-6 p.m. Do-it-yourselfers typically come in on the weekends between 8-10 a.m. Trustee Benton asked if there are separate operations for larger orders. Ms. Starzynski stated most vehicles are cargo vans or pickup trucks. Trustee Metts-Childers asked why this will not work in the rear of the building. Ms. Starzynski noted both Jewel and Art Van docks face each other which would cause an overall hazard for customer vehicles in the rear as well. Trustee Benton noted this seems like a more professional operation than Home Depot. Trustee Berg believes a small landscape island perpendicular to the building would be beneficial. Ms. Starzynski agreed to a second landscape island.

Mr. Hinkey highlighted some of the safety measures. They have a combination of signage and striping to depict where pedestrians walk and vehicles enter and exit. They will have yield to pedestrian signage for vehicles and caution watch for vehicles signage for pedestrians. Both sides of the CPU bay will have audio warnings and flashing beacons. A mirror will be installed so vehicles can see pedestrians around the Art Van corner. They will have rumble/tactile warning strips to alert pedestrians. Trustee Seiden asked if they have this setup in other locations. Ms. Starzynski reported they have a CPU in the front of some buildings, but this is a deeper pickup bay. Mayor Shapiro expressed concern about possible site line issues for vehicles driving north exiting the CPU driving east from the southern bay and questioned whether there should be an additional mirror added. Mr. Hinkey would look at possible site line issue for vehicles traveling north. He noted the mirror was added but would do further analysis. Justin Opitz, Traffic Consultant with Kimley Horn noted a vehicle exiting the bay will be travelling 5 mph and he believes there will be plenty of site line available. Trustee Oppenheim is pleased with the appearance and safety features and believes it fits in with the building façade. Mayor

Shapiro believes this creates a safer atmosphere rather than having the pickup in the rear of the building.

Al Bromberg, Plan Commission Chair, stated there will be approximately 10-15 customer pickups a day, so there will not be a lot of foot traffic. Trustee Berg questioned if the Village has enforcement mechanisms to clearly delineate the striping after harsh winters. Ms. Starzynski reported they have a facilities program to ensure parking lot maintenance is in place. Mr. Street added the site plan approval is conditional to the Special Use when can be enforced by the Village. Trustee Seiden noted the initial directional sign was five square feet and the proposed sign is two square feet. Ms. Starzynski stated they are trying to shrink it down while keeping it acceptable.

Mr. Opitz discussed the traffic study during their peak times. The pedestrian and vehicle traffic are limited and he does not believe there will be any conflict.

ARC member Jason Golub and Elizabeth Delevitt, Design Specialist, noted the Appearance Review Commission's mission and goals state that "our Appearance Code represents Deerfield's conscious efforts to protect and to keep Deerfield a desirable community." When the ARC met with the petitioner, they said typically, CPUs are in the rear of the building and this would be a unique design for Floor & Décor. The CPU presented is a renamed loading zone with a recessed receiving area and roller doors. Mr. Golub noted the Commission looked at the project according to the 12 factors for evaluation determined by the Appearance Code, including:

- 1. Conformance to Village Ordinances and Appearance Code criteria.**
2. Logic of design.
- 3. Exterior space utilization.**
- 4. Architectural character.**
- 5. Attractiveness.**
6. Material selection.
- 7. Harmony and compatibility.**
- 8. Circulation – vehicular and pedestrian.**
9. Maintenance aspects.
10. Mobility for change in the future.
11. Quality of contribution to the entire architectural concept.
12. Sustainability

Mr. Golub also questioned how this plan meets the requirements of Chapter 8 of the Zoning Code, which prohibits loading docks in the front of a building. The proposed plan creates a four-way intersection at the front of a retail store and in the center of the shopping center. He stated he believes it will create a precedent and eyesore to the center. Ms. Delevitt added the ARC bases their decision on the Appearance Code. Mr. Golub noted the word "safety" appears 16 times in the Appearance Code. He wants to see them be successful, but perhaps they are trying to fit too much prototypical layout into too small of a footprint.

Trustee Benton noted customers will have a specific time to enter the CPU. He also noted that while The DUMP has their pickup area on the side of the building, Floor & Décor does not have that option and have made it as safe as possible. Trustee Oppenheim believes this can be monitored if there is an issue in the future. Trustee Seiden does not see an issue with safety, but believes the appearance could be better. He believes the petitioners have done everything possible to make the CPU safe. Mayor Shapiro believes there has been a strong effort to enhance safety.

Trustee Oppenheim moved to affirm the appeal from the Appearance Review Commission's decision to deny the customer pickup unit for Floor & Décor at 96 S. Waukegan Road. Trustee Benton seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Seiden moved to draft the document to approve the appearance within the same Ordinance as the Plan Commission. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Trustee Oppenheim noted the various commissions look at things within their purview just as the Board looks at things from an economic impact viewpoint.

DISCUSSION

DOWNTOWN TRICK-OR-TREATING

2 p.m.

Mayor Shapiro reported downtown trick-or-treating will take place on October 21, 2023, from 10 a.m. to

VILLAGE TRICK-OR-TREAT

The Village trick-or-treat hours will be from 3:30 p.m. to 7:00 p.m. on October 31, 2023.

DEERFIELD ROAD UNDERPASS

Saturday. Deerfield Road will be completely closed with detours in place.

Mr. Street reported Deerfield Road Metra underpass work will begin on Thursday and continue through

ADJOURNMENT

120/2(c)21. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

Trustee Berg moved to go into Closed Session pursuant to 5ILCS 120/2(c)8 and

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

NAYS: None (0)

Board of Trustees meeting
October 16, 2023
Page 7 of 7

The meeting was adjourned to closed session at 8:31 p.m.

The next regular Board of Trustees meeting is scheduled to take place on Monday, November 6, 2023, at 7:30 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk